

Council Meeting Minutes

1 July 2024

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

Council Members Mayor Robert Bria
Cr Kester Moorhouse
Cr Garry Knoblauch
Cr Josh Robinson
Cr Kevin Duke
Cr Connie Granozio
Cr Victoria McFarlane
Cr Scott Sims
Cr Grant Piggott
Cr Sue Whittington
Cr John Callisto
Cr Christel Mex

Staff Mario Barone (Chief Executive Officer)
Derek Langman (General Manager, Infrastructure & Major Projects)
Lisa Mara (General Manager, Governance & Civic Affairs)
Andrew Hamilton (General Manager, Community Development)
Natalia Axenova (Chief Financial Officer)
Simonne Whitlock (Manager, Strategic Communications & Advocacy)
Geoff Parsons (Manager, Development & Regulatory Services)
Gayle Buckby (Manager, Traffic & Integrated Transport)
Rebecca Van Der Pennen (Engineer, Traffic & Integrated Transport)
Marina Fischetti (Governance Officer)

APOLOGIES Cr Claire Clutterham, Cr Hugh Holfeld

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Sue Whittington.

3. CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 11 JUNE 2024

Cr Knoblauch moved that the Minutes of the Special Council meeting held on 11 June 2024 be taken as read and confirmed. Seconded by Cr Callisto and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 3 June	<ul style="list-style-type: none">Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Tuesday, 4 June	<ul style="list-style-type: none">Attended a meeting with Mr Richard Altman, Mayor's Office, Norwood Town Hall.
Friday, 7 June	<ul style="list-style-type: none">Attended the Eastern Regional Alliance (ERA) of Mayor's Monthly Breakfast, Luigi Delicatessen, Adelaide.
Saturday, 8 June	<ul style="list-style-type: none">Meeting with a resident, Cruickshank Reserve, Maylands.
Monday, 10 June	<ul style="list-style-type: none">Attended the pre-match function followed by the Sturt versus Norwood football match, Unley Oval.

Tuesday, 11 June	<ul style="list-style-type: none">• Attended a meeting with Events Team, Mayor's Office, Norwood Town Hall.
Tuesday, 11 June	<ul style="list-style-type: none">• Presided over a Special Council meeting, Council Chamber, Norwood Town Hall.
Saturday, 15 June	<ul style="list-style-type: none">• Attended the pre-match function followed by the Adelaide versus Sydney football match, Adelaide Oval.
Sunday, 16 June	<ul style="list-style-type: none">• Attended the Mass to celebrate the Feast of Saint Anthony of Padua, Our Lady Queen of Peace Catholic Parish, Payneham.
Monday, 17 June	<ul style="list-style-type: none">• Presided over two Citizenship Ceremonies, Norwood Concert Hall.
Friday, 21 June	<ul style="list-style-type: none">• Attended the 2024 Australia Institute of Landscape Architecture (AILA) 2024 Landscape Architecture Awards, Adelaide Zoo, Adelaide.
Sunday, 23 June	<ul style="list-style-type: none">• Attended the pre-match function followed by the Norwood versus Port Adelaide Magpies football match, Norwood Oval.
Monday, 24 June	<ul style="list-style-type: none">• Attended a meeting with Co-ordinator, Events & Marketing, Mayor's Office, Norwood Town Hall.
Monday, 24 June	<ul style="list-style-type: none">• Attended an Information Session: Emergency Management in South Australia and the Role of Councils, Mayor's Parlour, Norwood Town Hall.
Tuesday, 25 June	<ul style="list-style-type: none">• Attended the City of Norwood Payneham & St Peters' Mid-Year Business Networking Event, Pfitzner Furniture, Norwood.
Wednesday, 26 June	<ul style="list-style-type: none">• Attended the Euro Alfresco Appliances – Studio Selection Showcase event, Glynde.
Monday, 1 July	<ul style="list-style-type: none">• Radio interview with Joe Laverty, ABC Radio 891.
Monday, 1 July	<ul style="list-style-type: none">• Attended a meeting with the General Manager, Governance & Civic Affairs, Mr Ray Thompson (President) and representatives from the Trinity Gardens Bowling Club, Norwood Town Hall.

- **Citizenship Ceremonies, Norwood Concert Hall – 17 June 2024**

Mayor Bria briefed the Council about the two Citizenship ceremonies held on Monday 17 June 2024. In particular, he mentioned the first Citizenship ceremony held at 6.00pm was attended by Ms Andrea Pierce and Ms Tuyen Nguyen from the Citizenship Program and Delivery Branch in the Citizenship and Multicultural Division, Department of Home Affairs. Mr Pierce and Ms Nguyen were present as part of their role to observe and make recommendations to Councils holding Citizenship Ceremonies. On Tuesday 18 June 2024, Mayor Bria wrote to Ms Pierce thanking her and Ms Nguyen for their attendance. On 20 June 2024, Mayor Bria received a correspondence from Ms Pierce which was complimentary regarding the ceremony and Council staffs' role in administering the registration process for conferees. The correspondence included recommendations regarding the order of the ceremony program for future ceremonies.

- **Mid-Year Business Networking Event – 25 June 2024**

Mayor Bria briefed the Council on the Mid-Year Business networking event. Approximately 80 local business owners attended the event at Pfitzner Furniture on The Parade.

Mayor Bria congratulated the following business which received Mayor's Commendation Awards:

- Success Tax Professionals (10 plus years);
- Adelaide Timber Flooring (25 plus years); and
- Pfitzner Furniture (25 plus years).

Mayor Bria thanked Council staff involved in organising the event. He also thanked Messrs Andrew and David Pfitzner (Directors) and agreeing to host the event.

- **2024 Australia Institute of Landscape Architecture Awards ceremony – 24 June 2024**

Mayor Bria advised the Council that he, the Chief Executive Officer and the Council's Manager, City Projects attended the Australian Institute of Landscape Architects (AILA) 2024 Landscape Architects Awards ceremony held on 21 June 2024 at Adelaide Zoo.

He advised the St Peters Street Project received awards in the following categories:

- Infrastructure (Award for Excellence);
- Water for Life;
- Healthy Places, Healthy People; and
- Cultural Collaborators.

St Peter Street also took out the inaugural Minister's Award, which was presented to Mayor Robert Bria by The Hon Nick Champion, Minister for Planning.

Mayor Bria thanked and congratulated the consultants engaged by the Council to help deliver the project:

- James Butterworth and Alex Game (Lanskap);
- Joe Miller-Norman (Dryside Engineering); and
- Jamie Walker (Plotworks).

He also thanked and congratulated the Manager, City Projects (Mr Jared Barnes) for his professionalism and stewardship of the Project.

- **Meeting with Trinity Gardens Bowling Club representatives – 1 July 2024**

Mayor Bria advised the Council that he and the General Manager, Governance & Civic Affairs met with representatives from the Trinity Gardens Bowling Club. The request for the meeting came from the Club President, Mr Ray Thompson, to provide an update regarding the following issues associated with the Club:

- recruitment of new members;
- sponsorship;
- finances and sustainability; and
- five-year plan.

- **South Australian Regional Organisation of Councils (SAROC) Tour of Eastern Region Alliance (ERA) Council Projects – 19 July 2024**

Mayor Bria advised the Council that the Local Government Association (LGA) is developing the schedule for the SAROC bus tour of Eastern Regional Alliance (ERA) project sites. A schedule is expected to be provided to ERA Councils in the coming days.

- **Economic Development Australia (SA) Conference – 19 July 2024**

Mayor Bria advised the Council that he has accepted an invitation from Economic Development Australia (SA), to participate in a Panel discussion at its conference being held on 19 July 2024. Mayor Bria said he was specifically invited to discuss the AFL Gather Round and its impact on the night-time economy in the City of Norwood Payneham & St Peters.

5. DELEGATES COMMUNICATION

- Cr Piggott advised that on Friday 24 May 2024, he attended on behalf of Mayor Bria, the Local Government Association Annual General Meeting.
- Cr Moorhouse advised that on Wednesday 26 June 2024, he attended the Eastern Health Authority Board Meeting.

6. QUESTIONS WITHOUT NOTICE
Nil

7. QUESTIONS WITH NOTICE

7.1 QUESTIONS WITH NOTICE – INFORMATION TECHNOLOGY (IT) STRATEGY AND GEOGRAPHIC INFORMATION SYSTEM (GIS) SYSTEM - SUBMITTED BY CR CHRISTEL MEX

QUESTION WITH NOTICE: Information Technology (IT) Strategy and Geographic Information System (GIS) System
SUBMITTED BY: Cr Christel Mex
FILE REFERENCE: qA1040
ATTACHMENTS: Nil

BACKGROUND

Cr Mex has submitted the following Questions with Notice:

1. Can staff provide an overview of the process and timeframes associated with the preparation of the following:
 - a) Preparation of the IT Strategy (supported by the ELT) for 2024-2025;
 - b) Implementation of the IT Strategy (not supported by the ELT) for 2024-2025, but included in the draft Budget by the Council;
 - c) Geographic Information System (GIS) Implementation; and
 - d) GIS – Run Rate?
2. Is there any inter-dependence on the IT Strategy and the proposed GIS system? If so, is there an order of precedence in any project planning?

REASONS IN SUPPORT OF QUESTION

At the Special Council Meeting held on 8 April 2024 the Council considered the draft 2024-2025 Budget.

The staff report recommended the preparation of the IT Strategy at a cost of \$80,000 as an Operating Project, which was included in the draft Budget. The project was described as follows:

“The project involves preparation of the organisation’s information services (IT) Strategy. A number of the organisation’s technology systems and software have been in place for some time and are not meeting the needs of the organisation and the community. A strategy is required to ensure that the Council has a roadmap upon which to base the future investment decisions”.

Nowhere in the staff report was there a project listed to implement the IT Strategy in 2024-2025. The strategy’s implementation was not included in either the supported or un-supported projects.

The implementation of the IT strategy was not listed as a project for consideration, presumably because the process to prepare the IT Strategy had not commenced and would not be ready to be implemented in the same financial year.

Despite this advice, the Council included additional funding of \$100,000 for the “implementation of the IT Strategy, following the completion of the Review”.

A list of proposed Operating Projects was presented to the Council that were not supported by the Executive Leadership Team (ELT). Amongst this list was the Geographic Information System (GIS) Implementation at a cost of \$150,000. A sister project to this was the “GIS – Run Rate” which included licencing and staff costs of \$206,000. This was also not supported by the ELT at this time, nor by the Council when both projects were considered at the 8 April 2024 Meeting.

Because the two (2) projects are IT related, more clarity on them could aid in the next round of budget deliberations for the 2024-2025 financial year.

**RESPONSE TO QUESTIONS
PREPARED BY GENERAL MANAGER, GOVERNANCE & CIVIC AFFAIRS**

Question 1.

A Project Steering Group will be established to oversee the preparation of the IT Strategy (the Strategy).

A Project Brief (which will include the Project scope), will be prepared and an Expressions of Interest/Tender process will be undertaken to determine the preferred Consultant to undertake the preparation of the Strategy.

The preparation of the Strategy will require the following:

- review of the organisation's current systems (ie identification of deficiencies in the systems, system/software life span, system capacity, etc);
- a needs analysis based on the review and current IT solutions moving forward;
- benchmarking of other Local Government systems;
- recommendations in terms of implementing potential new contemporary systems/software and/or integrating with current systems/software.

The IT Strategy Project is scheduled to be completed by the end of February 2025, to ensure that any funding that is required for the implementation of new systems and/or software, can be determined and included as part of the Council's draft 2025-2026 Annual Business Plan and Budget process.

A new Geographic Information System (GIS) was not supported by the Executive Leadership Team on the basis that the Council currently has a GIS system, albeit that the current GIS platform has some deficiencies and it is prudent to await the completion of the IT Strategy before embarking on the purchase of new software or IT platforms. Through the development of the IT Strategy, the capacity and limitations of the current GIS will be reviewed and recommendations will be provided in terms of retaining or upgrading the existing GIS.

On this basis, the timeframe associated with the implementation of a new GIS has not been considered or determined.

The GIS - Run Rate project is the implementation and operation costs associated with the operation of the GIS.

For the same reasons as the new GIS system, a timeframe for this project has not been determined.

Question 2.

As set out in the funding submission for the IT Strategy, it is important to fully understand any limitations, if any, in terms of the organisation's current IT systems and whether there are more suitable systems now available on the market and how these systems work within the Local Government context.

It is therefore logical to wait until the IT Strategy has been finalised so that any potential new systems and/or software, including potentially a new GIS system, can be reviewed and if required, considered appropriately against other projects in accordance with available resources, budgets and the Council's financial capacity.

7.2 QUESTIONS WITH NOTICE – INFORMATION TECHNOLOGY (IT) STRATEGY - SUBMITTED BY CR CLAIRE CLUTTERHAM

QUESTION WITH NOTICE: Information Technology (IT) Strategy
SUBMITTED BY: Cr Claire Clutterham
FILE REFERENCE: qA1040
ATTACHMENTS: Nil

BACKGROUND

Cr Clutterham has submitted the following Questions with Notice:

1. Is the amount of \$180,000 an amalgamation of the (i) preparation of the IT Strategy, budgeted at \$80,000 and (ii) the implementation of actions (if required) identified by the IT Strategy, budgeted at \$100,000 (the Implementation Stage)?
2. If the budgeted amount of \$100,000 for the Implementation Stage was removed (but no other changes made to the Draft 2024-2025 Annual Business Plan & Budget), what would the forecasted Operating Surplus be?
3. At this stage, are staff able to provide an estimate for when the IT Strategy will be commenced and completed?
4. To the extent the IT Strategy identifies recommendations to be carried out during the Implementation Stage, is it likely that in 2024-2025 there will be sufficient time and available staff resources to action those recommendations, or is this unknown, because the results of the IT Strategy are as yet unknown?

REASONS IN SUPPORT OF QUESTION

The Draft 2024-2025 Annual Business Plan & Budget was included in the Agenda for the Special Council Meeting held on 11 June 2024. This meeting was convened to discuss the results of the recently concluded public consultation, held in relation to the Draft 2024-2025 Annual Business Plan & Budget.

Beginning from page A51 of that document there is a list of Operational Projects & Initiatives. On page A54 a project called IT Strategy, with a budgeted cost of \$180,000.00 is listed. The project is described as:

IT Strategy: the project involves preparation of the organisation's Information Services (IT) Strategy. A number of the organisation's technology systems and software have been in place for some time and are not meeting the needs of the organisation and the community. A strategy is required to ensure that the Council has a roadmap upon which to base future investment decisions.

RESPONSE TO QUESTIONS PREPARED BY GENERAL MANAGER, GOVERNANCE & CIVIC AFFAIRS

Question 1.

Yes.

The original Funding Submission considered by the Council at its meeting held on 8 April 2024, was for \$80,000 for the preparation of an IT Strategy.

At its meeting held on 8 April 2024, following consideration of the draft 2024-2025 Annual Business Plan and Budget, the Council resolved to allocate an additional \$100,000 for the implementation of the IT Strategy, following the completion of the Review.

Question 2.

The reduction of funding for the IT Strategy by \$100,000 will increase the 2024-2025 Operating Surplus to approximately \$331,000.

Question 3.

Implementation of the IT Strategy Project will commence by the end of July 2024, following the adoption of the 2024-2025 Annual Business Plan and Budget and is scheduled to be completed by the of February 2025, to ensure that any funding required for the implementation of new systems and/or software, can be determined and included as part of the Council's draft 2025-2026 Annual Business Plan and Budget process.

Question 4.

The timing of the implementation of any recommendations set out as part of the IT Strategy is unknown at this stage. Any recommendations will need to be considered and priorities determined in terms of the resources required to implement any recommendations and the associated costs and the Council's financial capacity.

Having said that, it is intended that the implementation of new systems and/or software is included as part of the Council's draft 2025-2026 Annual Business Plan and Budget process. This approach will allow the Executive Leadership Team to make considered recommendations to the Council and in turn this will allow the Council to be provided with the relevant information upon which to make decisions and allocate funds.

7.3 QUESTIONS WITH NOTICE - PAYNEHAM MEMORIAL SWIMMING CENTRE AND LONG-TERM FINANCIAL PLAN - SUBMITTED BY CR GRANT PIGGOTT

QUESTION WITH NOTICE: Payneham Memorial Swimming Centre and Long-Term Financial Plan
SUBMITTED BY: Cr Grant Piggott
FILE REFERENCE: qA1040
ATTACHMENTS: Nil

BACKGROUND

Cr Piggott has submitted the following Questions with Notice:

1. In the final Prudential Report prepared by Corrinne Garret, UHY Haines Norton, in addressing the requirements of S. 48 (2) (d) in respect to community consultation, the Report relies on:
 - a. *“community consultation was undertaken as part of developing the Swimming Centres Long Term Strategy”*, noting that the consultation for the Swimming Centres Long Term Strategy extended from March to April 2017, and is almost six years old.

Is it true that the “Swimming Centres Long-Term Strategy” resulting from this consultation included a Cost estimate for the Payneham Memorial Swimming Centre of \$6.5 million?

2. b. *“the Payneham Memorial Swimming Centre Redevelopment was included in the Council's Draft Annual Business Plan for 2022-2023, which was released for community consultation”*.

Is it true that the Draft Annual Business Plan 2022-2023 document, to which the Report refers, reported the anticipated total cost for the upgrade of the Payneham Memorial Swimming Centre as \$24.0 million?

3. Due to the current economic situation, the final costs to construct the Payneham Memorial Swimming Centre Redevelopment Project, based on a competitive tender process was significantly higher than the original cost estimates.

Is it true that a previous Prudential Report in respect to the Payneham Memorial Swimming Centre – May 2023 - quotes that:

The estimated total project costs as at 20 October 2022, is \$32,622,325 (ex GST)?

4. In the final Prudential Report prepared by Corrinne Garret, UHY Haines Norton in addressing of the requirements of S. 48 (2) (g) in the short and longer term estimated net effect of the Project on the financial position of the Council, the Report relies on the updated Long Term Financial Plan 2025 – 2034 presented to the Audit & Risk Committee on 6 December 2023 and to the Council on 11 December 2023.

Is it true that this Long Term Financial Plan included the following Operating Surpluses (contributing to the reduction of debt) across the final three years of the Plan?

2031/2032	\$10,710,973
2032/2033	\$14,094,359
2033/2034	\$18,953,607

5. Is it true that this Long-Term Financial Plan included \$4,640,040 for Expenditure on Renewal/ Replacement of Assets in 2032-2033 when the usual expectation across the period was in excess of \$13,000,000 every year?
6. What input did Corrinne Garrett, author of the Prudential Report for the Payneham Memorial Swimming Centre project, have into the preparation of the Long-Term Financial Plan in addition to her presenting the Plan to an Elected Member workshop on 27 November 2023?

7. Updates were made to the Long-Term Financial Plan (endorsed by Council 11 December 2023) by Administration and Key Performance Indicators were presented to the 7 March 2024 meeting of the Audit & Risk Committee.

What was the driver of needing to change the Plan so soon after its endorsement on 11 December 2023 ahead of Council’s commitment to progress the Payneham Memorial Swimming Centre on the same night?

8. Does the new Long-Term Financial Plan now include the following changed inclusions for Operating Surplus during the last three years of the Plan?

	11 Dec 2023	7 March 2024
2031/2032	\$10,710,973	\$2,923,000
2032/2033	\$14,094,359	\$3,880,000
2033/2034	\$18,953,607	\$5,094,000

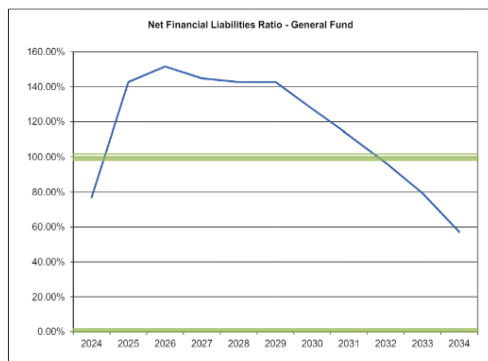
9. The Council Motion endorsing the Long-Term Financial Plan at the 11 December 2023 meeting includes the following:

That the Council, having considered the draft 2024-2034 Long-Term Financial Plan, notes that the draft Plan indicates that the Council:

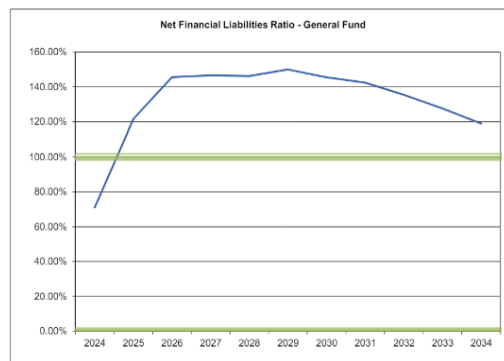
- *is sustainable in the long term; and*
- *will move outside of the Key Financial Indicators targets for a limited period of time but will return to the targets within the 10 year timeline of the draft Plan.*

Net Financial Ratio

December 2023



February 2024



Excerpt from Audit & Risk Committee Agenda 7 March 2024 Attachment A5

Does the new Long-Term Financial Plan now anticipate that the Net Financial Liabilities Ratio (an indicator of the City’s debt position) will not return to the target of a maximum of 100% within the 10 year timeline of the draft Plan?

REASONS IN SUPPORT OF QUESTIONS

Nil

**RESPONSE TO QUESTIONS
PREPARED BY GENERAL MANAGER, GOVERNANCE & CIVIC AFFAIRS**

Question 1.

At its meeting held on 4 December 2017, following consideration of the results of the community consultation regarding the redevelopment options for the Council's Swimming Centres and the draft long-term strategy for the Council's Swimming Centres, the Council adopted the *Swimming Centres Long-Term Strategy*.

As a result of the number of infrastructure issues associated with the age of the pools, the Council endorsed the refurbishment of the PMSC Main Pool as a matter of priority, in order to "future proof" the pool for the next twenty-five (25) to thirty (30) years as a final decision on the redevelopment of the PMSC had not at that stage been made by the Council.

The Swimming Centre Long-Term Strategy contained funding of \$6.5 million for the refurbishment of the pools and new equipment, not the total redevelopment of the Centre that was subsequently endorsed and that is now being constructed.

Question 2.

Yes.

In order to establish the initial budget, the Project was benchmarked by cost consultants against other similar aquatic centre upgrade projects and costs at the time. Based upon the assessment at that time, a budget of \$24 million, based on first order cost estimates at the time, was considered to be sufficient to cover the estimated costs for the development of the detail design and construction documentation for a 50 metre main pool and associated infrastructure, the 25 metre pool, aquatic play equipment (including the slides), plant room, the main building, as well as all ancillary features such as fencing, outdoor furniture and landscaping.

Since that budget was established, as Elected Members are aware, Australia's economic landscape changed dramatically following the COVID-19 Pandemic, largely due to interest rate increases, inflation and skill shortages and supply chain issues and world events, which have all had an effect on the nation's construction industry and in turn, costs.

Question 3.

Yes.

As the Payneham Memorial Swimming Centre Redevelopment Project progressed, in October 2022, based on the current market conditions at that time, a new cost estimate was prepared by WT Partnership (cost consultants), which indicated a total construction cost of \$32.6 million (this was a pre-tender estimate).

Question 4.

Yes. The increases in the Operating Surpluses over the life of Plan contributes to the reduction of debt.

Question 5.

Yes. This figure was corrected in the subsequent *Draft Long-Term Financial Plan* which was updated in March 2024.

Question 6.

Ms Garrett assisted the Council's Chief Financial Officer with the preparation of the Long-Term Financial Plan on the basis of her knowledge of the financial information set out in the Prudential Management Report which was prepared for the Payneham Memorial Swimming Centre Redevelopment Project.

Question 7.

The Long- Term Financial Plan was updated in March 2024, as a result of material changes from the December 2023 version of the Plan and to address issues that were raised by Elected Members and the Council's Audit & Risk Committee.

Question 8.

Yes. The Long-Term Financial Plan includes updated figures as at March 2024. These numbers are very close to numbers expected to be included in the final version of the Long-Term Financial Plan which will be presented to the Council following the adoption of the 2024-2025 Annual Business Plan and Budget at the Council Meeting to be held on 5 August 2024. This version of the Long Term Financial Plan (LTFP), contains the up-to-date figures that are contained in the draft 2024-2025 Budget that the Council is considering at this meeting.

Question 9.

Yes.

As discussed at the Elected Members' Budget Information Session held in March 2024, the Long Term Financial Plan highlights that even though the Net Financial Liabilities Ratio does not reach the targeted 100% by the end of the 10 year life of this Plan, the trajectory is heading in the right direction in terms of achieving the desired ratio.

8. DEPUTATIONS

8.1 DEPUTATION – GEORGE STREET UPGRADE PROJECT

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4539
FILE REFERENCE: qA1041
ATTACHMENTS: Nil

SPEAKER/S

Mr Spero Tsapaliaris

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Mr Spero Tsapaliaris has written to the Council requesting that he be permitted to address the Council in relation to the George Street Upgrade Project.

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

Mr Spero Tsapaliaris addressed the Council in relation to this matter.

9. PETITIONS
Nil

10. WRITTEN NOTICES OF MOTION

**10.1 WRITTEN NOTICE OF MOTION – INFORMATION TECHNOLOGY (IT) STRATEGY PROJECT –
SUBMITTED BY CR CLAIRE CLUTTERHAM**

NOTICE OF MOTION: Information Technology (IT) Strategy Project
SUBMITTED BY: Cr Claire Clutterham
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 Claire Clutterham.

NOTICE OF MOTION

That the funding for the IT Strategy Project as contained within the Draft 2024-2025 Annual Business Plan and Budget be reduced to from \$180,000 to \$80,000.

REASONS IN SUPPORT OF MOTION

The Council is continuing to embark on a significant Capital Works program. Whilst sensible, necessary and for the benefit of the community, the projects falling within this Capital Works program, notably the upgrade to the Payneham Memorial Swimming Pool, have meant that the suite of financial ratios guiding the Council's financial sustainability are being stretched. It is therefore important that the Council achieves as high an Operating Surplus as is reasonably practicable. Therefore, the Council should re-examine the need to fund projects that do not have an immediate execution need in 2024-2025.

Advice given to Elected Members is that the Council's IT systems need to be upgraded, and that in order to get this right a funded IT Strategy should be developed, at a cost of \$80,000. It is unlikely that this IT Strategy will be developed before the final quarter of 2024-2025. Therefore, the provision of \$100,000 to execute that IT Strategy (if indeed appropriate, measurable and realistic recommendations are made) is likely to be carried over into 2025-2026.

Removing the amount of \$100,000 from the 2024/2025 Budget, given the predecessor step of the IT Strategy is unlikely to be completed prior to the third quarter of 2024-2025, will allow the Council to achieve a higher Operating Surplus in 2024-2025.

STAFF COMMENT

PREPARED BY GENERAL MANAGER, GOVERNANCE & CIVIC AFFAIRS

This matter should be considered as part of Item 11.4 of this Agenda - *Adoption of the 2024-2025 Annual Business Plan and Budget and Declaration of Rates for 2024-2025*.

Cr Mex moved:

That the funding for the IT Strategy Project as contained within the Draft 2024-2025 Annual Business Plan and Budget be reduced to from \$180,000 to \$80,000.

Seconded by Cr Callisto and lost.

Cr McFarlane moved:

That Item 11.8 be brought forward for consideration.

Seconded by Cr Granozio and carried.

11.8 GEORGE STREET UPGRADE PROJECT – STATUS REPORT

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

PURPOSE OF REPORT

The purpose of this report is to provide an update regarding the status of the George Street Upgrade Project, for the Council's information.

BACKGROUND

The George Street Upgrade Project forms part of The Parade Masterplan and is the first stage of the Masterplan's implementation. It is also being progressed as a demonstration to illustrate the quality and urban design features of the approved Masterplan, which will be progressively "rolled out" as the Masterplan is implemented over the next few years.

The Parade Masterplan was considered and endorsed by the Council at its meeting held on 15 May 2019.

The George Street Upgrade concept design was subsequently approved by the Council at its meeting held on 5 September 2022.

A copy of the final George Street Upgrade concept design as approved by the Council is contained within **Attachment A**.

Given the complexity (in terms of its construction) of both the George Street Upgrade Project and the George Street Stormwater Upgrade Project, prior to the commencement of construction, staff consulted with adjoining property owners in respect to the scheduling and sequencing of works, to ensure that business operations are not unnecessarily impeded, including whether this would necessitate night works and road closures and so on.

Based upon these discussions, it was determined that construction of the stormwater drainage works would commence in February 2024 (to avoid the Christmas/New Year period and school holidays) and followed immediately by the streetscape upgrade works associated with the George Street Upgrade Project.

However, through this process, the Chapley Group raised concerns regarding the design of the Project, which culminated in a request from the Chapley Group to meet with Mayor Bria and the Chief Executive Officer.

At this meeting, general discussion took place regarding the design of the George Street Upgrade and whilst the design of the George Street Upgrade had been finalised, Mr Tsapaliaris sought a commitment from Mayor Bria and the Chief Executive Officer, to review a plan which he commissioned and submitted at the meeting, which sought to ostensibly provide for two (2) vehicular lanes from The Parade/George Street to Webbe Street. Without making a commitment to make any changes to the approved design, Mayor Bria and the Chief Executive Officer, advised Mr Tsapaliaris that the proposal which he submitted, would be reviewed and a response would be provided.

A copy of this proposal is contained in **Attachment B**.

Given that the proposal was submitted by Mr Tsapaliaris based on traffic data that was also commissioned by Mr Tsapaliaris, a subsequent meeting was held with Mr Tsapaliaris and his traffic consultant, (CIRQA).

At that meeting, a general discussion ensued, including an acknowledgement that a solution to the issues raised by Mr Tsapaliaris could be better addressed through changes to the sequencing of the traffic signals at the corner of George Street and The Parade, by providing more “green time” to traffic travelling north and south along George Street.

In this respect, it should be noted that this issue has always been a concern, even when the pedestrian scramble crossing was being negotiated with the Department of Infrastructure & Transport.

To re-address this situation, it was suggested that Mr Tsapaliaris join the Council and meet with the Minister for Transport & Infrastructure to advocate for more “green time” for George Street traffic. As Elected Members are aware, this meeting has taken place.

Again, at the conclusion of that meeting, Mr Tsapaliaris was advised and provided with an undertaking, that both the design changes which he was seeking and the traffic data, would be reviewed and that a response would be provided to him.

To ensure that the review that would be undertaken was thorough, Council staff engaged consultants (Landskap and BE Engineering), to review both the proposed design and the traffic data submitted by Mr Tsapaliaris.

Following the completion of this review, a meeting was held with Mr Tsapaliaris to present the results of the review, including the reports that have been prepared by the Council’s consultants.

It should be noted that based on the review which was undertaken, some modifications were made to the Council endorsed design.

In summary, the endorsed design was modified to reflect the recommendations that were made by the Council's consultants, following a review of the proposals that were submitted by Mr Tsapaliaris at that time.

A copy of the modified design is contained in **Attachment C**.

Since that time, a number of discussions and email correspondence have ensued. In short, through the various discussions, an agreed compromise position could not be reached.

However, on 26 June 2024, the Council received an email from Ms Amanda Price-McGregor, Managing Director, Green Light Planning, on behalf of the Chapley Group, regarding a new revised design which the Chapley Group had commissioned, for the George Street Upgrade Project.

The revised design (for the purpose of clarity herein referred to as Revised Design – June 2024) is based the review of the traffic data by the Chapley Group traffic consultants, CIRQA which has taken into account a three (3) second reduction in the Scramble Crossing phase time from 31 seconds to 28 seconds which was assigned to George Street.

Based on advice forwarded to Ms Price-McGregor, CIRQA (traffic consultants acting on behalf of the Chapley Group) have concluded that the three (3) second reduction in the phase time has improved the operational performance of George Street which has resulted in decreased queuing and delays.

On this basis, the Chapley Group have presented the Revised Design – June 2024 to staff for consideration.

A copy of the email correspondence and supporting documentation, including a copy of the Revised Design – June 2024, is contained within **Attachment D**.

Review of the Revised Design – June 2024

On Thursday 27 June 2024, staff met with the Council's Traffic Consultants to consider and review the Revised Design – June 2024.

The followings items were considered:

1. The Revised Design – June 2024, includes a right turn lane length of 45metres with the inclusion of a non-standard taper. The traffic modelling undertaken by CIRQA has determined that the 45metre length right turn lane will provide adequate storage to accommodate forecast 95th percentile right turn queues.
2. The Revised Design – June 2024, is a concept design only and therefore additional detailed design will be required to address and resolve any impacts associated with the placement of the non-standard lane taper in front of the Parade Central under croft car park exit including:
 - stormwater management in George Street which has been undertaken by the Council to develop its current design; and
 - traffic and road safety.
3. The Revised Design – June 2024 addresses the objectives and strategies which are identified in The Parade Masterplan including:
 - a safe and comfortable pedestrian environment;
 - functions as both a place and a link – *'side streets providing access as well as the opportunity to extend commercial activities which support a broader mixed use precinct'*;
 - all of the active frontages on the eastern side of George Street have equitable public space;
 - widened footpaths; and
 - additional space for tree planting and greening

Based on the assessment of the Revised Design – June 2024, Council staff are of the view that the Revised Design – June 2024 is an acceptable compromise which provides an appropriate balance between road safety, place activation and traffic operations and performance for George Street and therefore meets the objectives of The Parade Masterplan.

RECOMMENDATION

That the report be received and noted.

Cr Sims left the meeting at 7.53pm.
Cr Sims returned to the meeting at 7.55pm.

Cr Duke moved:

1. *That the report be received and noted.*
2. *That the Revised Design – June 2024 is endorsed as the concept design for the basis of the detailed design of the George Street Upgrade Project.*

Seconded by Cr Granozio and carried unanimously.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 PETITION – PROPOSED TRAFFIC MANAGEMENT DEVICES TO BE INSTALLED IN MARDEN & ROYSTON PARK

REPORT AUTHOR: Manager, Traffic & Integrated Transport
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4542
FILE REFERENCE: qA146441
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to inform the Council of the outcome of a Petition which has been received by the Council at its meeting held on 2 April, 2024, regarding a proposal for a median island along Battams Road that formed part of the '*Marden & Royston Park Community Consultation for Traffic Management*'.

BACKGROUND

Community consultation was undertaken in March 2024, inviting citizens to provide their views regarding concept designs for traffic management devices in several streets within the suburbs of Marden and Royston Park (between Lower Portrush Road and Battams Road). The community were invited to fill out an on-line or hard-copy survey and provide their views for the design of the proposed traffic management devices.

One of the concept designs was for a central median island along Battams Road, which is the subject of this Petition.

The Petitioners are requesting that the Council not install the median island because in their view it "*will cause significant inconvenience and disruption to residents accessing their homes and will result in increased traffic flows on Sixth Avenue, Second Avenue, Pollock Avenue, Broad Street, Dix Streets and Hooking Avenue as all direct routes are blocked off and residents are forced to find other routes to enter their homes and to exit and enter our suburbs*".

The Petition was signed by a total of thirty-three (33) people, seventeen (17) of whom identified as residents of Marden or Royston Park. The Council resolved to refer the petition to the Traffic Management & Road Safety Committee ("the committee"). A copy of the petition is contained in **Attachment A**.

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

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 1: Social Equity

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

Strategy:

1.2.4 Provide appropriate traffic management to enhance residential amenity.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable

RESOURCE ISSUES

Not applicable

RISK MANAGEMENT

Not Applicable.

CONSULTATION

Elected Members

- All Elected Members have been informed of the progress of the proposed traffic management devices from previous Council reports.

Staff

- General Manager, Urban Planning & Environment
- General Manager, Infrastructure & Major Projects
Manager, Strategic Communications and Advocacy

Community

- Not Applicable.

Other Agencies

- Not Applicable

DISCUSSION

Petitions relating to traffic management and or road safety issues are ordinarily referred to the Council's Traffic Management & Road Safety Committee for consideration, however, in this instance, as the issues raised in the petition relate to traffic management devices that have already been considered by the Committee and given that the results of the community consultation on the proposed traffic management devices are to be considered by the Council via a separate report, there is no need to refer the petition to the Committee for further consideration. The detail and concerns raised in the Petition will be included in the Council report so that the Council can consider the contents of the petition as part of considering the report regarding the feedback received from community consultation regarding concept designs for traffic management devices in Marden and Royston Park.

The Council report will be presented to the Council at its meeting held on 1 July 2024.

OPTIONS

Not Applicable.

CONCLUSION

Not Applicable.

COMMENTS

Not Applicable.

RECOMMENDATION

That the petition be received and noted.

Cr Duke moved:

That the report be received and noted.

Seconded by Cr Knoblauch and carried unanimously.

11.2 OUTCOME OF COMMUNITY CONSULTATION ON PROPOSED TRAFFIC MANAGEMENT DEVICES IN MARDEN AND ROYSTON PARK

REPORT AUTHOR: Manager, Traffic & Integrated Transport
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4542
FILE REFERENCE: qA97859
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to present the comments that have been received from the community regarding the concept designs for traffic management devices that were proposed to be installed in the suburbs of Marden and Royston Park, to enable the Council to determine whether to implement some or all of the proposed traffic management devices.

BACKGROUND

There have been several steps which have culminated in the development of the concept designs and the proposal to implement traffic management devices in the suburbs of Marden and Royston Park. These steps are set out below:

- The Council's Traffic Management & Road Safety Committee (the Committee), at its meeting held on 18 August 2020, considered road safety concerns that have been raised by residents and property owners, and initial traffic data investigations that have been undertaken by staff, and noted that a detailed traffic report was warranted to assist in developing solutions to reduce traffic speed and volumes in Marden, Royston Park, Joslin and St Peters (east of Stephen Terrace).
- In 2021, the Council engaged Tonkin (Traffic Engineers) to prepare a detailed traffic report and prepare the *Marden, Royston Park, Joslin & St Peters Traffic Review (the Tonkin report)*. The Committee considered the investigations and findings set out in the *Tonkin Report* and recommended to the Council that:
 - a 40km/h speed limit be implemented in the residential streets of Marden and Royston Park, the suburbs that carried the highest volumes of traffic (currently in progress); and
 - three traffic management options be prepared in the suburbs that were identified as highest priority, in the suburbs of Marden & Royston Park.

At its meeting held on 1 November 2021, the Council endorsed the recommendations made by the Traffic Management & Road Safety Committee.

- In 2022, *Infraplan and Intermethod* (Traffic Engineers and Community Consultation Specialists), were engaged by the Council to undertake detailed traffic investigations specifically for the suburbs of Marden & Royston (bound by Lower Portrush Road, Payneham Road, Battams Road and the O-Bahn Busway corridor), and prepare three (3) traffic management options for consideration, that would address the key traffic issues that were identified in the area. This work included the facilitation of a community consultation process to identify which of the three options, if any, would be preferred by the community. Consultation was undertaken in April 2022 and a report was prepared, titled, '*Traffic Management in Marden & Royston Park: Community Consultation and recommendations*' (*the Infraplan/Intermethod report*).
- The Committee considered the investigations, findings and recommendations set out in the *Infraplan/Intermethod Report* at its meeting held on 21 February 2023 and recommended to the Council that the traffic management devices that are the subject of this report, be implemented. The report was considered, and the Minutes are contained in **Attachment A**.
- In November 2023, *Intermethod* (Traffic Engineers and Community Engagement Specialists) were engaged by the Council to refine the concept designs and conduct community consultation regarding the proposed traffic management devices in the suburbs of Marden and Royston Park, in the area bound by Lower Portrush Road, Payneham Road, Battams Road and the O-Bahn Busway corridor. The outcomes of this consultation process are the subject of this report. A copy of the *Intermethod* report is contained in **Attachment B**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Reducing traffic speed in residential streets has the potential to support and facilitate the outcomes and objectives of the Council's Strategic Management Plan, *City Plan 2030*.

Outcome 1: Social Equity

A connected, accessible and pedestrian-friendly community.

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

Strategy 1.2.2: Provide safe and accessible movement for all people.

Strategy 1.2.4: Provide appropriate traffic management to enhance residential amenity.

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

Strategy 1.2.2: Encourage physical activity to achieve healthier lifestyles and well-being.

Strategy 1.4.3 Encourage the use of spaces and facilities for people to meet, share knowledge and connect.

FINANCIAL AND BUDGET IMPLICATIONS

The Council has allocated \$280,000 in its Draft 2024-2025 Budget to undertake the preparation of detailed design and subsequent construction of the proposed traffic management in the suburbs of Marden and Royston Park.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The current parameters of the project are managed by staff, within existing resources. However, if the Council determines to endorse the preparation of alternative concept designs, this may delay the delivery of other projects and day-to-day tasks.

RISK MANAGEMENT

The Council has a duty of care to address concerns associated with traffic management and either eliminate, mitigate or manage risks that are identified following the analysis of data.

In doing so, the installation of physical traffic management devices or other traffic management controls are not always supported by the community. As such, the Council needs to consider and balance the reputational risk of implementing traffic control devices that are not supported by the majority of the community.

Risk Event	Risk Event	Impact Category	Risk Rating	Primary Mitigation	Impact Category	Residual Rating
1	Vehicle collision resulting in death or serious injury	People	High 7	Installing traffic management devices	People	Medium 17
		Reputation	Substantial 12		Reputation	Low 21
2	Community not supporting the recommendations	People	Medium 19	Not installing traffic management devices	People	Low 21
		Reputation	Medium 19		Reputation	Low 21

CONSULTATION

- Elected Members**
 All Elected Members have been informed of the proposed traffic management devices through previous Council reports.
- Staff**
 General Manager, Urban Planning & Environment
 General Manager, Infrastructure & Major Projects
 Manager, Strategic Communications and Advocacy
- Community**
 The community consultation summary and processes are set out in the Discussion section of this report.
- Other Agencies**
 The following agencies have been consulted:
 Department for Infrastructure and Transport (DIT)
 South Australian Public Transport Authority (SAPTA)
 SAPOL

DISCUSSION

Intermethod (consultants) was engaged by the Council to refine and consult affected citizens and other stakeholders on the draft concept designs for traffic management devices in the suburbs of Marden and Royston Park, in the area bound by Lower Portrush Road, Payneham Road, Battams Road and the O-Bahn Busway corridor.

The Council initiated this project in 2021, in response to ongoing concerns that have been raised by residents regarding speeding and “rat running” through the precinct. Initial consultation was undertaken in 2022, to identify the type of traffic management options that are preferred by residents and the outcomes of this process informed the development of the concept designs that were presented for community consultation in 2024 (the subject of this report).

The proposed traffic management devices are based on best-practice traffic management design and include landscaped slow points, kerb build-outs and median islands, all aiming to reduce traffic speed and volume, improve pedestrian crossings and provide streetscaping opportunities. An important component of the proposal includes a median island along Battams Road (similar to the median islands along Osmond Terrace and St Peters Street), that aims to deter ‘rat-runners’ by increasing the number of turns that motorists would need to make to cross Battams Road and to also provide a significant opportunity for tree planting.

A map showing the location of the proposed traffic management devices is depicted in Figure 1, below. The concept designs of each device are included in the full consultation report contained in **Attachment B**.

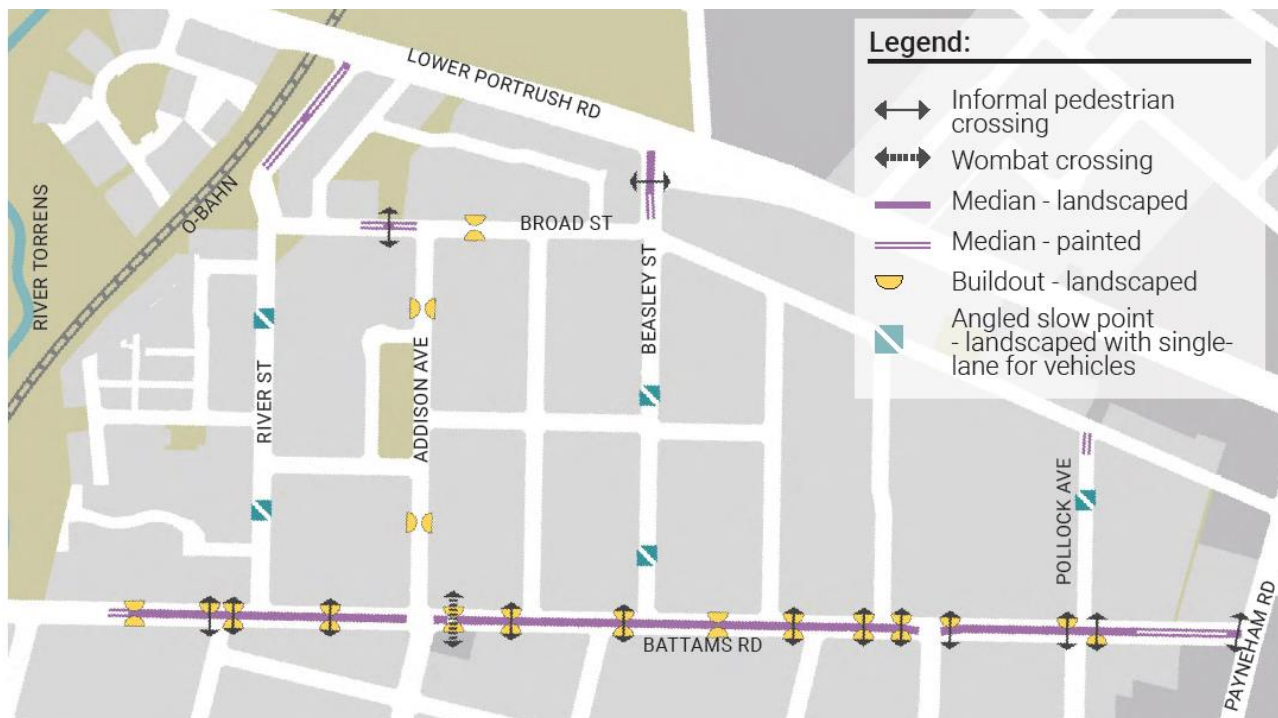


Figure 1: Locations and type of proposed traffic management devices in Marden & Royston Park

Summary of the outcomes of the consultation

The community consultation period commenced on 16 February 2024 and concluded on 15 March 2024. Citizens were encouraged to share their feedback by completing a survey or contacting a member of the project team by email or telephone. A community information evening that was held on 6 March 2024 at the Payneham Community Centre offered an opportunity for direct face-to-face engagement.

Community consultation was promoted as follows:

- Letters were individually addressed and delivered via Australia Post to all owners and occupiers of residents and businesses in the area bound by Lower Portrush Road, Lambert Road, Payneham Road and the O-Bahn Busway;
- background information and survey on the Council's website;
- a *Latest News* article;
- social media (Facebook and Instagram);
- posters at the Council's Libraries and Citizen Service Centre; and
- coreflute posters on poles within the Hackney to Marden precinct.

The detailed consultation report, "*Engagement Feedback: Local Area Traffic Management in Marden & Royston Park*", prepared by *Intermethod*, in May 2024, is contained in **Attachment B**. A summary of the key consultation outcomes is provided below.

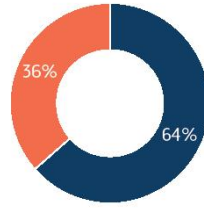
300+ people participated in engagement activities

266 people completed a survey (250 online and 16 - in a paper format)

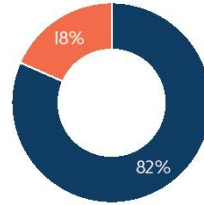
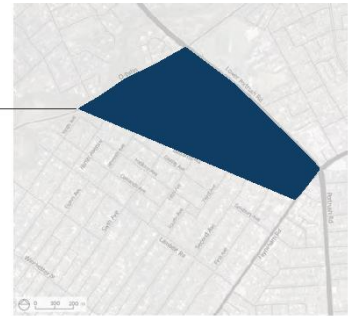
40+ people engaged in conversation with a member of the project team via phone

50+ people attended a community workshop on 6 March 2024

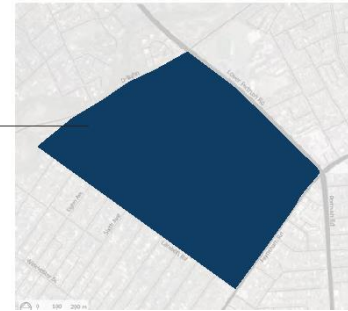
8 people submitted a response in writing (via e-mails or letters)



64% of survey respondents lived in the immediate area where new traffic management devices were proposed



82% of survey respondents lived in the broader study area



This project has initiated a robust discussion regarding the merits and necessity of the proposed traffic management intervention, and the responses encompassed a variety of divergent views. A significant portion of the submissions that have been received have advocated for the project to be implemented, while a similar proportion of submissions that have been received raised objections, preferring the area to remain unchanged.

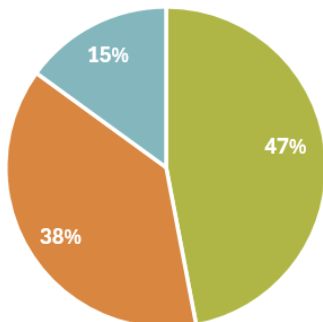
The Survey Form asked for feedback on a street-by-street basis. Analysis of the comments has identified that most residents supported the proposed traffic management devices in other streets but did not support traffic management devices in their own street. Battams Road is the one exception to this theme, where a strong majority of submissions from all streets, did not support the installation of median island because of the removal of direct access across intersections and driveways.

This outcome highlights the residents' desire to have the area calmed while simultaneously expressing reluctance to endorse changes directly in front of their properties or their street.

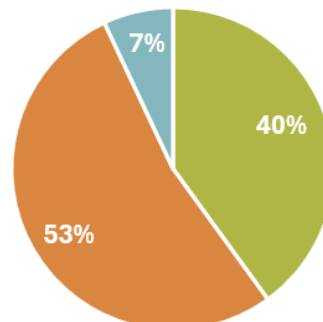
The pie charts below illustrate the nature of the feedback that has been received, by depicting the percentages of support from *all respondents*' side by side with the percentage of support from *residents of each specific street in question*.

River Street

All respondents



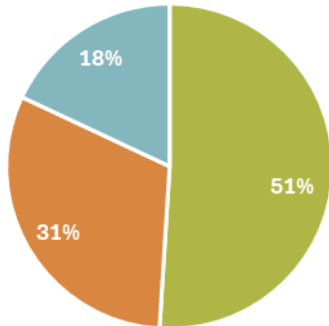
River Street Owner/Occupiers



■ Support ■ Do Not Support ■ Unclear response

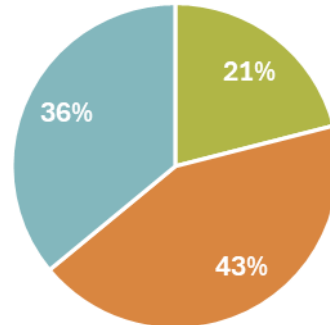
Broad Street

All respondents



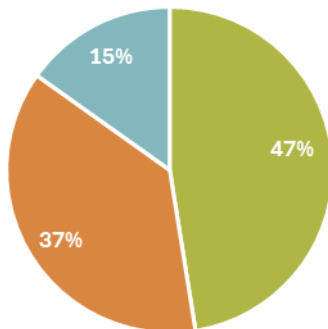
■ Support ■ Do Not Support ■ Unclear response

Broad Street Owner/Occupiers



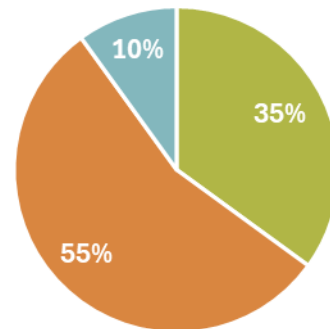
Beasley Street

All respondents



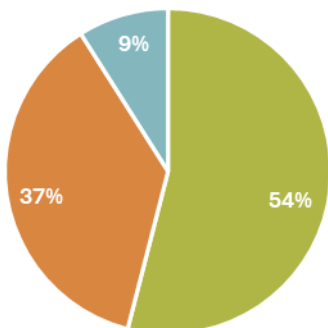
■ Support ■ Do Not Support ■ Unclear response

Beasley Street Owner/Occupiers



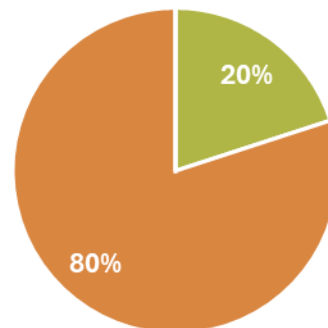
Addison Avenue

All respondents



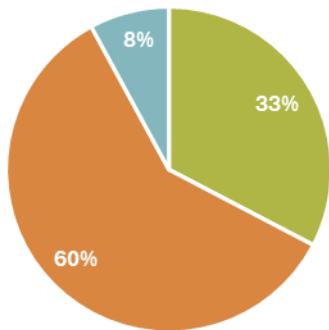
■ Support ■ Do Not Support ■ Unclear response

Addison Avenue Owner/Occupiers

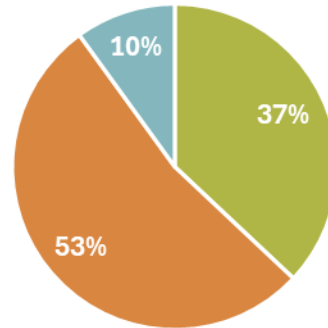


Battams Road

All respondents



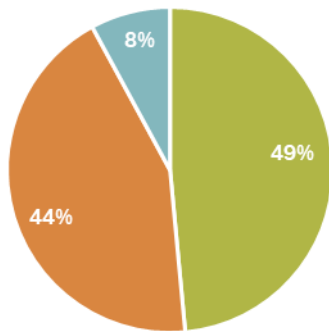
Battams Road Owner/Occupiers



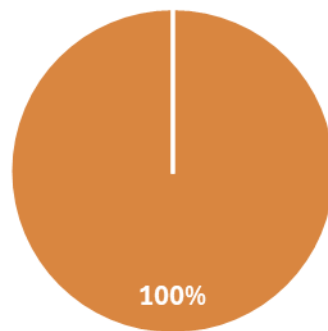
■ Support ■ Do Not Support ■ Unclear response

Pollock Avenue

All respondents



Pollock Avenue Owner/Occupiers



■ Support ■ Do Not Support ■ Unclear response

A considerable number of respondents have suggested that their preferred alternative option would be the installation of *road humps*. Although road humps can effectively reduce speed, such devices are not generally adopted by the Council because they have historically been unpopular due to resulting noise that occurs when vehicles drive over the humps and are only used in circumstances where there are no other options. In addition, one of the aims of the traffic management framework, (as identified as a priority in the Stage 1 consultation), was to provide greening opportunities. The installation of road humps provides minimal opportunities for landscaping/streetscaping.

There was general support for the proposed traffic islands at both junctions of Lower Portrush Road with River Street and Beasley Street, with the proviso that both left turn and right turn out movements can be maintained.

In addition, a petition was received by the Council at its meeting held on 2 April 2024, regarding the proposal to install a median island along Battams Road that formed part of the '*Marden & Royston Park Community Consultation for Traffic Management*', that is the subject of this report. The petition was signed by a total of thirty-three (33) people. Seventeen (17) of the signatories identified that they resided in the suburbs of Marden or Royston Park. The Council should consider the contents of the Petition in weighing up the warrant or otherwise to install the proposed traffic intervention device on Battams Road. A copy of the petition is contained in **Attachment C**.

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

OPTIONS

The Council has the following options in respect to progressing this project.

Option 1

Do nothing.

The Council could determine that the comments that have been received through the consultation process on the implementation of traffic management devices is too divisive, and the community as a whole is not willing to accept integrated traffic management intervention at this point in time.

In conjunction with this option, it is worth noting that the implementation of a 40km/h speed limit is imminent (subject to approval by the Department for Infrastructure & Transport) and that the reduced speed limit will be monitored and evaluated before any significant traffic management devices in Marden and Royston Park are given any further consideration, if citizen complaints continue to be received on a frequent basis and the data supports these concerns.

This option is not the best option from a traffic engineering perspective, as the traffic speed and volume data that was identified in *the Tonkin Report* and *the Infraplan/Intermethod Report*, concluded that there is a justifiable warrant for traffic management intervention in Royston Park and Marden, to improve traffic safety and reduce 'rat-running'. However, this needs to be balanced with the results of the community consultation and the local community's willingness to accept significant changes at this point in time. As such, this option is recommended at this time.

Option 2

Develop a set of alternative concept designs.

The Council could determine that the installation of the proposed traffic management devices will result in too many adverse impacts in the suburbs of Marden & Royston Park and that alternative solutions that result in less impacts to parking or access should be developed.

Such traffic management devices could include small islands and/or signs at junctions and intersections, however they would not provide opportunities for greening.

This option would not necessarily address the core issues that have been identified in *the Tonkin Report* and *the Infraplan/Intermethod report*. As such, this option is not recommended.

Option 3

Implement the proposed traffic control devices.

The Council could determine that despite the concerns that have been raised in the most recent community consultation, to install the proposed traffic management devices. Notwithstanding the concerns that have been raised, this option responds to the many ongoing citizen requests for traffic management and because the traffic management intervention aligns with evidence-based and best practice traffic engineering principles.

Notwithstanding this, based on the results of the community consultation, implementation of Option 3 is not recommended.

CONCLUSION

The traffic management devices proposed to be installed in the suburbs of Marden and Royston Park were selected as best-practice approaches to address the speeding and “rat-running” issues through the area, that are caused by motorists avoiding the traffic congestion and delays at the Lower Portrush Road and Payneham Road intersection.

Although the scheme was supported by many residents, the significant level of strong opposition demonstrates that the community as a whole is not ready for traffic calming devices that simultaneously require some level of inconvenience, such as the removal of car parking and/or direct access inconvenience.

The imminent reduction of speed limits in the area to 40km/h is likely to have some impact on traffic speeds and possibly traffic volumes, but the extent of any such improvements cannot be quantified at this time.

COMMENTS

The Council receives a significant number of concerns from residents regarding high traffic speed and volume through local areas.

Many of these concerns can be resolved with simple isolated solutions such as pavement marking and/or signage, however area-wide deficiencies require a more strategic approach. However, the trade-off is that effective traffic management devices usually require some level of inconvenience to citizens.

The Council will need to weigh up the benefits and determine the extent to which it is prepared to introduce traffic management devices to address the concerns of some residents or retain the status quo and rely on the imminent introduction of a reduced speed limit to mitigate some of those outstanding concerns.

RECOMMENDATION

1. That the outcomes of the community consultation in respect to the installation of traffic management devices in Marden and Royston Park, as outlined in this report, be received and noted.
 2. The Council notes that the implementation of a 40km/h speed limit in the suburbs of Marden and Royston Park is currently pending, subject to approval by the Department for Infrastructure & Transport and that an evaluation of the outcomes of the reduced speed limit will be undertaken to identify if there are any locations where excessive vehicle speeds remain a safety concern and whether there is a need to undertake further, more detailed investigations to assess and determine the need or otherwise for additional traffic management measures.
 3. That the implementation of traffic management devices, contained in the *Infraplan/Intermethod report* dated 2022, that were the subject of community consultation between 16 February 2024 and 15 March 2024, not be undertaken at this time.
 4. That the petitioners and all citizens who made a submission on the proposed installation of the traffic management devices during the community consultation period, be advised of the Council's decision.
-

Cr Duke moved:

- 1. That the outcomes of the community consultation in respect to the installation of traffic management devices in Marden and Royston Park, as outlined in this report, be received and noted.*
- 2. The Council notes that the implementation of a 40km/h speed limit in the suburbs of Marden and Royston Park is currently pending, subject to approval by the Department for Infrastructure & Transport and that an evaluation of the outcomes of the reduced speed limit will be undertaken to identify if there are any locations where excessive vehicle speeds remain a safety concern and whether there is a need to undertake further, more detailed investigations to assess and determine the need or otherwise for additional traffic management measures.*
- 3. That the petitioners and all citizens who made a submission on the proposed installation of the traffic management devices during the community consultation period, be advised of the Council's decision.*
- 4. That the matter be referred to the Council's Traffic Management and Road Safety Committee for review in respect to the implementation of the traffic management devices in Marden and Royston Park.*

Seconded by Cr Knoblauch and carried unanimously.

11.3 CODE OF PRACTICE – ACCESS TO MEETINGS & DOCUMENTS

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE:
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present the *draft Code of Practice – Access to Meetings and Documents* to the Council for endorsement prior to its release for consultation on 15 July 2024.

BACKGROUND

Policies and Codes of Practice are important components of a Council's governance framework as these documents set out directions, guide decision making and informing the community about how the Council will normally respond and act to various issues.

When a decision is made in accordance with a Council policy or code, both the decision-maker and the community can be assured that the decision reflects the Council's overall aims and principles of action.

Accordingly, policies and codes can be used in many contexts to:

- reflect the key issues and responsibilities facing a Council;
- provide a policy context and framework for developing more detailed objectives and management systems;
- guide staff and ensure consistency in delegated and day-to-day decision-making; and
- clearly inform the community of a Council's response to various issues.

The *Code of Practice - Access to Meetings & Documents* (the Code), is required in order to satisfy the provisions of Section 92(1) of the *Local Government Act 1999* (the Act).

As a result of the substantial legislative changes that have been made to the Act as part of the *Statutes Amendment (Local Government Review) Act 2021*, a new version of the Code has been prepared which replaces the previous *Code of Practice – Access to Meetings and Documents*. While the legislative reform process did not significantly amend the provisions regarding public access to Council and Committee Meetings, there were significant amendments to the Elected Member Information and Briefing Sessions provisions which have warranted the preparation of a new Code.

A copy of the draft *Code of Practice – Access to Meetings & Documents* is contained within **Attachment A**.

DISCUSSION

The objective of the Code is to inform and educate the community about the principles, policies, procedures and practices that relate to public access to Council and Committee Meetings, Meeting documents and Information and Briefing Sessions.

The legislative provisions covered by the Code (Sections 90 and 91 of the Act) specifically relate to public access to the Council and Committee Meetings (including Meeting Agendas and supporting documentation) and the Minutes of these meetings, as well as the release of Meeting documents (where these have been considered in confidence). The Code is also required to cover the legislative provisions of Section 90A of the Act, which relates to Information and Briefing Sessions (which replaced the previous Informal Gathering requirements).

Specifically, the Code summarises the Council's approach to the use of the confidentiality provisions of Section 90(3) of the Act, the review of Confidentiality Orders made under section 91(7) of the Act and the release of Confidential Meeting documents. The Code also includes information on the legislative reporting that the Council is required to provide on the use of Section 90(2) and 91(7) of the Act as part of the Council's Annual Report.

The Council's Code can be altered, or replaced with a new Code, at any time however, Section 92(5) of the Act requires the Council to undertake community consultation prior to the adoption, alteration or substitution of its Code.

The draft Code therefore is required to be endorsed by the Council only at this stage for the purpose of conducting community consultation prior to the Council's final consideration and adoption of the Code.

OPTIONS

There are no options associated with this issue. The Code is a mandatory requirement and has been prepared to meet the provisions of the Act.

Prior to adoption, alteration to or substitution of the existing Code, the Council must consult with the community. It is therefore recommended that the draft *Code of Practice for Access to Meetings & Documents* (**Attachment A**) is endorsed for community consultation.

CONCLUSION

This draft Code represents the practices and procedures that the Council applies to ensure ongoing legislative compliance and demonstrated commitment to open, transparent and informed decision-making while encouraging community participation in the affairs of the Council.

COMMENTS

Nil

RECOMMENDATION

That the draft Code of Practice – Access to Meetings and Documents (Attachment A), be endorsed for the purpose of undertaking community consultation.

Cr Sims moved:

That the draft Code of Practice – Access to Meetings and Documents (Attachment A), be endorsed for the purpose of undertaking community consultation.

Seconded by Cr Robinson and carried unanimously.

Section 2 – Corporate & Finance
Reports

11.4 ADOPTION OF THE 2024-2025 ANNUAL BUSINESS PLAN AND BUDGET AND DECLARATION OF RATES FOR 2024-2025

REPORT AUTHOR: Chief Finance Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4548
FILE REFERENCE:
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to present to the Council, the Draft 2024-2025 Annual Business Plan, Annual Budget and Rates Policy for consideration and adoption.

BACKGROUND

Pursuant to Chapters 8,9,10 of the *Local Government Act 1999* (the Act), the Council is required to adopt both the Annual Business Plan and Annual Budget, after 31 May but before 15 August each year.

Part 2 of the Act, “*Annual Business Plans and Budgets*”, requires the Council to consider its budget in conjunction with the Council’s Annual Business Plan and adopt it following the adoption of the Annual Business Plan.

The Draft 2024-2025 Annual Business Plan and Budget have been considered by the Council at meetings held on 8 April 2024 and 6 May 2024.

Public submissions have also been sought in respect to the Draft 2024-2025 Annual Business Plan, and thirty-three (33) citizens attended the Public Meeting that was held on 27 May 2024 and thirty (30) written submissions have been received by the Council in respect to the draft Plan and Budget. All of the submissions that have been received, have been considered by the Council at its Special Meeting held on 11 June 2024. Following the Council’s consideration of the submissions, the Council resolved to not to amend the Draft Annual Business Plan and Budget.

This report presents the Draft 2024-2025 Annual Business Plan and Budget, based on rates modelling undertaken up to 17 June 2024 (the cut-off date for 16 June 2024).

A copy of the Draft 2024-2025 Annual Business Plan and Budget is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council’s Long Term Strategic directions are outlined in the Council’s Strategic Management Plan, *City Plan 2030 – Shaping our Future*. The Draft 2024-2025 Annual Business Plan (Draft Plan) and supporting Draft 2024-2025 Budget (Draft Budget), sets out the proposed services and programs and initiatives for the 2024-2025 Financial Year and explains how the Council intends to finance its continuing services, programs and initiatives which are to be undertaken during the year.

The Council’s Long Term Financial Plan (LTFP), is a key document in the Council’s Planning Framework. It is the primary financial management tool which links the Councils Strategic Plan, *City Plan 2030 – Shaping our Future*, Whole-of-Life Assets Management Plans and the Annual Business Plan and Budget.

The adoption of the Draft 2024-2025 Annual Business Plan and Budget will contribute to the Council achieving its goals and objectives as set out in the suite of Strategic Planning documents set out above.

FINANCIAL AND BUDGET IMPLICATIONS

The Draft Budget has been prepared in line within the Council’s Budget Guidelines that were endorsed by the Council on 22 January 2024 and incorporates the “*in principle*” decisions which have been made by the Council at its meetings held on 12 March 2024, 8 April 2024 and 6 May 2024.

The Draft Budget, as presented for consideration in this report, is based on a Rate Revenue increase of 8.5%. With valuation growth, the Rate-in-the-Dollar has increased by 2.52% and in turn the average rate of 7.0%.

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

The *Local Government Act 1999*, provides a number of measures which the Council can provide rate relief to eligible ratepayers. Relief options includes, automatic rate capping, postponements of rates, remissions and payment plans.

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

Nil

RISK MANAGEMENT

Financial Management and Annual Business Plan preparation processes are governed by the *Local Government Act 1999* and Regulation 6 of the *Local Government (Financial Management) Regulations 2011*. The 2024-2025 Annual Business Plan and Budget has been prepared in accordance with the relevant statutory requirements to ensure the legislative provisions of the *Local Government Act 1999* and associated Regulations have been met.

CONSULTATION

- **Elected Members**
Elected Members have been involved throughout the preparation of the Draft 2024-2025 Annual Business Plan and Budget process and have considered the various components of the Draft 2024-2025 Annual Business Plan and Budget at meetings held on 12 March 2024, 8 April 2024 and 6 May 2024 and made “*in principle*” decisions as appropriate to arrive at a Draft Annual Business Plan and Budget before it was released for consultation.
- **Audit & Risk Committee**
The Council’s Audit & Risk Committee considered the 2024-2025 Draft Budget at its Special meeting held on 22 April 2024. Mayor Bria and Councillors Clutterham and Piggot are Members of the Council’s Audit & Risk Committee.
- **Community**
In line with the requirements of the Act, public submissions on the Draft 2024-2025 Annual Business Plan were sought. Thirty (30) written submissions were received and considered by Council at the Special Council Meeting held on 11 June 2024.
- **Staff**
The review of Operating Expenditure and Special Projects and the Draft Annual Business Plan process, has been completed with the involvement of the Chief Executive Officer, Chief Financial Officer, Executive Leadership Team and the various Responsible Officers.
- **Other Agencies**
Not Applicable.

DISCUSSION

As detailed in Table 1 below, based on 8.5% increase in Rate Revenue, the Draft Operating Surplus is estimated to be \$229,418, which is based on a Recurrent Operating Surplus of \$1.140 million and an Operating Deficit relating to Operating Projects of \$911,172. It should be noted that the Draft Operating Surplus includes the Council's share of the Net loss from its Regional Subsidiaries (\$262,666) but does not include Carry Forward expenditure relating to projects that have been approved in prior financial years which have yet to be completed once 2023-2024 results are finalised.

The Budget Papers, which are set out in the prescribed format, are contained in **Attachment A – Appendix 1**.

TABLE 1: 2024-2025 PROPOSED BUDGETED STATEMENT OF COMPREHENSIVE INCOME

	Recurrent Budget	Recurrent Budget - Impact of Capital Projects	Operating Projects	Proposed Budget
	2024-2025	2024-2025	2024-2025	2024-2025
	\$	\$	\$	\$
INCOME				
Rates	47,195,360			47,195,360
Statutory Charges	2,180,953			2,180,953
User Charges	4,006,054		500	4,006,554
Grant Subsidies, Contributions	2,676,675			2,676,675
Grants, Subsidies and Contributions - capital	444,393			444,393
Investment Income	77,965			77,965
Other Income	496,163			496,163
Net gain - equity accounted Council businesses	-			-
Total Income	57,077,563	-	500	57,078,063
EXPENSES				
Employee Expenses	19,435,860		49,336	19,485,196
Materials, Contracts & Other Expenses	20,784,523		862,336	21,646,859
Depreciation, Amortisation & Impairment	13,078,887		-	13,078,887
Finance Costs	170,775	2,204,262	-	2,375,037
Net Loss - Joint Ventures & Associates	262,666		-	262,666
Total Expenses	53,732,711	2,204,262	911,672	56,848,645
OPERATING SURPLUS / (DEFICIT)	3,344,852	(2,204,262)	(911,172)	229,418
Net gain (loss) on disposal or revaluation of assets	-	36,000		36,000
Amounts specifically for new or upgraded assets	-	5,924,000		5,924,000
NET SURPLUS (DEFICIT)	3,344,852	3,755,738	(911,172)	6,189,418

Budgeted Capital Projects Including Capital Works

At the Special Council Meeting held on 6 May 2024, the Council endorsed “*in principle*” the Draft Capital Works Program with a combined value of \$58.792 million excluding the expenditure required to finalise the 2023- 2024 Capital Projects which are not anticipated to be completed by 30 June 2024 and staff costs of \$1.101 million which are capitalised and included in the final cost of the asset. The Draft Capital Budget expenditure is offset by Capital Funding which incorporates Grant funding of \$5.924 million, which will result in a net cost to the Council of \$52.868 million which will be funded through borrowings and Rate Revenue.

The funding allocation includes \$20.294 million for the Council’s *Whole-of-Life Capital Works Program* as detailed in Table 2 below:

TABLE 2 – WHOLE-OF-LIFE CAPITAL WORKS PROGRAM

Item	Expenditure \$'000
Road Resealing	4,177
Footpath Reconstruction	951
Kerbing Reconstruction	1,552
Stormwater Drainage Program (including Trinity Valley Stormwater Upgrade Project)	11,642
Other Infrastructure Asset Renewal	1,972
TOTAL Whole-of Life	20,294

It should be noted that expenditure as part of the Council’s Whole-of-Life Capital Works Program, is offset by \$3.684 million of grant funding, which comprises mainly of the third instalment for the delivery of the Stormwater Drainage Program.

On a full accrual basis, the Capital Expenditure will not affect the Operating Result before Capital Revenues, except through future years’ depreciation and financing costs on any associated loan borrowings. Grant income that is received and which relates to Capital Projects will, however, be included as Capital Income within the Budgeted Income Statement after the Operating Surplus/(Deficit) as required by the Model Financial Statements prescribed by the *Local Government Act 1999*.

Borrowings

Proposed capital expenditure of \$58.792 million is proposed to be funded as follows:

- Use of depreciation recovered through rate revenue \$11.669 million
- Grant Funding \$ 5.924 million
- Long Term Borrowings \$41.199 million

In determining the timing and the level of borrowings that are required to fund the Capital Program, consideration has been given to the cash flow requirements and to intergenerational equity between current and future users (that is, an asset is funded from loan borrowings which is paid off over the life of the asset rather than raising rate revenue from current rate payers to pay for the asset). Whilst these considerations have formed part of the budget model, these will be reviewed and reconsidered before the decision is made to lock in borrowings.

Given the nature of the major projects which are proposed to be undertaken, which in some cases will be delivered over a number of financial years, to minimise the interest costs and debt servicing needs, it has been determined to utilise the Cash Advance Facilities to fund the cashflow that is required during the construction phases as opposed to the utilisation of the standard fixed period debenture loans. However, staff will continue to review and evaluate the borrowing options to ensure that these remain aligned with evolving financial needs, market conditions and strategic priorities. Adjustments to borrowing strategies will be made as necessary to optimise financing outcomes and mitigate risks.

As detailed in the Budgeted Cash Flow Statement (**Attachment A - Appendix 3**), the closing cash balance is projected to be \$500,000 at the end of the financial year, after the loan Principal repayments of \$1,034,000.

Fees and Charges

At the Council Meeting held on 4 March 2024, the Council adopted “*in-principle*” the Fees and Charges to be applied for 2024-2025, subject to the following amendments:

- That the fee for Park and Reserve Gatherings and Events for Not-for-Profit/Community Events be ‘Nil’ per day.

The 2024-2025 Schedule of Fees & Charges has been amended in accordance with the Council's decision.

A copy of the contained 2024-2025 Schedule of Fees and Charges in **Attachment B**.

Rates Modelling

The rate modelling information which formed part of the Draft 2023-2024 Annual Business Plan and Budget which was placed on public consultation, was based on property valuations as at 16 April 2023. Final valuations as at 16 June 2024, are now available and these valuations will now be used. The Rating Strategy, as summarised in Table 3 below, is based on a Rate Revenue increase of 8.5%.

TABLE 3: RATING STRATEGY

	Adopted Budget 2023-2024	Draft Budget 2024-2025
Proposed Rate Revenue Increase	8.5%	8.5%
	\$'000	\$'000
Gross General Rate Revenue	\$42,939	\$46,589
Net Increase on Previous Year	\$3,369	\$3,650
Operating Surplus/(Deficit) after rate revenue increases	\$1,387	\$229
Residential Rate		
Rate Payable per Average Residential Property	\$1,891	\$2,040
Average Rate Difference	\$89	\$149
Increase from previous year	4.04%	7.01%
Rate-in-the-Dollar	0.0018285	0.0018746
Increase/(Decrease) from previous year	-5.21%	2.52%
Commercial Rate		
Rate payable per Average Commercial Property	\$3,164	\$3,430
Average Rate Difference	\$612	\$267
Increase/(Decrease) from previous year	18.19%	7.21%
Rate-in-the-Dollar	0.0021942	0.0022495
Increase/(Decrease) from previous year	-5.22%	2.52%
Minimum Rate	\$1,228	\$1,277
Percentage of Assessment on Minimum Rate	32.66%	32.82%

For the 2024-2025 financial year, the “*average residential property*” has a value of \$1,020,048, compared to the 2023-2024 “*average residential property*” value of \$961,000. For the 2024-2025 financial year, the Capital Value of the “*average residential property*” has increased by 7.10%. Table 4 sets out the details of the impact of the rates modelling on the rates payable across the residential ratepayers.

TABLE 4: RATES PAYABLE FOR RESIDENTIAL LAND USE

Change in Rates Payable	Residential Properties	
	Number	%
Reduction	142	1%
Increase greater than 0% and less than 6%	8,219	46%
Increase greater than 6% and less than 10%	5,836	33%
Increase greater than 10% and less than 15%	2,810	16%
15% increase or greater (<i>eligible for Rate Capping</i>)	489	3%
Increase greater than 15% (<i>ineligible for Rate Capping</i>)	378	2%
Total	17,874	100%
Value of Rates Payable		
\$0 to \$1,500*	7,678	43%
\$1,500 to \$2,000	3,634	20%
\$2,000 to \$3,000	4,200	23%
\$3,000 to \$5,000	1,991	11%
over \$5,000	371	2%
Total	17,874	100%

Includes 6,825 properties on minimum rate of \$1,277

REGIONAL LANDSCAPES LEVY (formally known as the NRM Levy)

In 2024-2025, the Council will be required to collect \$1.595 million on behalf of *Green Adelaide* for the payment of the State Government Regional Landscape Levy. In this respect, Local Government acts as the revenue collector for the *Green Adelaide Board* (the Board) and the eight (8) Regional Landscape Boards and as such, the Council does not retain this revenue. The property owners within the City of Norwood Payneham & St Peters will contribute 4.7% of the total quantum of the Levy which is collected on behalf of the Board for 2024-2025 Financial year.

Councils may also charge the Regional Landscape Boards for the administrative cost associated with collecting the Regional Landscape Levy. For 2024-2025, the fee has been calculated using a fixed fee of \$3,013 plus \$0.30 per rateable assessment. The proposed collection fee, which has been incorporated within the draft Budget, for this Council is \$10,000.

Draft 2024-2025 Rating Policy

As part of its Annual Business Plans, Councils are required to adopt a Rating Policy, which formally documents the Council's Rating Strategy. The Draft 2024-2025 Rating Policy (based on a rate revenue increase of 8.5%), which has been updated to include the proposed rate-in-the-dollar is contained in **Attachment A – Appendix 5**.

For 2024-2025, the Capital Value has increased (as advised by the Valuer-General) across the City of Norwood Payneham & St Peters by 6.7%. Table 5 details the Capital Value movements by land use for all property classes within the City of Norwood Payneham & St Peters.

TABLE 5: VALUATION INCREASE FROM 2023-2024 BY LAND USE

Land Use	2023-2024 \$'000	2024-2025 \$'000	Valuation Increase	% Increase
Residential	17,018,205	18,232,335	1,214,130	7.1%
Commercial	3,101,791	3,317,687	215,896	7.0%
Industrial	162,131	169,597	7,466	4.6%
Vacant Land	228,250	185,297	-42,954	-18.8%
Other	449,896	496,712	46,816	10.4%
Primary Production	962	1,008	45.5	4.7%
Total Rateable	20,961,236	22,402,636	1,441,400	6.9%
Non-Rateable	440,772	442,308	1,536	0.3%
Total	21,402,007	22,844,944	1,442,936	6.7%

Pursuant to Regulation 6(1)(ec) of the *Local Government (Financial Management Regulations) 2011*, the Council is now required to express the increase in rate revenue for each land use, as the average change in the expected rates for the financial year (expressed as a whole number of dollars) for each land use category declared, compared to the expected rates for each category for the previous financial year. This is expressed as the Average Rate and is calculated by dividing the rate revenue by the number of assessments. Table 6 below details the Average Rate (based on the Rate Revenue increase of 8.5%) and the change for each land use category compared to the 2023-2024 financial year.

TABLE 6: AVERAGE RATE BY TOTAL LAND USE

Land Use	Average Rate	Increase (Decrease)	% change
Residential	2,040	149	7.0%
Commercial	3,430	267	7.2%
Industrial	2,820	184	7.8%
Vacant Land	2,210	267	5.5%
Other	4,938	803	12.8%
Primary Production	2,266	156	7.4%
TOTAL	2,211	166	7.0%

OPTIONS

The Council has a number of options in respect to progressing adoption of the Draft 2024-2025 Budget. For the purposes of simplicity, the following options are put forward for the Council’s consideration:

1. Adopt the Draft 2024-2025 Annual Business Plan and Budget, which plans to deliver an Operating Surplus of \$229,418 and an overall Net Surplus (including Capital Income) of \$6.189 million, as contained in **Attachment A**, which:
 - is in line with the components which have been adopted “in principle” by the Council at its Meetings held on 12 March 2024, 8 April 2024 and 6 May 2024;
 - incorporates the adjustments approved “in principle” at those meetings; and
 - is based on a rate revenue increase of 8.5%.

2. Amend the Draft 2024-2025 Annual Business Plan and Budget by either:
 - increasing or decreasing rate revenue; and/or
 - amending the Capital works or Operating Projects expenditure; and/or
 - amending the Recurrent Income and Expenditure Budget.

The Council is required to adopt a budget which it believes is fair and reasonable, while also positioning the Council to achieve and maintain on-going financial sustainability. For the purposes of the recommendation, Option 1 has been proposed, as this option maintains existing, services, programs and activities and best positions the Council to ensure that it can continue to deliver on its financial goal now and into the future and is consistent with the decisions made to date by the Council.

CONCLUSION

Through the adoption of the *Long-term Financial Plan*, the Council has a clear strategy of achieving financial sustainability. Financial sustainability means having a financial position capable of meeting long term service and infrastructure levels and standards, which are acceptable to the community plus having the financial capacity to meet its financial obligations from cash generated from operations or cash reserves.

The Draft Annual Business Plan and Budget, as contained in **Attachment A**, aims to ensure that the Council’s emerging and continuing priorities are appropriately funded.

COMMENTS

Nil

RECOMMENDATION

That in exercise of the powers contained in Chapters 8, 9 and 10 of the *Local Government Act 1999* and in respect to the Financial Year ending 30 June 2025, the following recommendations be adopted by the Council.

1. Adoption of 2024-2025 Annual Business Plan

- (a) Pursuant to and in accordance with the provisions of Section 123 of the *Local Government Act 1999* and Regulation 6 of the *Local Government (Financial Management) Regulations 2011*, and having considered all submissions received in accordance with Section 123 (6) of the *Local Government Act 1999*, the Annual Business Plan for the 2024-2025 Financial Year, as contained within **Attachment A** and the Council's Rating Policy as contained within **Attachment A – Appendix 5**, be adopted.
- (b) That the Chief Executive Officer be authorised to make any required editorial changes to the 2024-2025 Annual Business Plan as contained within **Attachment A** prior to the final publication.

2. Adoption of 2024-2025 Annual Budget

That having adopted the 2024-2025 Annual Business Plan and having considered the Budget for the 2024-2025 Financial Year in conjunction with, and determined it to be consistent with, the 2024-2025 Annual Business Plan:

Pursuant to and in accordance with Section 123 of the *Local Government Act 1999* and Regulation 7 of the *Local Government (Financial Management) Regulations 2011*:

- (a) the Budgeted Income Statement, Budgeted Balance Sheet, Budgeted Cash Flow Statement, the Budgeted Statement of Changes in Equity as contained within **Attachment A**, be adopted;
- (b) the statement regarding the Operating Surplus Position contained within **Attachment A**, be adopted;
- (c) the Uniform Presentation of Finances as contained within **Attachment A**, be adopted; and
- (d) the Financial Indicators as contained within **Attachment A**, be adopted.

3. Adoption of Valuation

Pursuant to the provisions of Section 167(2) (a) of the *Local Government Act 1999*, the Council adopts, for rating purposes, the Valuer-General's Valuation of Capital Values applicable to land within the area of the Council for the 2024-2025 Financial Year totalling \$22,844,943,680 - (an increase of 6.7%) and that 1 July 2024, is specified as the date on which such valuations are adopted.

4. Rate Capping

That pursuant to Section 153(3) of the *Local Government Act 1999*, the Council determines to fix a maximum increase on rateable land within its area that constitutes the principal place of residence of a principal rate payer for the Financial Year ended 30 June 2025. For the purpose of the 2024-2025 the maximum increase will be set at 17%.

5. Declaration of Rates

Having taken into account the general principles of rating contained in Section 150 of the *Local Government Act, 1999* and the requirements of Section 153 (2) of the *Local Government Act, 1999*, in exercise of the powers in Section 153(1)(b) and pursuant to Section 156(1)(a) of the *Local Government Act 1999*, the Council declares differential general rates, based on the Capital Value of rateable land, such differential rates varying according to the use of the land as designated in Regulation 14(1) of the *Local Government (General) Regulations 2013*, for the

Financial Year ending 30 June 2025, as follows:

Residential	0.18746 cents-in-the-dollar
Commercial – Shop	0.22495 cents-in-the-dollar
Commercial – Office	0.22495 cents-in-the-dollar
Commercial – Other	0.22495 cents-in-the-dollar
Industry – Light	0.22495 cents-in-the-dollar
Industry – Other	0.22495 cents-in-the-dollar
Primary Production	0.22495 cents-in-the-dollar
Vacant Land	0.22495 cents-in-the-dollar
Other	0.22495 cents-in-the-dollar

6. Minimum Rate

Pursuant to the provisions of Section 158(1) (a) of the *Local Government Act 1999* and in accordance with the provisions of Section 158 (2) of the *Local Government Act 1999*, the Council fixes \$1,277 as the minimum amount payable by way of general rates for the Financial Year ending 30 June 2025.

7. Separate Rate

Pursuant to the provisions of Section 154(1) of the *Local Government Act 1999* and Section 69 of the *Landscape South Australia Act 2019*, in order to reimburse to the Council the amount contributed to The Green Adelaide Board, the Council declares a separate rate based on the value of the land the subject of the rate of 0.007273 cents-in-the-dollar on the Capital Value of rateable property within the area of the Council and of the Board for the Financial Year ending 30 June 2025.

8. The Parade Precinct Development Separate Rate

For the Financial Year ending 30 June 2025, pursuant to the provisions of Section 154 of the *Local Government Act 1999* and Regulation 14 of the *Local Government (General) Regulations 2013*, in order to support and improve business viability, profitability, trade and commerce, being an activity that is intended to be of particular benefit to the land in that part of the Council's area comprising the following geographical boundary:

- Urban Corridor (Main Street) Zone surrounding The Parade, Norwood between Portrush Road to the east and Osmond Terrace to the west
- Suburban Main Street surrounding The Parade, Norwood between Osmond Terrace to the east and Eastry Street to the west
- Suburban Business on The Parade, Norwood between Elizabeth Street to the east
- Business Neighbourhood Zone between Harris Street, Norwood and Webbe Street, Norwood
- Business Neighbourhood Zone on The Parade Norwood between Eastry Street to the east and Fullarton Road to the west.

where such zones are identified in the SA Property and Planning Atlas:

- the Council declares pursuant to sections 154(7) and 156(1)(a) of the Act a differential separate rate of 0.04569 cents-in-the-dollar on the Capital Value of all land classified as Category 2 – Commercial Shop, Category 3 – Commercial Office Category 4 – Commercial Other and Category 5 - Industrial Light.
- the Council grants a discretionary rebate of 50% of The Parade Precinct Development Separate Rate under Section 166(1) (a) of the Local Government Act 1999, to all properties that fall within the geographical boundary described above and which have a land use of Category 3 – Commercial Office.

9. Payment of Rates

Pursuant to Section 181 of the *Local Government Act 1999*, all rates, for the Financial Year ending 30 June 2025, shall be payable in four (4) equal or approximately equal instalments, falling due on 6 September 2023, 6 December 2023, 7 March 2024 and 6 June 2024 provided that in cases where the account requiring payment of rates is not sent out at least 30 days prior to the due date for payment, the authority to fix the date by which rates must be paid in respect to those assessments, be determined by the Chief Executive Officer.

10. Loan Borrowings

- (a) The Council of the City of Norwood Payneham & St Peters approves Loan Borrowings for the 2024-2025 Financial Year up to a maximum of \$41,200,000 in addition to the borrowing already in place for the purposes of capital expenditure funding.
- (b) The Chief Executive Officer is authorised to negotiate the most beneficial financial terms for the Council with a lending authority after obtaining competitive written quotes at a time considered appropriate by management and arrange the drawdown of the loan.
- (c) The Chief Executive Officer is authorised to sign all documentation associated with the Loan Borrowings referred to in (a) and (b) above. Further, where any such documentation is executed under seal that in accordance with the *Local Government Act 1999*, the Mayor and Chief Executive Officer will attend to the affixation of the common seal.

11. Fees & Charges

Pursuant to Section 188 (1) of the *Local Government Act 1999*, the Schedule of Fees and Charges for the 2024-2025 Financial Year detailed in **Attachment B** be adopted.

Cr Knoblauch moved:

That in exercise of the powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 and in respect to the Financial Year ending 30 June 2025, the following recommendations be adopted by the Council.

1. Adoption of 2024-2025 Annual Business Plan and Budget

- (a) *Pursuant to and in accordance with the provisions of Section 123 of the Local Government Act 1999 and Regulation 6 of the Local Government (Financial Management) Regulations 2011, and having considered all submissions received in accordance with Section 123 (6) of the Local Government Act 1999, the 2024-2025 Annual Business Plan and Budget, as contained within **Attachment A** and the Council's Rating Policy as contained within **Attachment A – Appendix 5**, be adopted.*
- (b) *That the Chief Executive Officer be authorised to make any required editorial changes to the 2024-2025 Annual Business Plan as contained within **Attachment A** prior to the final publication.*

2. Adoption of 2024-2025 Annual Budget

That having adopted the 2024-2025 Annual Business Plan and having considered the Budget for the 2024-2025 Financial Year in conjunction with, and determined it to be consistent with, the 2024-2025 Annual Business Plan:

Pursuant to and in accordance with Section 123 of the Local Government Act 1999 and Regulation 7 of the Local Government (Financial Management) Regulations 2011:

- (a) the Budgeted Income Statement, Budgeted Balance Sheet, Budgeted Cash Flow Statement, the Budgeted Statement of Changes in Equity as contained within **Attachment A**, be adopted;
- (b) the statement regarding the Operating Surplus Position contained within **Attachment A**, be adopted;
- (c) the Uniform Presentation of Finances as contained within **Attachment A**, be adopted; and
- (d) the Financial Indicators as contained within **Attachment A**, be adopted.

3. Adoption of Valuation

Pursuant to the provisions of Section 167(2) (a) of the Local Government Act 1999, the Council adopts, for rating purposes, the Valuer-General's Valuation of Capital Values applicable to land within the area of the Council for the 2024-2025 Financial Year totalling \$22,844,943,680 - (an increase of 6.7%) and that 1 July 2024, is specified as the date on which such valuations are adopted.

4. Rate Capping

That pursuant to Section 153(3) of the Local Government Act 1999, the Council determines to fix a maximum increase on rateable land within its area that constitutes the principal place of residence of a principal rate payer for the Financial Year ended 30 June 2025. For the purpose of the 2024-2025 the maximum increase will be set at 17%.

5. Declaration of Rates

Having taken into account the general principles of rating contained in Section 150 of the Local Government Act, 1999 and the requirements of Section 153 (2) of the Local Government Act, 1999, in exercise of the powers in Section 153(1)(b) and pursuant to Section 156(1)(a) of the Local Government Act 1999, the Council declares differential general rates, based on the Capital Value of rateable land, such differential rates varying according to the use of the land as designated in Regulation 14(1) of the Local Government (General) Regulations 2013, for the

Financial Year ending 30 June 2025, as follows:

Residential	0.18746 cents-in-the-dollar
Commercial – Shop	0.22495 cents-in-the-dollar
Commercial – Office	0.22495 cents-in-the-dollar
Commercial – Other	0.22495 cents-in-the-dollar
Industry – Light	0.22495 cents-in-the-dollar
Industry – Other	0.22495 cents-in-the-dollar
Primary Production	0.22495 cents-in-the-dollar
Vacant Land	0.22495 cents-in-the-dollar
Other	0.22495 cents-in-the-dollar

6. Minimum Rate

Pursuant to the provisions of Section 158(1) (a) of the Local Government Act 1999 and in accordance with the provisions of Section 158 (2) of the Local Government Act 1999, the Council fixes \$1,277 as the minimum amount payable by way of general rates for the Financial Year ending 30 June 2025.

7. Separate Rate

Pursuant to the provisions of Section 154(1) of the Local Government Act 1999 and Section 69 of the Landscape South Australia Act 2019, in order to reimburse to the Council the amount contributed to The Green Adelaide Board, the Council declares a separate rate based on the value of the land the subject of the rate of 0.007273 cents-in-the-dollar on the Capital Value of rateable property within the area of the Council and of the Board for the Financial Year ending 30 June 2025.

8. **The Parade Precinct Development Separate Rate**

For the Financial Year ending 30 June 2025, pursuant to the provisions of Section 154 of the Local Government Act 1999 and Regulation 14 of the Local Government (General) Regulations 2013, in order to support and improve business viability, profitability, trade and commerce, being an activity that is intended to be of particular benefit to the land in that part of the Council's area comprising the following geographical boundary:

- Urban Corridor (Main Street) Zone surrounding The Parade, Norwood between Portrush Road to the east and Osmond Terrace to the west
- Suburban Main Street surrounding The Parade, Norwood between Osmond Terrace to the east and Eastry Street to the west
- Suburban Business on The Parade, Norwood between Elizabeth Street to the east
- Business Neighbourhood Zone between Harris Street, Norwood and Webbe Street, Norwood
- Business Neighbourhood Zone on The Parade Norwood between Eastry Street to the east and Fullarton Road to the west.

where such zones are identified in the SA Property and Planning Atlas:

- the Council declares pursuant to sections 154(7) and 156(1)(a) of the Act a differential separate rate of 0.04569 cents-in-the-dollar on the Capital Value of all land classified as Category 2 – Commercial Shop, Category 3 – Commercial Office Category 4 – Commercial Other and Category 5 - Industrial Light.
- the Council grants a discretionary rebate of 50% of The Parade Precinct Development Separate Rate under Section 166(1) (a) of the Local Government Act 1999, to all properties that fall within the geographical boundary described above and which have a land use of Category 3 – Commercial Office.

9. **Payment of Rates**

Pursuant to Section 181 of the Local Government Act 1999, all rates, for the Financial Year ending 30 June 2025, shall be payable in four (4) equal or approximately equal instalments, falling due on 6 September 2023, 6 December 2023, 7 March 2024 and 6 June 2024 provided that in cases where the account requiring payment of rates is not sent out at least 30 days prior to the due date for payment, the authority to fix the date by which rates must be paid in respect to those assessments, be determined by the Chief Executive Officer.

10. **Loan Borrowings**

- (a) The Council of the City of Norwood Payneham & St Peters approves Loan Borrowings for the 2024-2025 Financial Year up to a maximum of \$41,200,000 in addition to the borrowing already in place for the purposes of capital expenditure funding.
- (b) The Chief Executive Officer is authorised to negotiate the most beneficial financial terms for the Council with a lending authority after obtaining competitive written quotes at a time considered appropriate by management and arrange the drawdown of the loan.
- (c) The Chief Executive Officer is authorised to sign all documentation associated with the Loan Borrowings referred to in (a) and (b) above. Further, where any such documentation is executed under seal that in accordance with the Local Government Act 1999, the Mayor and Chief Executive Officer will attend to the affixation of the common seal.

11. **Fees & Charges**

Pursuant to Section 188 (1) of the Local Government Act 1999, the Schedule of Fees and Charges for the 2024-2025 Financial Year detailed in **Attachment B** be adopted.

Seconded by Cr Duke.

Amendment

Cr McFarlane moved:

That in exercise of the powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 and in respect to the Financial Year ending 30 June 2025, the following recommendations be adopted by the Council.

1. Adoption of 2024-2025 Annual Business Plan and Budget

(a) *Pursuant to and in accordance with the provisions of Section 123 of the Local Government Act 1999 and Regulation 6 of the Local Government (Financial Management) Regulations 2011, and having considered all submissions received in accordance with Section 123 (6) of the Local Government Act 1999, the 2024-2025 Annual Business Plan and Budget, as contained within Attachment A and the Council's Rating Policy as contained within Attachment A – Appendix 5, be adopted with the exception of the following:*

- *That the funding for the George Street Upgrade Project be deferred until 2025-2026.*

(b) *That the Chief Executive Officer be authorised to make any required editorial changes to the 2024-2025 Annual Business Plan as contained within Attachment A prior to the final publication.*

2. Adoption of 2024-2025 Annual Budget

That having adopted the 2024-2025 Annual Business Plan and having considered the Budget for the 2024-2025 Financial Year in conjunction with, and determined it to be consistent with, the 2024-2025 Annual Business Plan:

Pursuant to and in accordance with Section 123 of the Local Government Act 1999 and Regulation 7 of the Local Government (Financial Management) Regulations 2011:

- (a) *the Budgeted Income Statement, Budgeted Balance Sheet, Budgeted Cash Flow Statement, the Budgeted Statement of Changes in Equity as contained within **Attachment A**, be adopted;*
- (b) *the statement regarding the Operating Surplus Position contained within **Attachment A**, be adopted;*
- (c) *the Uniform Presentation of Finances as contained within **Attachment A**, be adopted; and*
- (d) *the Financial Indicators as contained within **Attachment A**, be adopted.*

3. Adoption of Valuation

Pursuant to the provisions of Section 167(2) (a) of the Local Government Act 1999, the Council adopts, for rating purposes, the Valuer-General's Valuation of Capital Values applicable to land within the area of the Council for the 2024-2025 Financial Year totalling \$22,844,943,680 - (an increase of 6.7%) and that 1 July 2024, is specified as the date on which such valuations are adopted.

4. Rate Capping

That pursuant to Section 153(3) of the Local Government Act 1999, the Council determines to fix a maximum increase on rateable land within its area that constitutes the principal place of residence of a principal rate payer for the Financial Year ended 30 June 2025. For the purpose of the 2024-2025 the maximum increase will be set at 17%.

5. Declaration of Rates

Having taken into account the general principles of rating contained in Section 150 of the Local Government Act, 1999 and the requirements of Section 153 (2) of the Local Government Act, 1999, in exercise of the powers in Section 153(1)(b) and pursuant to Section 156(1)(a) of the Local Government Act 1999, the Council declares differential general rates, based on the Capital Value of rateable land, such differential rates varying according to the use of the land as designated in Regulation 14(1) of the Local Government (General) Regulations 2013, for the

Financial Year ending 30 June 2025, as follows:

Residential	0.18746 cents-in-the-dollar
Commercial – Shop	0.22495 cents-in-the-dollar
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Primary Production	0.22495 cents-in-the-dollar
Vacant Land	0.22495 cents-in-the-dollar
Other	0.22495 cents-in-the-dollar

6. Minimum Rate

Pursuant to the provisions of Section 158(1) (a) of the Local Government Act 1999 and in accordance with the provisions of Section 158 (2) of the Local Government Act 1999, the Council fixes \$1,277 as the minimum amount payable by way of general rates for the Financial Year ending 30 June 2025.

7. Separate Rate

Pursuant to the provisions of Section 154(1) of the Local Government Act 1999 and Section 69 of the Landscape South Australia Act 2019, in order to reimburse to the Council the amount contributed to The Green Adelaide Board, the Council declares a separate rate based on the value of the land the subject of the rate of 0.007273 cents-in-the-dollar on the Capital Value of rateable property within the area of the Council and of the Board for the Financial Year ending 30 June 2025.

8. The Parade Precinct Development Separate Rate

For the Financial Year ending 30 June 2025, pursuant to the provisions of Section 154 of the Local Government Act 1999 and Regulation 14 of the Local Government (General) Regulations 2013, in order to support and improve business viability, profitability, trade and commerce, being an activity that is intended to be of particular benefit to the land in that part of the Council's area comprising the following geographical boundary:

- Urban Corridor (Main Street) Zone surrounding The Parade, Norwood between Portrush Road to the east and Osmond Terrace to the west
- Suburban Main Street surrounding The Parade, Norwood between Osmond Terrace to the east and Eastry Street to the west
- Suburban Business on The Parade, Norwood between Elizabeth Street to the east
- Business Neighbourhood Zone between Harris Street, Norwood and Webbe Street, Norwood
- Business Neighbourhood Zone on The Parade Norwood between Eastry Street to the east and Fullarton Road to the west.

where such zones are identified in the SA Property and Planning Atlas:

- the Council declares pursuant to sections 154(7) and 156(1)(a) of the Act a differential separate rate of 0.04569 cents-in-the-dollar on the Capital Value of all land classified as Category 2 – Commercial Shop, Category 3 – Commercial Office Category 4 – Commercial Other and Category 5 - Industrial Light.
- the Council grants a discretionary rebate of 50% of The Parade Precinct Development Separate Rate under Section 166(1) (a) of the Local Government Act 1999, to all properties that fall within the geographical boundary described above and which have a land use of Category 3 – Commercial Office.

9. Payment of Rates

Pursuant to Section 181 of the Local Government Act 1999, all rates, for the Financial Year ending 30 June 2025, shall be payable in four (4) equal or approximately equal instalments, falling due on 6 September 2023, 6 December 2023, 7 March 2024 and 6 June 2024 provided that in cases where the account requiring payment of rates is not sent out at least 30 days prior to the due date for payment, the authority to fix the date by which rates must be paid in respect to those assessments, be determined by the Chief Executive Officer.

10. Loan Borrowings

- (a) The Council of the City of Norwood Payneham & St Peters approves Loan Borrowings for the 2024-2025 Financial Year up to a maximum of \$41,200,000 in addition to the borrowing already in place for the purposes of capital expenditure funding.*
- (b) The Chief Executive Officer is authorised to negotiate the most beneficial financial terms for the Council with a lending authority after obtaining competitive written quotes at a time considered appropriate by management and arrange the drawdown of the loan.*
- (c) The Chief Executive Officer is authorised to sign all documentation associated with the Loan Borrowings referred to in (a) and (b) above. Further, where any such documentation is executed under seal that in accordance with the Local Government Act 1999, the Mayor and Chief Executive Officer will attend to the affixation of the common seal.*

11. Fees & Charges

*Pursuant to Section 188 (1) of the Local Government Act 1999, the Schedule of Fees and Charges for the 2024-2025 Financial Year detailed in **Attachment B** be adopted.*

Seconded by Cr Piggott.

The amendment was put and lost.

The original motion was put and carried.

Division

Cr Piggott called for a division on the original motion and the decision was set aside.

Those in favour:

Cr Whittington, Cr Knoblauch, Cr Duke, Cr Robinson, Cr Sims, Cr Granozio, Cr Mex and Cr Callisto.

Those against:

Cr Piggott, Cr McFarlane and Cr Moorhouse.

The Mayor declared the original motion carried.

**Section 3 – Governance & General
Reports**

11.5 LAND MANAGEMENT AGREEMENT - 81 OSMOND TERRACE, NORWOOD

REPORT AUTHOR: Manager, Development & Regulatory Services
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4567
FILE REFERENCE:
ATTACHMENTS: A - B

PURPOSE OF REPORT

To seek a waiver of Clause 7.2 of the Land Management Agreement applicable to the land identified as 81 Osmond Terrace, Norwood, to enable contracts of sale to be entered into for each individual allotment.

The waiver is to be conditional upon each allotment being used for residential purposes and a new Land Management Agreement being entered into to require residential use of the allotments into the future.

BACKGROUND

On 11 September 2012, the Council entered into a Land Management Agreement (LMA) (**Attachment A**) which applies to the land at 81 Osmond Terrace, Norwood (**Attachment B**). In accordance with the 1994 *Kensington & Norwood Heritage Survey*, the building at the property was recommended for listing as a Local Heritage Place and this was subsequently approved. The property is presently used for office accommodation.

The Local Heritage Place is described in the 1994 *Kensington & Norwood Heritage Survey* report as:

“A large and attractive two-storey Victorian sandstone mansion with attached library and rear stables. The main house has a hipped corrugated iron roof with front feature gablet and front verandah. Notable for its attractive design, the cast-iron work on the front verandah, its front bay window and its relative intactness. The adjacent library has a hipped tiled roof with feature front gablet and attractive stone front window. The rear stables building is a one and two storey sandstone and red brick building with truncated hipped roofs and is notable for its high quality of construction. The complex appears in good condition.”

A Land Division Application 008/D009/2011, sought approval to sub-divide the property. Only the “mansion” component is listed specifically as a Local Heritage Place, but the complex, including the “library” and “stables”, form an important part of its heritage value. The division of land separated the “mansion” from the “library” and “stables”.

The intent of the LMA is considered to primarily involve:

- the retention and adaptive reuse of the buildings which contribute to the heritage value of the property;
- to ensure the property maintains a sufficient level of car parking to accommodate the existing commercial uses at the property; and
- to ensure that individual allotments are not converted to residential purposes, unless and until, that occurs for the entire land comprising all four (4) allotments.

The current owner has approached the Council to advise that they intend to sell the properties (in this case, to sell each of the allotments individually to separate purchasers). 81 Osmond Terrace, Norwood, consists for four (4) individual allotments identified as follows:

- Allotment 101, Osmond Terrace, Norwood (Certificate of Title 6158 / 814) – Contains the “mansion”;
- Allotment 102, Osmond Terrace, Norwood (Certificate of Title 6158 / 815) – Contains the “library”;
- Allotment 103, Gloucester Terrace, Norwood (Certificate of Title 6158 / 816) – Contains a majority of the car park area; and
- Allotment 104, Gloucester Terrace, Norwood (Certificate of Title 6158 / 817) – Contains the “stables”.

Clauses 7.1 and 7.2 in the LMA state the following:

- 7.1 *Subject to clause 14 of this Deed, the Owner covenants to not change the use of any portion of the Land to a residential land use pursuant to an application submitted under the Act unless the Owner concurrently seeks to change the use of the whole of each of the four (4) allotments proposed in the Land Division Plan to a residential land use; and*
- 7.2 *Enter into a contract of sale for any of the four (4) allotments proposed in the Land Division Plan, until such time as the use of the whole of the Land has been lawfully changed to a residential land use by way of an application that has been approved and implemented under the Act unless that contract of sale is for the transfer of the whole of the four allotments proposed in the Land Division Plan to a single purchaser.*

In an effort to comply with Clause 7.1 of the LMA the owner is currently preparing a Development Application that will seek to convert each of the four (4) properties to a residential use. That application is expected to be lodged shortly. The Applicant does not intend to construct what is approved, but intends to sell the properties with the approval such that it can be implemented (or amended) by a future purchaser.

Clause 7.2 cannot be complied with because it requires the whole of the land to be converted to residential purposes (which would not only require an approval, but also implementation of that approval) prior to a contract of sale being entered into. The current property owner wishes to sell the allotments as is, allowing purchasers to either implement the approval they obtain, or to implement an amended design for their own dwellings / conversions of existing buildings to dwellings.

Accordingly, the property owner is seeking a waiver of compliance with Clause 7.2. The waiver would enable contracts of sale to be entered into for each of the four (4) allotments by separate purchasers.

The waiver would be conditional upon the following:

- the land only being used for residential purposes; and
- prior to settlement of each contract of sale, a new Land Management Agreement being entered into and registered on the applicable Certificates of Titles for each land parcel comprising 81 Osmond Terrace, Norwood requiring each land parcel to only be used for residential purposes until such time as all land parcels are used for residential purposes.

As no delegation to Council staff exists with respect to Land Management Agreements, the Council must agree to any waiver and must delegate authority to the Mayor and Chief Executive Officer to execute, under common seal, a varied Land Management Agreement to replace the current Land Management Agreement.

The Council has the ability to waive compliance with Clause 7.2 of the Land Management Agreement via clause 20 of the Land Management Agreement.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Built Heritage Strategy

Relevant parts of the **Built Heritage Strategy** are as follows:

Objective 1.1: Support owners of heritage places and buildings in historic areas.

Initiative 1.1.4: Facilitate appropriate and sensitive building improvements and adaptive reuse.

Objective 2.4: Appropriate and sensitive development outcomes.

Initiative 2.4.1: Development assessment decisions and policy development which seek to conserve heritage places and areas.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable – costs associated with this matter, including the preparation and lodgement of a revised Land Management Agreement, will be met by the Applicant.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The primary risk with waiving compliance with a clause(s) in a Land Management Agreement relates to undermining the intent of the Land Management Agreement, such that it is either rendered ineffective, or no longer serves its original purpose.

In this circumstance, the original intent of the Land Management was to ostensibly:

- retain the buildings which contribute to the heritage value of the site for adaptive re-use; and
- ensure the site maintained a sufficient level of car parking to accommodate the commercial uses of the land.

The Land Management Agreement did not seek to prevent the residential use of the property but did seek to coordinate it, such that the residential use of the property should only occur once each of the land parcels has converted / used for that purpose, thereby ensuring the heritage value of the land was maintained and the car park was no longer required.

The recommendation below enables this to occur, while also:

- enabling the Applicant to enter into contracts of sale for the land with some confidence that such contracts can be fulfilled; and
- safeguards the Council's position such that the Council is assured of an outcome that all allotments will be converted to residential use, such that the existing use no longer requires the on site car parking.

There are no other applicable risks.

CONSULTATION

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

DISCUSSION

The entirety of the subject land (81 Osmond Terrace, Norwood) falls within the *Established Neighbourhood Zone*. The Desired Outcomes for this zone are set out below:

DO 1 – A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.

DO 2 – Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.

Osmond Terrace has a predominantly residential character, with some complementary uses such as offices. While other uses are scattered throughout the street, Osmond Terrace is considered to primarily be a residential boulevard with significantly high levels of amenity, comprising substantial and architecturally significant built form and well-established vegetation.

The conversion of 81 Osmond Terrace to residential purposes is consistent with the applicable zoning and complementary to the established residential character of the locality. Accordingly, the proposal is supported.

As previously set out in this report, the primary intent of the Land Management Agreement is to:

- retain the buildings which contribute to the heritage value of the site for adaptive reuse; and
- ensure the site maintains a sufficient level of car parking to accommodate the commercial uses of the land.

To achieve these aims, the LMA expressly prohibits contracts of sale being entered into for each individual allotment, until such time as the whole of the land has been converted to residential purposes.

Whilst the aim of this particular aspect of the LMA is understood, it results in unintended consequences potentially preventing the attainment of the conversion of the property to residential use, in that it does not reflect the practical reality of property transactions and the subsequent implementation of planning approvals.

Accordingly, the owner is seeking a waiver of Clause 7.2 of the LMA to enable contracts of sale to be entered into for each allotment on an individual basis. The owner has advised they have no intent to undermine the obligations of the LMA and have provided assurances to Council they will undertake the following:

- lodge and seek approval for the conversion of each allotment to residential purposes;
- include clauses in the contracts of sale, noting that each land parcel can only be used for residential purposes; and
- procure and have drafted a revised Land Management Agreement, at their cost, which requires the allotments be converted to residential purposes prior to any further occupation of the buildings, and to have the revised LMA registered against each title prior to each contract of sale settling (Council; administration will have a role to review and authorise the revised Land Management Agreement).

It is considered that this approach is reasonable and appropriate. It will enable the land to be converted to residential use (which is in accordance with the applicable zoning) and will still ensure that other aspects of the Land Management Agreement (such as the retention of the buildings of heritage value) are maintained. In addition, the revised Land Management Agreement ensures that each allotment can and will only be used for residential purposes until all allotments are used for residential purposes (noting of course, nothing would stop a future owner seeking a waiver at a future point – but that would be subject to Council consideration and approval at that time).

The primary risk to the Council relates to the current owner settling on any purchase contract prior to the revised Land Management Agreement being registered against the applicable title. However, this risk is mitigated through:

- enforcement options being available to the Council should the conditions of the waiver not be complied with (enforcement notice or the seeking of court orders through civil enforcement proceedings);
- clear written undertakings from the applicant;
- the applicant reviewing and agreeing to the contents of this report; and
- the zoning primarily supports residential uses.

Accordingly, a recommendation has been set out below which provides the following:

- the waiving of compliance with Clause 7.2 of the Land Management Agreement (in accordance with Clause 20 of the Land Management Agreement);
- conditions which protect the Council's position; and
- delegated authority to the Mayor and Chief Executive Officer to endorse a revised Land Management Agreement requiring residential use of the allotments into the future.

OPTIONS

The Council has the following options in respect to this matter progressing. It can either:

- a. endorse the recommended approach;
- b. endorse a varied approach (for example, add additional conditions on which the waiver is based, or require additional inclusions in any subsequent Land Management Agreement); or
- c. refuse to grant a waiver of clause 7.2 of the Land Management Agreement.

Option 1 is recommended for the reasons set out in this report.

Option 3 is not recommended, as it will result in the allotments not being able to be sold individually and the land use will likely remain as is. While the current land use is not necessarily problematic, it does not align precisely with the current zoning, nor necessarily contribute to the established residential character of Osmond Terrace. It may also mean the stables and library remain under-utilised and may deteriorate rather than be restored and adaptively reused.

CONCLUSION

The recommendation below will enable the sale and development of the land for purposes which align with the current zoning, noting that any development which is different to that proposed by the current owner will require separate applications and assessment by the relevant authority.

The waiver of Clause 7.2 in the Land Management Agreement, is conditional upon protections being in place to safeguard Council's position, and the revised Land Management Agreement will ensure the residential use of the land into the future, together with the on-going protections of the buildings that have heritage value.

COMMENTS

Nil.

RECOMMENDATION

1. That pursuant to Clause 20 of the Land Management Agreement applicable to 81 Osmond Terrace, Norwood, the Council hereby waives compliance with Clause 7.2 of the Land Management Agreement, for the purposes of allowing for contracts of sale to be entered into for each of the properties.
 2. That the Council notes that this waiver is conditional upon the following:
 - (a) the subject land (inclusive of each individual allotment) being converted to residential use (which is to be confirmed in the contracts of sale for each of the properties);
 - (b) prior to settlement of each contract of sale, a new Land Management Agreement is entered into and registered on the applicable titles for each land parcel comprising 81 Osmond Terrace, Norwood, requiring each land parcel to only be used for residential purposes until all allotments are used for residential purposes.
 3. That the Council authorises the Mayor and Chief Executive Officer to sign and seal the revised Land Management Agreement which replaces the “Background” section together with Clauses 7.1 and 7.2 and any consequential amendments, with confirmation that each allotment may only be used for residential purposes until all allotments are used for residential purposes.
-

Cr Granozio left the meeting at 8.56pm.
Cr Granozio returned to the meeting at 8.58pm.
Cr McFarlane left the meeting at 8.58pm.
Cr Callisto left the meeting at 8.58pm.
Cr Callisto returned to the meeting at 9.00pm.
Cr McFarlane returned to the meeting at 9.01pm.

Cr Robinson moved:

1. *That pursuant to Clause 20 of the Land Management Agreement applicable to 81 Osmond Terrace, Norwood, the Council hereby waives compliance with Clause 7.2 of the Land Management Agreement, for the purposes of allowing for contracts of sale to be entered into for each of the properties.*
2. *That the Council notes that this waiver is conditional upon the following:*
 - (a) the subject land (inclusive of each individual allotment) being converted to residential use (which is to be confirmed in the contracts of sale for each of the properties);*
 - (b) prior to settlement of each contract of sale, a new Land Management Agreement is entered into and registered on the applicable titles for each land parcel comprising 81 Osmond Terrace, Norwood, requiring each land parcel to only be used for residential purposes until all allotments are used for residential purposes.*
3. *That the Council authorises the Mayor and Chief Executive Officer to sign and seal the revised Land Management Agreement which replaces the “Background” section together with Clauses 7.1 and 7.2 and any consequential amendments, with confirmation that each allotment may only be used for residential purposes until all allotments are used for residential purposes.*

Seconded by Cr Whittington and carried unanimously.

11.6 APPOINTMENT TO THE EASTERN WASTE MANAGEMENT AUTHORITY INCORPORATED BOARD (EAST WASTE) – DEPUTY BOARD MEMBER

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA111240
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of the report is to seek the Council's appointment of a Deputy Board Member to the Eastern Waste Management Authority (East Waste) Board of Management.

BACKGROUND

The Eastern Waste Management Authority Incorporated (East Waste) is a Regional Subsidiary, established under Section 43 of the *Local Government Act 1999*, to provide at-cost kerbside waste collection services to its Constituent Councils. The membership base of East Waste comprises the Corporation of the Town of Walkerville, the City of Burnside, the City of Norwood Payneham & St Peters, the Campbelltown City Council, the City of Mitcham, the City of Prospect, the Adelaide Hills Council and the City of Unley.

East Waste is governed by a Board of Management which comprises Members appointed by each of the Constituent Councils.

Clause 21 of the Eastern Waste Management Authority Inc Charter (the Charter), sets out that the Board shall consist of nine (9) Directors appointed as follows:

21.1.1 one person appointed by each Constituent Council which person may be an officer, employee, elected member of a Constituent Council or an independent person who will be appointed for a three-year term; and

21.1.2 one independent person (who shall be the Chair) appointed jointly by Absolute Majority of the Constituent Councils for a three-year term (and at the expiration of the term is eligible for re-appointment) who is not an officer, employee or elected member of a Constituent Council, but who has expertise in:

- (a) corporate financial management and/or*
- (b) general management and/or*
- (c) waste management and/or*
- (d) transport fleet management and/or (e) public sector governance and/or*
- (f) marketing and/or*
- (g) economics and/or*
- (h) environmental management.*

In addition, the Charter requires each Constituent Council to appoint a Deputy Board Member.

At its meeting held on 16 January 2023, the Council appointed Cr Claire Clutterham as the Board Member of East Waste and Cr Victoria McFarlane as the Deputy Board Member of East Waste.

On 5 June 2024, Cr McFarlane tendered her resignation from her position as Deputy Board Member. due to ongoing competing priorities.

Therefore, in accordance with the Charter, the Council is required to appoint a new Deputy Board Member.

As set out above, the person appointed by the Council can be an Elected Member, staff member or an independent person.

The East Waste Board comprises the following Members:

- Mr Fraser Bell, Independent Chairperson;
- Cr Lucy Huxter, Adelaide Hills Council;
- Cr Ted Jennings, City of Burnside;
- Mr Paul Di Iulio, Chief Executive Officer, Campbelltown City Council;
- Mayor Heather Holmes-Ross, City of Mitcham;
- Cr Claire Clutterham, City of Norwood Payneham & St Peters;
- Mr S Dilena, Director, City Works and Presentation, City of Prospect;
- Mr Claude Malak, General Manager, City Development, City of Unley; and
- Mayor Melissa Jones, Corporation of the Town of Walkerville.

There are five (5) ordinary Board Meetings scheduled each year. Board Meetings are currently held at the Norwood Townhall on a Thursday, commencing at 5.30pm.

The next meeting of the Board will be held on Thursday, 26 September 2024, 5:30pm.

The Council's Chief Executive Officer has advised that he is willing to be appointed to the position as the Deputy Board Member.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

As no sitting fees are payable to Board Members (other than the Independent Chairperson of the Board), there are no financial implications associated with this matter.

RECOMMENDATION

That _____ be appointed as the Deputy Board Member of the East Waste Management Authority Inc Board of Management for a term of three (3) years.

Cr Sims moved:

That the Chief Executive Officer be appointed as the Deputy Board Member of the East Waste Management Authority Inc Board of Management for a term of three (3) years.

Seconded by Cr Moorhouse and carried unanimously.

11.7 EASTERN HEALTH AUTHORITY – REVIEW OF CHARTER

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA69175
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the proposed amendments to the Eastern Health Authority (EHA) Charter and to seek the Council's position on the proposed amendments, so that the review of the Charter can be finalised.

BACKGROUND

The Eastern Health Authority (EHA) is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999*, for the purpose of providing environmental health services to the Constituent Councils. This Council, together with the Cities of Burnside, Campbelltown and Prospect and the Town of Walkerville are members of EHA (ie the Constituent Councils).

Pursuant to Clause 19 of Schedule 2 of the *Local Government Act 1999*, a Regional Subsidiary is required to have a Charter which is prepared by the Subsidiary's Constituent Councils. The Charter is required to be reviewed every four (4) years. The last review of the Eastern Health Authority Charter was finalised in May 2016. A review of the current Charter commenced in June 2020.

An initial review of the current EHA Charter was undertaken by the Authority, including seeking and considering advice in relation to what aspects of the Charter need to be amended from a legal and best practice perspective. The proposed changes were considered by the EHA Board, at meetings held on 2 December 2020 and 25 February 2021.

At its meeting held on 25 February 2021, the EHA Board was advised that at its meeting held in December 2020, that the EHA Audit Committee, had requested that the EHA Board give consideration to whether the Chair of the EHA Board should be an Independent Member. The EHA Board considered this recommendation from the EHA Audit Committee, however the EHA Board was of the view that the current arrangements, where the Chair is selected from the Constituent Council Board representatives is suitable, taking into consideration the size and structure of EHA and the regulatory nature of the services provided by EHA. The EHA Board therefore resolved, that the draft revised Charter and amended "Summary of Charter Amendments" document be provided to Constituent Councils for consideration and comments.

On 11 March 2021, the Authority's Chief Executive Officer sought feedback from the Constituent Councils regarding the proposed changes to the Charter and invited Constituent Councils to provide any additional comments or suggestions in relation to the review of the Charter that they would like considered.

At that time (between April and June 2021), the majority of the proposed changes were unanimously endorsed by all Constituent Councils. There were however a number of clauses where Constituent Councils had differing or opposing views. These included the following:

- 1.7 *Area of Activity;*
- 2.1 *Board of Management – Functions;*
- 2.2 *Membership of the Board;*
- 2.5 *Chair of the Board;*
- 3.3 *Telephone and video conferencing; and*
- 8.1 c) *Business Plan.*

On 7 July 2022, EHA forwarded a letter to the Constituent Councils providing an update on the review of the Charter, a revised Summary of Amendments and requesting a meeting of the Constituent Council Chief Executive Officers in order to progress and finalise the review of the Charter.

On 15 August 2022, a meeting was held with the Chief Executive Officers of the Constituent Councils to consider the various clauses of the Charter which remain unresolved.

On 26 May 2023, EHA forwarded the final draft Charter to the Council for consideration and endorsement.

At its meeting held on 3 July 2023, following consideration of the draft Charter, this Council resolved to advise EHA that:

1. The Council endorses the proposed changes to the EHA Charter, as contained in Attachment A to this report, subject to the inclusion of the additional new Clauses regarding the following matters in accordance with the Local Government Act 1999:
 - the provisions of clauses 2.2 a) (a) and (b) of the Charter dealing with the amended composition of the EHA Board, will take effect at the 2026 Local Government Election; and
 - the provisions of clauses 2.5 of the Charter dealing with the Independent Chairperson of the EHA Board, will take effect at the 2026 Local Government Election; and
 - the provisions of Section 105 of the Local Government Act 1999, extend to the Eastern Health Authority as if it were a Council, requiring the Chief Executive Officer to keep, maintain and publish on the website of the Authority, a Register of Salaries containing the information prescribed in Section 105 in relation to each position held by an employee of the Eastern Health Authority; and
 - the provisions of Section 119A of the Local Government Act 1999, extend to the Eastern Health Authority as if it were a Council, requiring the Chief Executive Officer to keep, maintain and publish on the website of the Authority, a Register of Gifts and Benefits containing the information prescribed in Section 119A in relation to each position held by an employee of the Eastern Health Authority.
2. That the Authority's Chief Executive Officer write to the Constituent Councils advising of the City of Norwood Payneham & St Peters' position regarding the draft EHA Charter and new Clauses regarding transition provisions and Sections 105, 119A and Schedule 5 of the Local Government Act 1999, and in particular requesting that the City of Burnside and the Town of Walkerville re-consider their positions regarding their objections to the proposed changes to Clauses 2.2 and 2.5 of the draft Charter on the basis of the transition provisions endorsed by the City of Norwood Payneham & St Peters.

A letter dated 10 July 2024, was subsequently forwarded to EHA advising the Council's position as set out above.

Unfortunately, since that time, there has been little progress in terms of finalising the Charter due to the inability to reach agreement by the Constituent Councils.

On 2 May 2024, the Council received a letter from the Chief Executive Officer of EHA, advising that the lack of agreement by the Constituent Councils ostensibly relates to Clauses 2.2 and 2.5 of the draft Charter.

As such and in order to finalise the matter, EHA have incorporated all agreed amendments to the draft Charter and have removed the proposed amendments to Clauses 2.2 and 2.5.

A copy of the final draft Charter is contained within **Attachment A**.

A 'marked up' copy of the Charter which highlights the proposed changes, is contained in **Attachment B**.

Amendments to the EHA Charter can only be made by unanimous resolution of the Constituent Councils and it is therefore necessary for the Council to consider and endorse any proposed amendments to the Charter.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The requirement for the Charter has been undertaken in accordance with the provisions of the *Local Government Act 1999*.

CONSULTATION

- **Elected Members**
Cr Sue Whittington and Cr Kester Moorhouse are the Council's appointees on the Authority's Board of Management and are aware of the various stages of the Charter review process.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

EHA have advised that in order to finalise the Charter review process the following needs to occur:

- the Cities of Prospect and Norwood Payneham & St Peters need to formally confirm that they agree to amend their position in respect to Clause 2.2 and Clause 2.5; and
- the Cities of Prospect and Burnside and the Town of Walkerville, need to confirm their agreement to the inclusion of the Register of Salaries and Register of Gifts & Benefits within the Charter; and
- the City of Campbelltown needs to reaffirm its agreement to the revised Charter as presented.

In respect to this Council's position regarding Clauses 2.2 - Membership of the Board and 2.5 - Chair of the Board, during the original consultation phase of the draft Charter, the Town of Walkerville suggested reducing the number of Board Members from two (2) per Constituent Council to one (1) per Constituent Council, with an Independent Chairperson.

The EHA Audit Committee supported the proposal that the Chairperson should be an Independent Member. The EHA Audit Committee's rationale was that:

- in its view, the appointment of an Independent Chairperson reflects best practice and good governance;
- an Independent Chairperson is primarily free of Conflicts of Interest (Risk Management);
- is able to act as a conciliatory element when and if elements of the Board differ; and
- the Independent Chairperson is best placed to manage other Board Members' Conflicts of Interest.

The EHA Board considered the comments from the Audit Committee and were of the collective opinion, that the current arrangements, where the Chair is selected from the Constituent Council Board Members was suitable, considering the size and structure of EHA and the regulating nature of the business that is transacted at Board meetings.

However, the draft Charter was amended at that time to reflect the appointment of an Independent Chairperson and one (1) Member and one (1) Deputy Board Member from each of the Constituent Councils.

As Elected Members will recall, this Council, as was the case for the other Constituent Councils, was required to consider and appoint new Board Members to the EHA Board following the conclusion of the 2022 Local Government Election.

At that time, the Council appointed Crs Whittington and Moorhouse to the EHA Board for a two (2) year term.

Taking into account the proposed changes to the membership arrangements as set out in the draft Charter and the current membership arrangements, from a practical perspective it was this Council's position that the Council supported the proposed membership arrangements on the basis of a transitional period to the new arrangements.

This meant that the new arrangements, whilst set out in the Charter, would be implemented at a time determined in the future which would allow the current Board Members to see out their current terms.

It was also this Council's view that the transition period could conclude at the conclusion of the term of the current Board Members or at an alternative date (ie at the next Local Government Election).

As stated previously, EHA have requested that the Council reconsider its position in respect to *Clause 2.2 Membership of the Board* and agree to maintain the current Membership arrangements of the Board as follows:

a) *Each Constituent Council must appoint:*

- (a) *one Elected Member; and*
- (b) *one other person who may be an officer, employee or Elected Member of that Constituent Council or an independent person*

to be Board Members and may at any time revoke these appointments and appoint other persons on behalf of that Constituent Council.

Clause 2.5 of the updated draft Charter sets out the requirements in terms of appointing the Chair of the Board:

2.5. Chair of the Board

- a) *A Chair and Deputy Chair shall be elected at the first meeting of the Board after a Periodic Election.*
- b) *The Chair and Deputy Chair shall hold office for a period of one year from the date of the election by the Board.*

- c) *Where there is more than one nomination for the position of Chair or Deputy Chair, the election shall be decided by ballot.*
- d) *Both the Chair and Deputy Chair shall be eligible for re-election to their respective offices at the end of the relevant one year term.*
- e) *If the Chair should cease to be a Board Member, or resign their position as chair, the Deputy Chair may act as the Chair until the election of a new Chair.*
- f) *In the event the Chair is absent the Deputy Chair shall act as the Chair.*

At its meeting held on 3 July 2023, the Council endorsed the appointment of an Independent Chairperson. However, EHA have requested that the Council reconsiders its position in respect to the appointment of the Chair of the Board, in order to finalise the draft Charter.

The provisions of Clause 2.5, as set out above, have been amended to reflect the current arrangements whereby the Chair is determined at the first meeting of the Board from the existing Members of the Board.

As this clause reflects what is current practice and has worked well to date, it is recommended that the Council supports this provision within the draft Charter as contained within Attachment A.

In summary, given the nature of EHA's functions, there is little to be gained from the appointment of an Independent Chair, other than this concept is based upon a philosophical view.

Next Steps

As set out above, it is a requirement of the EHA Charter, that any amendments to the Charter are unanimously agreed to by all Constituent Councils. If there are any elements of the draft Charter that are not unanimously agreed, it will be necessary to convene additional meeting(s) with appropriate Constituent Council representatives in an attempt to gain an agreed position on all elements of the revised Charter.

To date, all other Constituent Councils (the City of Burnside, Campbelltown City Council, City of Prospect and the Town of Walkerville), have endorsed the draft Charter.

OPTIONS

The Council can either resolve to endorse or not endorse the draft Charter.

If the Council resolves to approve the proposed changes to the EHA Charter, it is important to note that any amendments to the Charter can only be made by the unanimous resolution of the Constituent Councils.

In terms of progressing the EHA Charter, it is recommended that the Council endorses the draft Charter as contained within Attachment A.

CONCLUSION

The requirement for the EHA Charter to be reviewed is a legislative requirement in accordance with the *Local Government Act 1999*.

The proposed changes provide clarity around a number of matters that will enhance the Authority's ability to carry out its responsibilities and activities and the governance arrangements with respect to Board meetings and the role of Board Members and the Authority's Chief Executive Officer.

COMMENTS

Nil.

RECOMMENDATION

That the Council advise the Eastern Health Authority Inc. Board of Management, that the Council endorses the proposed changes to the EHA Charter, as contained in Attachment A to this report.

Cr Moorhouse moved:

That the Council advise the Eastern Health Authority Inc. Board of Management, that the Council endorses the proposed changes to the EHA Charter, as contained in Attachment A to this report.

Seconded by Cr Whittington and carried unanimously.

[This Item was dealt with out of sequence -Refer to Page 17 for the Minutes relating to this Item]

11.8 GEORGE STREET UPGRADE PROJECT – STATUS REPORT

[This Item was dealt with out of sequence - Refer to Page 17 for the Minutes relating to this Item]

12. **ADOPTION OF COMMITTEE MINUTES**
Nil

13. **OTHER BUSINESS**
Nil

14. **CONFIDENTIAL REPORTS**
Nil

15. **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 9.04pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)