

Council Meeting Minutes

8 October 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.*

City of Norwood Payneham & St Peters
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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 Claire Clutterham
Cr Garry Knoblauch
Cr Hugh Holfeld
Cr Josh Robinson
Cr Kevin Duke
Cr Connie Granozio (entered the meeting at 7.07pm)
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)
Jenny McFeat (Manager, Governance)
Marina Fischetti (Governance Officer)

APOLOGIES Nil

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Kevin Duke.

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 2 SEPTEMBER 2024

Cr McFarlane moved that the Minutes of the Council meeting held on 2 September 2024 be taken as read and confirmed. Seconded by Cr Robinson and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 2 September	<ul style="list-style-type: none">Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Tuesday, 3 September	<ul style="list-style-type: none">Attended a tour of Stages 2 & 3 of the Trinity Valley Stormwater Drainage Project with Mr James Stevens MP, Federal Member of Sturt and Council staff, Trinity Gardens.
Tuesday, 3 September	<ul style="list-style-type: none">Attended a meeting with the Chief Executive Officer; General Manager, Infrastructure & Major Projects; Project Manager, City Projects; Mr Spero Tsapaliaris and Mr Stan Chapley, Meeting Room 1, Norwood Town Hall.

Wednesday, 4 September	<ul style="list-style-type: none"> • Pre-recorded interview with Radio Italiana 531.
Friday, 6 September	<ul style="list-style-type: none"> • Attended the Eastern Regional Alliance (ERA) Mayor's Monthly Breakfast, Luigi Delicatessen, Adelaide.
Monday, 9 September	<ul style="list-style-type: none"> • Presided over a meeting of the Chief Executive's Performance Review Committee, Mayor's Office, Norwood Town Hall.
Monday, 9 September	<ul style="list-style-type: none"> • Attended the Mid-Term Refresher Governance Information Session.
Thursday, 12 September	<ul style="list-style-type: none"> • Attended the Official Opening of the refurbished Gelato Bello store, Glynde.
Friday, 13 September	<ul style="list-style-type: none"> • Attended the Port Adelaide versus Hawthorn football match, Adelaide Oval.
Saturday, 14 September	<ul style="list-style-type: none"> • Attended the Trinity Gardens Bowling Club Open Day event, Trinity Gardens.
Monday, 16 September	<ul style="list-style-type: none"> • Attended the Order of Australia Association reception to honour recipients of the 2024 King's Birthday Honours, Payneham Library and Community Complex, Felixstow.
Tuesday, 17 September	<ul style="list-style-type: none"> • Attended and presented at the Mainstreet SA Conference, Wolf Blass Centre, Norwood Oval, Norwood.
Wednesday, 18 September	<ul style="list-style-type: none"> • Attended the Mainstreet SA Conference, Unley Oval, Unley.
Thursday, 19 September	<ul style="list-style-type: none"> • Attended the Metropolitan Mayor's Forum - Behavioural Standards Framework, Local Government House, Adelaide.
Thursday, 19 September	<ul style="list-style-type: none"> • Attended the Official Opening Night Reception for the Chinese Film Festival, Parade Central, Norwood.
Sunday, 22 September	<ul style="list-style-type: none"> • Attended the pre-match luncheon followed by the 2024 SANFL Grand Final, Adelaide Oval.
Monday, 23 September	<ul style="list-style-type: none"> • Attended a presentation by Year 5 students, Norwood Primary School, Norwood.
Monday, 23 September	<ul style="list-style-type: none"> • Selected winners of the 2024 Mayor's Christmas Card Competition, Norwood Concert Hall.
Monday, 23 September	<ul style="list-style-type: none"> • Attended a meeting with the General Manager, Governance & Civic Affairs, Mayor's Office, Norwood Town Hall.
Monday, 23 September	<ul style="list-style-type: none"> • Attended the Mid-Term Refresher Governance Information Session, Mayor's Parlour, Norwood Town Hall.
Wednesday, 25 September	<ul style="list-style-type: none"> • Attended a meeting with Mr Matt Grant, Member of the City of Norwood Payneham & St Peters Business & Economic Development Advisory Committee, Norwood.
Thursday, 26 September	<ul style="list-style-type: none"> • Participated in interviews with UniSA Journalism students, Adelaide.
Friday, 27 September	<ul style="list-style-type: none"> • Attended the Trinity Gardens Bowling Club Quiz Night, Trinity Gardens Bowling Club, Trinity Gardens.
Sunday, 29 September	<ul style="list-style-type: none"> • Attended the Celebratory Mass for the Feast of La Madonna di Montevergine, St Francis of Assisi Parish, Newton.
Monday, 30 September	<ul style="list-style-type: none"> • In-studio interview with Radio Italiana 531, Hindmarsh.
Monday, 30 September	<ul style="list-style-type: none"> • Radio interview with ABC 891.

Tuesday, 1 October	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer and representatives from the Saints Gym Club, Mayor's Office, Norwood Town Hall.
Tuesday, 1 October	<ul style="list-style-type: none">• Presided over a Norwood Parade Precinct Committee meeting, Mayor's Parlour, Norwood Town Hall.
Tuesday, 8 October	<ul style="list-style-type: none">• Attended a meeting with Ms Cressida O'Hanlon MP, Member for Dunstan, Mayor's Office, Norwood Town Hall.
Tuesday, 8 October	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer, Cr Hugh Holfeld and Cr Gary Knoblauch, Mayor's Office, Norwood Town Hall.

- **Tour of Payneham Memorial Swimming Centre with Hon Joe Szakacs MP, Minister for Local Government - 3 September 2024**

Mayor Bria advised that the Minister's tour of the Payneham Memorial Swimming Centre was cancelled by the Minister's Office on the morning of the proposed tour. A new date (7 November 2024) has been agreed to by the Minister's Office for the tour.

- **Mainstreet SA Conference – 17 & 18 September 2024**

Mayor Bria briefed the Council regarding the 2024 Mainstreet Conference that was co-hosted by the City of Norwood Payneham & St Peters and the City of Unley. He advised that he made two presentations on Day 1 of the Conference.

Mayor Bria thanked all Council staff involved in organising Day 1 of the Conference in the City of Norwood Payneham & St Peters. He also thanked Councillors Callisto and McFarlane for attending Day 1 of the Conference and Council staff who attended one or both days.

Mayor Bria also thanked the Chief Executive Officer who led a walking tour of The Parade to explain The Parade Masterplan Project to conference speakers and attendees.

- **Mayor's Forum – 19 September 2024**

Mayor Bria briefed the Council on the Mayor's Forum that he attended at the Majestic Rooftop Hotel in Adelaide to discuss the Behavioural Standards Panel. The Forum included a presentation by Ms Alex Hart, Office of Local Government, who outlined the current process in place related to referring Elected Member behavioural matters to The Panel for investigation and the legislative and regulatory mechanisms available for Mayors and Councils to deal with poor behaviour.

5. DELEGATES COMMUNICATION

Nil

6. QUESTIONS WITHOUT NOTICE

Cr Granozio entered the meeting at 7.07pm.

7. QUESTIONS WITH NOTICE

Nil

8. DEPUTATIONS

8.1 DEPUTATION - GIFTING OF LAND - LOT 14, COLLEGE ROAD, KENT TOWN - PREVIOUS SITE OF THE BUREAU OF METEOROLOGY

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4568
FILE REFERENCE: qA1041
ATTACHMENTS: Nil

SPEAKER/S

Ms Kate Eatts

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Kent Town Residents Association.

COMMENTS

Ms Kate Eatts has written to the Council requesting that she be permitted to address the Council in relation to the Bureau of Meteorology site in Kent Town.

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

Ms Kate Eatts addressed the Council in relation to this matter.

8.2 DEPUTATION – NINTH AVENUE CHRISTMAS LIGHTS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4568
FILE REFERENCE: qA1041
ATTACHMENTS: Nil

SPEAKER/S

Mr Kevin Naughton

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Mr Kevin Naughton has written to the Council requesting that he be permitted to address the Council in relation to the Ninth Avenue Christmas Lights.

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

Mr Kevin Naughton addressed the Council in relation to this matter.

8.3 DEPUTATION – NINTH AVENUE CHRISTMAS LIGHTS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4568
FILE REFERENCE: qA1041
ATTACHMENTS: Nil

SPEAKER/S

Ms Lydia Williams

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Ms Lydia Williams has written to the Council requesting that she be permitted to address the Council in relation to the Ninth Avenue Christmas Lights.

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

Ms Lydia Williams addressed the Council in relation to this matter.

9. PETITIONS
Nil

10. WRITTEN NOTICES OF MOTION

10.1 WRITTEN NOTICE OF MOTION - GIFTING OF LAND - LOT 14, COLLEGE ROAD, KENT TOWN - PREVIOUS SITE OF THE BUREAU OF METEOROLOGY – SUBMITTED BY CR GRANT PIGGOTT

NOTICE OF MOTION: Gifting of Land - Lot 14, College Road, Kent Town - Previous Site of the Bureau of Meteorology
SUBMITTED BY: Cr Grant Piggott
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 Grant Piggott.

NOTICE OF MOTION

That the Council:

1. fully supports the request by the Kent Town Residents Association to Senator the Hon. Katy Gallagher, Minister for Finance to transfer Lot 14, College Road, Kent Town to the City of Norwood Payneham & St Peters; and
2. in the event that the request is agreed, undertakes to assume ownership and care of the land as a community park.

REASONS IN SUPPORT OF MOTION

Kent Town has only one small piece of public green space - Hardman Gardens, located on the corner of The Parade & Fullarton Road. The suburb has, in recent years, been the location for significant growth in apartment living and is destined to continue to be so and the need for open space for resident enjoyment will continue to grow.

Lot 14 College Road, Kent Town is approximately 1,000 sqm of green space. It has sat unused since 2021 when the Bureau of Meteorology vacated the site and is currently in the hands of the Commonwealth Disposals Office, identified as surplus to Federal Government requirements.

Under the Commonwealth Property Disposal Policy, the Federal Minister for Finance has the ability to transfer land at below market value *“to another level of government where it facilitates or optimises broader government outcomes”*.

Members of the Kent Town Residents Association intend to request that the Minister for Finance transfer the land, at no cost, to the ownership and care of the City of Norwood Payneham & St Peters to allow the land to act as a community park.

To achieve this outcome, they require:

- demonstrated public support - they have achieved, to date, 475 signatures on a petition in support of the community park, together with support from relevant members of Federal and State Parliament; and
- support from the City of Norwood Payneham & St Peters, together with confirmation that the Council will assume ownership and care of the land as a community park.

The need for open space in Kent Town is clear. The land in question is arguably the last opportunity for Council to achieve community land in Kent Town as the transition of the suburb drives land values and development.

The agreement to assume ownership and care of this land from the Federal Government is an excellent opportunity to secure open space for the residents of Kent Town. There is no request or expectation of significant investment in the land by Council should it be gifted to us. The Members of the Kent Town Residents Association are highly engaged and have undertaken to be actively involved in the park's upkeep and use.

The Council's agreement to assume ownership and care of the land will provide great weight to the Kent Town Resident's Association approach to the Minister for Finance to provide the land to facilitate the broader government outcome of valuable open space in a growing inner-city suburb.

STAFF COMMENT
PREPARED BY GENERAL MANAGER, GOVERNANCE & CIVIC AFFAIRS

The Council has considered the purchase and/or gifting of this property on a number of previous occasions.

Whether the Council wishes to accept ownership of this land is a matter for the Council to determine, taking into account the following:

- purchase and development of this land has not been identified as a priority and is not contained in the recently adopted 2023-2024 to 2033-2034 Long Term Financial Plan;
- if the Council is to accept transfer of the land, it must be at no cost (including all associated transfer fees) to the Council.

Cr Piggott moved:

That the Council:

1. *fully supports the request by the Kent Town Residents Association to Senator the Hon. Katy Gallagher, Minister for Finance to transfer Lot 14, College Road, Kent Town to the City of Norwood Payneham & St Peters; and*
2. *in the event that the request is agreed, undertakes to assume ownership and care of the land as a community park.*

Seconded by Cr Sims.

First Amendment

Cr Duke moved:

That the Council:

1. *fully supports the request by the Kent Town Residents Association to Senator the Hon. Katy Gallagher, Minister for Finance, to transfer Lot 14, College Road, Kent Town to the City of Norwood Payneham & St Peters; and*
2. *that this transfer if agreed to, incurs no cost to the City of Norwood Payneham & St Peters; and*
3. *in the event that the request is agreed, the Council undertakes to assume ownership and care of the land as a community park; and*
4. *that the Kent Town Residents Association understand that any development of this land is not contained in the recently adopted 2023-2024 to 2033-2034 Long Term Financial Plan of Council.*

Seconded by Cr Granozio.

Second Amendment

Cr McFarlane moved:

That the Council:

- 1. fully supports the request by the Kent Town Residents Association to Senator the Hon. Katy Gallagher, Minister for Finance to transfer Lot 14, College Road, Kent Town to the City of Norwood Payneham & St Peters; and*
- 2. that this transfer if agreed to, incurs no cost to the City of Norwood Payneham & St Peters, including any remediation costs; and*
- 3. in the event that the request is agreed, the Council undertakes to assume ownership and care of the land as a community park; and*
- 4. that the Kent Town Residents Association understand that any development of this land is not contained in the recently adopted 2023-2024 to 2033-2034 Long Term Financial Plan of Council.*

Seconded by Cr Moorhouse.

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

11. STAFF REPORTS

Cr Moorhouse moved:

That Item 11.11 be brought forward for consideration

Seconded by Cr Clutterham and carried unanimously.

11.11 NINTH AVENUE CHRISTMAS LIGHTS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: fA30411
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide information to the Council regarding the arrangements for the 2024 Ninth Avenue Christmas Lights.

BACKGROUND

It is the Council's understanding that approximately 2002, two (2) property owners living adjacent to each other, installed Christmas lights in the front gardens of their respective properties. Since that time, the number of lighting displays has grown and in 2023, 73 property owners took part in the display of Christmas lights.

This tradition is now well known in South Australia as is referred to as the "Ninth Avenue Christmas Lights" (the event).

The event runs for the entire month of December.

Whilst not a Council initiated and run event, over the last few years, as a result of the popularity of the event, the Council has provided operational assistance to the organisers (ie. supply of bins, signage to indicate "Community Event Ahead, etc) to ensure the safety of patrons when attending the event.

The Council has, at the request of residents, also assisted with monitoring the on-street parking in Ninth Avenue and the surrounding streets, to ensure that patrons attending the event do not park across driveways and/or in a dangerous manner during the event.

In addition, during the COVID-19 Pandemic, the Council assisted with signage to ensure the COVID-19 restrictions which were in place at the time, were communicated to patrons attending the event.

As set out above, the event has grown in popularity and has reached a point where, following the 2023 event, a number of residents contacted the Council and have raised a number of concerns associated with the event, including traffic management, the duration of the event, the number of vehicles, on-street parking, risk management, etc.

In order to ascertain the extent of the issues, Council staff have met with the residents to discuss their concerns regarding the event. On the basis of the issues that have been raised, staff agreed to meet with the organisers of the event to discuss these concerns and the organisers' intentions for the 2024 event.

Whilst there is not an official organising group/committee for the event, Council staff met with one of the "unofficial" organisers of the event to discuss the matters which have been raised.

Whilst there are a number of issues associated with the event that must rest with the individual property owners who participate in the event, there are a number of risk management and traffic management issues associated with the event, which require assistance from the Council in terms of managing these issues.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 2 Cultural Vitality

Objective 2.5 Dynamic community life in public spaces and precincts.

2.5.2 Host and facilitate community events and activities.

FINANCIAL AND BUDGET IMPLICATIONS

The Council has not made an allocation within the 2024-2025 Budget to support this event.

There financial implications associated with the Ninth Avenue Christmas Lights are set out in the Discussion section of this report.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

There are a number of risk management issues associated with the Ninth Avenue Christmas Lights which are set out in the Discussion section of this report.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Nil.
- **Staff**
Nil.
- **Other Agencies**
Nil.

DISCUSSION

The Ninth Avenue Lights event is held in the section of Ninth Avenue between Stephens Terrace and Battams Road.

A map of showing the section of Ninth Avenue is contained in **Attachment A**.

As stated above, approximately 73 property owners participated in the 2023 event, which, according to residents, attracted 70, 000 vehicles and over 50,000 pedestrians to the event.

Whether or not these numbers are correct, the issues that have been raised by residents, together with the evidence to support these issues, highlights that there are a number of matters which need to be managed to ensure the safety of both the residents, whether or not they participate in the event, and those people who attend the event to view the Christmas Lights and to ensure that the event can continue.

The issues which have been raised include:

- traffic management;
- safety of residents and visitors to the event;
- liability if someone is injured;
- emergency services access to the street during the event;
- duration of the event;
- electrical cords being placed over the footpaths and onto street trees;
- food trucks parked in inappropriate locations;
- damage to private property;
- noise, rubbish; and
- cars parked over driveways.

As a starting point, staff sought advice from the Local Government Mutual Liability Scheme in terms of the liability issues which have been raised by the residents. A summary of the advice which was received from the Scheme is set out below:

'Ultimately, this comes down to the Council's risk appetite and its willingness to support the event. However, the Council should be aware that if a foreseeable risk is not addressed, it could potentially lead to a claim of negligence against the Council.'

If the event will be run and organised by the Council in collaboration with resident input, then the LGAMLS will indemnify the Council (subject to the Scheme rules - risk management practices, etc.).

If the event will be run and organised by the unincorporated volunteer group (resident group), then the Council should consider obtaining necessary third-party permits, insurances, and risk management plans from that group.

If the Council is aware of a traffic management issue and fails to address it properly, resulting in injury, property damage, or even fatality to a third party, the Council could be held responsible for not taking appropriate action in the circumstances (this could extend to not engaging in appropriate due diligence and checks on the third party wanting to run the community event).

Similarly, if the Council is aware of food trucks that aren't permitted or electrical conduits exposed that are not compliant, or cars parked in non-compliant zones it has a duty to issue authorisations, permits, enforcement and expiations in the circumstances. I acknowledge that this is all a significant impost on the Council.'

There are a number of issues which can be resolved by Council staff (ie by advising residents that lighting is not permitted in the Council's street trees and electrical cables are not to be laid on public land, patrolling on-street parking, etc).

There are also a number of issues which staff can provide advice to and/or assist the organisers with, which includes the preparation of a Risk Management Plan.

The most significant issues which need to be considered are the issues associated with insurance/liability and traffic management.

Insurance/Liability

Whilst it could be assumed that most of the property owners who participate in the event have household insurance, it is questionable as to whether it would be adequate in terms of providing adequate cover for their involvement in an event such as this.

On this basis, the Local Community Insurance Service (LCIS) (part of Local Government Association Mutual Liability Scheme), provide insurance and risk management advise to community groups who host events.

The LCIS has a *Community Event Risk Management Checklist* which is designed to guide community groups through the risk management process and the management of event operations.

Information regarding the Local Community Insurance Service has been provided to the organisers who have agreed to seek advice from the LCIS in terms of their requirements.

Traffic Management

The most significant issue associated with this event relates to traffic management.

The volume of vehicles visiting the event is significant and the key traffic issue is the management of traffic at the intersection of Stephen Terrace and Ninth Avenue with vehicles attempting to enter Ninth Avenue from all directions, which results in vehicles “parking” across the middle of Stephen Terrace waiting to enter Ninth Avenue and at the same time other vehicles “cutting off” other vehicles trying to enter the street, with pedestrians weaving their way through the traffic from the other side of Stephen Terrace.

Photographs highlighting the traffic management issues at the intersection of Stephen Terrace and Ninth Avenue are contained in **Attachment B**.

As set out above, on the basis that the Council has now been made aware of the risk to public safety on the Council's roads, the Council is required to take steps to mitigate this risk – (ie. take reasonable action within a reasonable timeframe).

The Council's Manager, Traffic & Integrated Transport has undertaken an investigation to identify the type of traffic management that could be undertaken to improve road safety and reduce traffic congestion during the Ninth Avenue Christmas Lights Community Event.

Following consideration of the issues and potential options, the option to ban all right turn movements into and out of Ninth Avenue, for the duration of the event, has been determined to be the most effective.

Staff have consulted with Senior Sargeant Chris Holland who is the Traffic Planning Coordinator for Emergency and Major Events at SAPOL, who has agreed that the 4-way intersection of Stephen Terrace and Ninth Avenue creates a difficult situation to manage and has confirmed that the only option is to ban all right turn movements into and out of Ninth Avenue.

To facilitate this, traffic control equipment (ie barriers) will be required to be erected and taken down each day of the event and traffic controllers would need to be on site at all times.

Based on the provision of traffic management over 20 days (ie. the duration of the event) at five (5) hours a day, the cost to provide the traffic management measures is approximately \$46,000.

The organiser of the event who has met with Council staff, has indicated that reducing the duration of the event to approximately 18-20 days on the basis of the Council's commitment to support the event is feasible and therefore the allocation of funding for traffic management by the Council could be reduced.

At this stage, it is also considered that traffic management may not be required for the entire first week and could be provided from Thursday to Sunday in this week leading up to the entire week of the final week of the event, which is always the busiest.

The arrangements for traffic management will be determined once final discussions are held with the organisers.

OPTIONS

On the basis that the Council has been made aware of the traffic management issues associated with the Ninth Avenue Lights, the Council has no option other than to consider and seek to minimise or remove the risk.

The Council could however determine that those property owners who participate in the event contribute a fee to offset the costs of the traffic management. This is not the recommended approach. However, the Council needs to be aware of the potential precedent that this arrangement may set.

CONCLUSION

The Council has a long tradition of supporting a range of community events and traffic management support, however the Ninth Avenue Christmas Lights will require the most significant contribution from the Council in terms of funding for the traffic management associated with the event.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council allocates \$40,000 to provide traffic management for the 2024 Ninth Avenue Christmas Lights.
 2. That the organisers of the Ninth Avenue Christmas Lights be advised that the traffic management provided by the Council, will be provided at peak times over the duration of the event based on the duration of the event not exceeding 20 days.
 3. The Council notes that a report will be presented to the Council in March 2025 following a review of the 2024 event.
-

Cr Sims left the meeting at 7.52pm.
Cr Sims returned to the meeting at 7.55pm.

Cr Mex moved:

1. *That the Council allocates \$40,000 to provide traffic management for the 2024 Ninth Avenue Christmas Lights.*
2. *That the organisers of the Ninth Avenue Christmas Lights be advised that the traffic management provided by the Council, will be provided at peak times over the duration of the event based on the duration of the event not exceeding 20 days.*
3. *That the Council requests the organisers to consider incorporation or be auspiced under another incorporated association, to facilitate the conduct of this event.*
4. *The Council notes that a report will be presented to the Council in March 2025 following a review of the 2024 event.*

The motion lapsed for want of a seconder.

Cr Robinson moved:

1. *That the Council allocates \$40,000 to provide traffic management for the 2024 Ninth Avenue Christmas Lights.*
2. *That the organisers of the Ninth Avenue Christmas Lights be advised that the traffic management provided by the Council, will be provided at peak times over the duration of the event based on the duration of the event not exceeding 20 days.*
3. *The Council notes that a report will be presented to the Council in March 2025 following a review of the 2024 event.*

Seconded by Cr Sims.

Variation

Cr Robinson, as the mover of the motion, with the consent of Cr Sims as the seconder, sought leave of the meeting to vary point 2 of the motion as follows:

- 2. That the residents of the Ninth Avenue Christmas Lights be advised that the traffic management provided by the Council, will be provided at peak times over the duration of the event based on the duration of the event not exceeding 20 days.*

Mayor Bria put the request for leave to the meeting.

The meeting granted leave and the motion was varied as set out above.

First Amendment

Cr Moorhouse moved:

- 1. That the Council allocates \$40,000 to provide traffic management for the 2024 Ninth Avenue Christmas Lights.*
- 2. That the residents of the Ninth Avenue Christmas Lights be advised that the traffic management provided by the Council, will be provided at peak times over the duration of the event based on the duration of the event not exceeding 20 days.*
- 3. The Council notes that a report will be presented to the Council in March 2025 following a review of the 2024 event, which will include community consultation.*

Seconded by Cr Clutterham.

The amendment (with the inclusion of the variation) was put and carried unanimously.

Cr Callisto left the meeting at 8.29pm.

Cr Callisto returned to the meeting at 8.32pm.

Second Amendment

Cr McFarlane moved:

- 1. That the Council allocates \$40,000 to provide traffic management for the 2024 Ninth Avenue Christmas Lights.*
- 2. That the residents of the Ninth Avenue Christmas Lights be advised that the traffic management provided by the Council, will be provided at peak times over the duration of the event based on the duration of the event not exceeding 20 days.*
- 3. The Council notes that a report will be presented to the Council in March 2025, following a review of the 2024 event, which will include community consultation.*
- 4. That the General Manager, Governance & Civic Affairs, seek to establish a contact person for the Ninth Avenue Christmas Lights.*

Seconded by Cr Piggott.

Cr Sims left the meeting at 8.52pm.

Cr Sims returned to the meeting at 8.54pm.

The second amendment was put and carried.

Variation

Cr Robinson, as the mover of the motion, with the consent of Cr Sims as the seconder, sought leave of the meeting to vary point 2 of the motion as follows:

- 1. That the Council allocates \$40,000 to provide traffic management for the 2024 Ninth Avenue Christmas Lights.*
- 2. That the residents of Ninth Avenue be advised that the traffic management provided by the Council, will be provided at peak times during the event for a period not exceeding 20 days.*
- 3. The Council notes that a report will be presented to the Council in March 2025 following a review of the 2024 event, which will include community consultation.*
- 4 That the General Manager, Governance & Civic Affairs, seek to establish a contact person for the Ninth Avenue Christmas Lights.*

Mayor Bria put the request for leave to the meeting.

The meeting granted leave and the motion was varied as set out above.

The motion (with the inclusion of the variation) was put and carried unanimously.

Section 1 – Strategy & Policy

Reports

[No Items listed under this Section]

Section 2 – Corporate & Finance
Reports

11.1 2023-2024 WORKS IN PROGRESS

REPORT AUTHOR: Finance Business Partner
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE:
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to present for the Council's consideration the 2023-2024 Works in Progress which are continuing in 2024-2025.

BACKGROUND

At its meeting held on 1 July 2024, the Council adopted the 2024-2025 Annual Business Plan and Budget. The 2024-2025 Budget included funding for new projects, services and programs and the Annual Capital Works Program.

At that time, the Council was advised that the adoption of the 2024-2025 Annual Business Plan and Budget, did not include provisions for those Works in Progress (WIPs), often referred to as Carried Forwards. These projects were funded as part of the 2023-2024 Budget and as such the Council had allocated funding as part of the 2023-2024 Annual Business Plan and Budget.

The Council was also advised that details of the 2023-2024 Works in Progress would be provided to the Council at a later date, following the finalisation of the 2023-2024 year end results.

RELEVANT STRATEGIC DIRECTIONS AND POLICIES

Not Applicable

FINANCIAL AND BUDGET IMPLICATIONS

Based on the status of the 2023-2024 Works in Progress, a total for Operational and Capital Projects of \$18,551,232 will be Carried Forward to the 2024-2025 financial year.

This will ensure the successful completion of these projects, maintain fiscal responsibility and capitalise on emerging opportunities that have been identified.

DISCUSSION

A comprehensive review of the 2023-2024 Works in Progress projects, including their financial status of the respective Projects, has been undertaken based on progress of the Projects. The review has considered the impact on unspent grant funding and other factors affecting the delivery of these projects.

During 2024-2025, the Council was advised of the progress of WIPs over the course of the year and the status of the allocated budgets was considered as part of the Quarterly Budget Reviews.

In addition, potential variations to both WIP budgets and the scope of the respective project, was presented to the Council at Council Meetings as required.

The 2023-2024 Works in Progress – Capital projects total of \$17,940,485 to be carried forward to the 2024-2025 financial year, with the details set out in Table 1 below.

TABLE 1: 2023-2024 WORKS IN PROGRESS - CAPITAL

Project	Amount to be Carried Forward
BURCHELL RESERVE UPGRADE	\$95,634
Project is completed. Carry forward balance is required to cover final minor works such as signage and 12 months maintenance by the contractor.	
CRUICKSHANK RESERVE FACILITY UPGRADE	\$40,000
Project is completed. Carry forward balance is required to cover final minor works such as signage and internal fittings.	
DUNSTAN ADVENTURE PLAYGROUND REDEVELOPMENT	\$9,100
Project is completed. Budget allocation is required for 12-month defects liability period and maintenance by contractor.	
GEORGE STREET STORMWATER	\$600,000
Stakeholder engagement has resulted in delays to the Project.	
GEORGE STREET UPGRADE	\$800,000
Stakeholder engagement has resulted in delays to the Project.	
RIVER TORRENS LINEAR PARK PATH UPGRADE	\$47,433
Majority of works were completed before end of June 2024. Final construction works (defect rectifications, site tidy-up) were not completed until July 2024.	
PAYNEHAM MEMORIAL SWIMMING CENTRE UPGRADE	\$9,271,841
This Project is being undertaken over multiple financial years.	
PRIVATE LANEWAY	\$295,933
Design works have been delayed due to complexity of the Project (including stormwater management, significant trees and constrained sites). Construction works scheduled to commence in early 2025.	
SMART PARKING PROJECT	\$23,095
Project is completed. Carry forward balance is required to cover minor electrical defects and sensor replacement, if required.	
THE PARADE MASTER PLAN DETAILED DESIGN	\$71,821
This Project is being undertaken over multiple financial years.	
RENEWAL PROGRAM - RECREATION & OPEN SPACE	\$660,947
Construction works delayed to enable strategic alignment with the proposed major projects (e.g. Scott Street Reserve Upgrade and St Morris Reserve Upgrade).	
RENEWAL PROGRAM - ROAD RESEALING	\$1,161,337
Some components of the Program have been delayed, largely due to contractor experiencing resourcing challenges in 2023-2024, which have been addressed with the contractor. Most of the Carry Forward works have now been completed.	
RENEWAL PROGRAM - KERB	\$399,532
Some components of the Program have been delayed, largely due to the contractor experiencing resourcing challenges in 2023-2024, which Council staff has addressed with the contractor. Most of the Carry Forward works have now been completed.	
RENEWAL PROGRAM - FOOTPATHS	\$416,462
Construction works delayed to enable strategic alignment with the proposed major Projects (such as George Street, St Morris Bikeway).	
RENEWAL PROGRAM - DRAINAGE (incl Trinity Valley)	\$3,131,927
Design work has resulted in delays in undertaking the Trinity Valley Stage 4 and Stage 1 works.	

TABLE 1: 2023-2024 WORKS IN PROGRESS – CAPITAL *continued/...*

Project	Amount to be Carried Forward
RENEWAL PROGRAM - BUILDINGS	\$642,448
Projects are still in the design phase (e.g. Norwood Townhall office refurbishment, Council Depot minor works) and awaiting notification of matching grant funding (i.e. St Peters Town Hall PV Solar and Battery).	
RENEWAL PROGRAM - CIVIL CAPITAL UPGRADE	\$149,039
Design works have been delayed to enable strategic alignment with the proposed bikeway projects (e.g. Richmond Street and St Morris).	
STANDBY POWER FOR ST PETERS LIBRARY	\$78,550
This funding was initially provided to install “back-up” power etc. at the St Peters Library in the event of power failures at the Council’s principal office. The decision has been made to use a cloud-based solution to store and retrieve data.	
UPGRADE OF MEETING ROOMS	\$15,948
Delay in project due to time alignment with Norwood Town Hall lower offices renovation timeframe the will occur in 2024-2025	
RENEWAL PROGRAM - OTHER	\$29,438
Carry Forward due to timing of purchase of Depot equipment.	

The **2023-2024** Works in Progress - Operating total of \$610,747 to be carried forward to the **2024-2025** financial year, as set out in Table 2 below.

TABLE 2: 2023-2024 WORKS IN PROGRESS - OPERATING

Project	Amount to be Carried Forward
Dog and Cat Management Plan	\$27,928
Work on plan has been delayed and has commenced and is to be completed in 2024/25	
Public Art Strategy	\$25,089
Strategy has been finalised later than expected, however, the implementation budget to be utilised in 2024-2025	
40kph Evaluation Marden to Hackney	\$11,374
Delay due to pending approval from the Department of Infrastructure & Transport	
Food Secrets of Glynde	\$31,850
Project expected to be delivered in 2024-2025	
Representation Review	\$16,566
Consultants have been engaged and work is currently in progress.	
Feasibility of an Additional Level on the Webbe Street Park	\$25,000
The next stage of this feasibility will be completed in 2024-2025	
Marryatville Precinct Master Plan	\$29,196
A report on this Project is currently being prepared for consideration at the November 2024 Council meeting.	

TABLE 2: 2023-2024 WORKS IN PROGRESS – OPERATING *continued/...*

Project	Amount to be Carried Forward
Signalised Pedestrian Activated Crossing on Magill Road Construction will be completed in the next few weeks, pending arrival of signal poles.	\$160,000
Heritage Protection Opportunities Funds to be allocated across a number of years.	\$58,781
40kph in Glynde, Payneham, Firle, TG & St Morris Delayed due to pending approval from Department of Infrastructure & Transport.	\$104,964
HR Information System Preliminary work on the purchase has commenced.	\$120,000

CONCLUSION

The 2023-2024 Works in Progress are scheduled for completion by the end of the 2024-2025 financial year with exception of projects budget for multiple years.

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Granozio left the meeting at 8.57pm.
Cr Clutterham left the meeting at 8.57pm.
Cr Robinson left the meeting at 8.59pm.
Cr Clutterham returned to the meeting at 8.59pm.

Cr Sims moved:

That the report be received and noted.

Seconded by Cr Knoblauch and carried unanimously.

11.2 2024-2025 FIRST BUDGET UPDATE

REPORT AUTHOR: Finance Business Partner
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4568
FILE REFERENCE:
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to provide the Council with a summary of the forecast Budget position for the year ended 30 June 2025, following the First Budget Update.

BACKGROUND

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

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

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

1. Budget Update

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

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

The Regulations require that a Budget Update Report must include a revised forecast of the Council's Operating and Capital investment activities compared with estimates set out in the Adopted Budget, a

2. Mid-Year Review

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

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

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

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

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The First Budget Update for the 2024-2025 Financial Year, provides an opportunity to amend the 2024-2025 Adopted Budget, to reflect any changes in projections based on;

- audited results to 30 June 2024; and
- new decisions by the Council, subsequent to the adoption of the Budget on 1 July 2024.

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

EXTERNAL ECONOMIC IMPLICATIONS

This report provides information on the planned financial performance of the Council for the year ended 30 June 2025 and has no direct external economic impact.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

There are no resource implications arising from this issue.

RISK MANAGEMENT

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

CONSULTATION

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

DISCUSSION

Budget Update

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

The extensive range of ongoing services that are provided by the Council include, but are not limited to Regulatory Services (animal management/parking management), street cleaning and rubbish collection, maintenance of basic infrastructure including roads, footpaths, parks, public open space, street lighting and storm-water drainage, development planning and control, library and learning services, community support programs, environmental programs, community events, community recreational facilities and home assistance service.

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

As Elected Members may recall, 2024–2025 Adopted Operating Budget reflects an Operating Surplus of \$0.229 million. The proposed Carry Forward amounts from the 2023–2024 financial year are \$610,747 associated with Operational Projects and \$17,940,485 associated with Capital Projects. Following the First Budget Update, the Operating Surplus is projected to be an Operating Deficit of \$381,329, representing a decrease of \$610,747.

Considering that the majority of Recurrent and Operating Projects expenditure are in their early stages (as the 2024-2025 Budget was only adopted on 1 July 2024), with the exception of Carried Forward Operating Projects, no cost variances have been recommended to be made to the 2024–2025 Adopted Project Budget during the First Budget Review. A further reassessment will be conducted during the Mid-Year Review.

A. Recurrent Operating Budget Changes to the Adopted Budget – none required

The 2024-2025 Recurrent Operating Budget Surplus of \$ 1.14 million is to remain unchanged. No additional funds request proposed.

B. Operating Projects Budget Changes to the Adopted Budget - \$610,747

The Adopted Budget includes an estimate of Operating Projects expenditure for the year under review in addition to previously approved and Carried Forward Projects from the prior financial years.

Carried Forward Operating Projects expenditure from 2023-2024 amount to \$610,747.

Details of the Operating Projects that proposed to be Carried Forward to the 2024-2025 Financial Year, are contained in **Attachment A**.

Following the First Budget Update, the total expenditure for the 2024-2025 Adopted Operating Projects Budget, originally set at \$0.911 million, has been increased by \$610,747 due to Carry Forwards from the 2023-2024 financial year. As a result, the revised total estimated expenditure for Operating Projects now \$1.522 million.

Change to the adopted Operational Projects budget is provided in Table 1 below.

TABLE 1: MOVEMENT IN OPERATING PROJECTS BUDGET FROM THE ADOPTED BUDGET

Service Initiative	Increase/ (Decrease) \$
Work in progress (Carry Forwards from 2023- 2024)	610,747

C. Capital Projects - Changes to the Adopted Budget - \$17,940,485

The Council approved a Capital Expenditure Budget of \$59.79 million for the 2024-2025 fiscal year, encompassing funding for new capital projects (\$39.368 million) and upgrades to existing assets (\$20.424 million). Subsequent to the First Budget Update, the forecasted capital expenditure has risen to \$77.73 million, representing an increase of \$17.940 million attributable to Carry Forward WIP from 2023-2024. A summary is provided in Table 2 below.

For details of the Capital Projects which have been carried forward from the 2023-2024 Financial Year, are contained in **Attachment B**.

TABLE 2: SIGNIFICANT MOVEMENT IN CAPITAL PROJECTS EXPENDITURE FROM THE ADOPTED BUDGET

Capital Project	Increase/ (Decrease) \$
Work in progress (Carry forwards from 2023-2024)	17,940,485

While there is a proposed increase in Capital Expenditure, this is due to timing of projects that have been previously approved, hence no additional borrowings will be required to fund capital expenditure. The unused funds from last year’s borrowings, will be utilised to fund Carry Forwards. The borrowing requirements will be re-assessed when a review of projected project completions is undertaken as part of the Mid-Year Budget Review.

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

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

The revised budgeted Uniform Presentation of Finances resulting from the First Budget Update is included in **Attachment C**.

OPTIONS

Not Applicable.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

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

Cr Robinson returned to the meeting at 9.00pm.
Cr Granzio returned to the meeting at 9.01pm.
Cr McFarlane returned to the meeting at 9.01pm.
Cr Whittington left the meeting at 9.07pm and did not return.
Cr Sims left the meeting at 9.07pm.
Cr Sims returned to the meeting at 9.09pm.

Cr Piggott moved:

1. *That the First Budget Update Report be received and noted.*
2. *That project progress reports contained in Attachments A and B be received and noted.*
3. *That pursuant to Regulation 9 (1) (a) of the Local Government (Financial Management) Regulations 2011, the Budgeted Uniform Presentation of Finances as contained within Attachment C, be adopted.*
4. *That the Chief Executive Officer review the Capital & Operating Projects ahead of the Mid-Year review, to identify those projects at risk of significant carry-over at 30 June 2025, for consideration by the Council.*

Seconded by Cr Duke and carried unanimously.

11.3 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM - PHASE 4 PROJECTS

REPORT AUTHOR: Manager, City Projects
GENERAL MANAGER: General Manager, Infrastructure & Major Projects
CONTACT NUMBER: 8366 4506
FILE REFERENCE: qA140260
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to present the capital works projects that will be delivered as part of the Federal Government's *Local Roads and Community Infrastructure Program Phase 4 Program*.

BACKGROUND

In May 2020, the Federal Government announced details of its *Local Roads and Community Infrastructure (LRCI) Program*, as part of the Federal Government's economic response to the COVID-19 Pandemic.

The purpose of the *LRCI Program*, was to support Local Government in the delivery of priority local road and community infrastructure projects across Australia by supporting and creating jobs and building the resilience of local economies to assist communities to "bounce back" from the COVID-19 Pandemic.

Through the 2020-2021 Federal Budget, the Federal Government announced an extension of the *LRCI Program*, now more commonly referred to as *LRCI Program Phase 2*.

On 11 May 2021, as part of the 2021-2022 Federal Budget, the Federal Government announced an additional \$1 billion for *LRCI Program Phase 3*. Similar to the previous two (2) phases, the intent of *LRCI Program Phase 3*, was to assist a community-led recovery from COVID-19 by supporting job creation and retention, businesses and procurement.

In accordance with its 2023 election promise, the Federal Government also committed \$750 million to *LRCI Program Phase 4*, which includes \$250 million for road projects in rural, regional and outer urban areas. The remaining \$500 million has been distributed to all Councils across Australia, based on the formula that is used to calculate the funding allocations under the Federal Government *Roads to Recovery Program*.

In total, the Federal Government has allocated \$3.25 billion to the *LRCI Program* over the four (4) phases to support Local Government. To be eligible to receive funding from the *LRCI Program*, the project/s which are submitted must be new projects, (i.e., in addition to projects which have already been committed to and funds allocated to by the Council). This means that the Council cannot use the grant funding to offset the cost of projects which have already been identified and funded by Councils.

As part of *LRCI Program Phase 1*, the Council was successful in securing \$444,000 to complete the reconstruction of the total length of Langman Grove, Felixstow from Pembury Grove through to Briar Road, Felixstow.

As part of *LRCI Program Phase 2*, the Council received \$1.27 million and this funding was allocated to the construction of the St Peters Streetscape Upgrade Project.

As part of *LRCI Program Phase 3*, the Council received \$888,876, which was allocated to the construction of the Cruikshank Reserve Multi-Purpose Building and Unisex Toilets Project.

The Council has received a *LRCI Program Phase 4* funding allocation of \$444,393. The Council's *LRCI Program Phase 4* project(s) is required to be physically completed by 30 June 2025.

At its meeting held on 6 March 2023, the Council resolved "that the Briar Road and Turner Street – Road Reconstruction Project in Felixstow, be submitted for funding under the Federal Government's Local Road and Community Infrastructure Program Phase 4."

Recently, the Council was made aware that its submission of *LRCI Program Phase 4* projects to the funding body for assessment had not occurred and was advised that a short extension of time would be provided to allow for the submission to be made.

Unfortunately, the Briar Road and Turner Street – Road Reconstruction Project nominated for *LRCI Program Phase 4*, was not submitted formally for approval by the funding body. The Briar Road and Turner Street Road Reconstruction Projects were however, included in the Council's Capital Works Program with Briar Road completed in the 2023-2024 financial year.

Briar Road is no longer eligible for *LRCI* funding as it has already been completed. Turner Street has been strategically delayed to allow for the construction of Payneham Memorial Swimming Centre to be completed and potential partnership opportunities for future development of the adjacent Aldersgate Residential Care facility. As a result, Council staff have identified new capital works projects that are eligible for *LRCI Program Phase 4 Program* funding and will be delivered in lieu of the Briar Road and Turner Street Road Reconstruction Project this financial year.

Three (3) footpath reconstruction projects will now be delivered for *LRCI Program Phase 4*, which are:

- Battams Road in Royston Park (between Payneham Road and Ninth Avenue);
- Devitt Avenue in Payneham South (between Aveland Avenue and Gage Street); and
- Marian Road in Firlie (Avenue Road and Glynburn Road).

These projects have been submitted within the extension of time and have now been approved by the funding body.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The projects presented for consideration will deliver on the following strategies set out in the Council's Strategic Management Plan, *CityPlan 2030: Shaping the Future – Update 2024*.

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

Strategy 1.2.1 Provide pleasant, safe, accessible, green and well signed walking and cycling routes.

Environmental Sustainability: A leader in environmental sustainability.

Strategy 4.2.1 Improve the amenity and safety of streets for all users including reducing the impact of urban heat island effect.

FINANCIAL AND BUDGET IMPLICATIONS

The financial and budget implications are addressed in the Discussion section of this report.

EXTERNAL ECONOMIC IMPLICATIONS

The purpose of the Federal Government's *LRCI Program* is to create jobs and stimulate the local economy by supporting Local Government to deliver local road and community infrastructure construction projects. The intent is for the Council to undertake construction projects, which include "*local content*" to ensure that the funding supports local businesses and creates short term employment opportunities within the local community, therefore supporting local communities in their recovery from the impact of the COVID-19 Pandemic.

SOCIAL ISSUES

The desired outcome of the *LRCI Program* is to provide social benefits to the local communities such as improved road safety, accessibility and visual amenity. In evaluating the projects presented, these factors were taken into consideration.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The proposed alternative capital works projects can be managed by the Council's Infrastructure & Major Projects unit and delivered by the Council's approved footpath paving contractors.

RISK MANAGEMENT

The risk ratings for the top risks associated with *LRCI Program Phase 4* are summarised in **Table 1** below.

TABLE 1: KEY RISKS ASSOCIATED WITH LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 4

Risk ID	Risk Event	Impact Category	Risk Rating	Primary Mitigation	Impact Category	Residual Rating
1	Total cost exceeding the cost estimate.	Financial	Medium 17	Council staff have applied current contractor rates to determine estimated cost.	Financial	Low 22
		Reputation	Low 21		Reputation	Low 22
2	Not completing the project within the grant program timeframe.	Financial	Medium 17	Schedule the works to be undertaken as first priority as part of the Council's footpath renewal program. This will provide sufficient lead time and ensure the project is delivered within the required timeframe. These works are intended to be undertaken by contractors already engaged by Council through the Capital Works Program, and hence removes the risk of the project being delayed by the contractor procurement process	Financial	Low 22
		Services/Programs	Low 21		Services/Programs	Low 22
		Reputation	Low 21		Reputation	Low 22

CONSULTATION

- **Elected Members**
Consultation with Elected Members has been previously undertaken regarding the projects to be delivered in *LRCI Program Phases 1, 2, 3 and 4*.
- **Community**
Not Applicable
- **Staff**
General Manager, Infrastructure & Major Projects
Project Manager, Assets
Project Officer, Civil
- **Other Agencies**
The Federal Government's Department of Infrastructure, Transport, Regional Development, Communications and the Arts is administering the *LRCI Program*. The Department has accepted the Council's Work Schedule for the new capital works projects which are discussed below.

DISCUSSION

Briar Road has been completed as part of the Council's Capital Renewal Program. However, given the final approval of the funding body was not sought or received prior to construction commencing, the project is not eligible for *LRCI Program* funding.

When the Council endorsed the reconstruction of Turner Street to be submitted for *LRCI Program* funding in March 2023, the Payneham Memorial Swimming Centre Redevelopment Project had not yet been tendered. At that time, it was anticipated that the construction of Payneham Memorial Swimming Centre Redevelopment Project would be completed prior to June 2025, and that the timing of the Briar Road and Turner Street – Road Reconstruction Project, would fit in well with this timeframe. It was also not known or anticipated that Turner Street would be required for access for the Payneham Memorial Swimming Centre Redevelopment construction works.

The Payneham Memorial Swimming Centre Redevelopment Project construction is scheduled to be completed in early to mid-2026. The final stage of construction works, scheduled to occur in late 2025, will require heavy vehicle access to the site via Turner Street to construct the water slide tower and expand the Payneham Library carpark. If Turner Street is reconstructed prior to the completion of the Payneham Memorial Swimming Centre Redevelopment Project, there is a risk of damage to the new road infrastructure. For this reason, it is recommended to delay the reconstruction of Turner Street until construction access to site is no longer required.

Additionally, the Council is now aware that the Aldersgate Residential Aged Care may be redeveloped in the next few years. If Aldersgate is redeveloped, there is potential that existing services (e.g. sewer, gas, electrical) and infrastructure (e.g. kerbs, footpaths) on Turner Street will be affected. More should be known about the potential plans for this redevelopment over the next year or two. Therefore, it would be prudent to also delay the reconstruction of Turner Street until the scope and timing of the potential Aldersgate Residential Aged Care redevelopment is known.

To ensure better strategic alignment with the Payneham Memorial Swimming Centre Upgrade Project and the potential Aldersgate Residential Aged Care redevelopment, the delivery of the Turner Street – Road Reconstruction Project, will be rescheduled to a future financial year. Hence, alternative projects will now be delivered as part of the *LRCI Program Phase 4* allocation in the 2024-2025 financial year.

In determining the new capital works projects for which the grant funding could be allocated, consideration has been given to the extension (increasing the scope) of existing projects, timing and strategic alignment of future planned projects, and the condition of various assets which have been identified to be renewed in the Council's *Long Term Financial Plan* and *Civil Infrastructure Asset Management Plan*. As a result, staff identified three (3) new footpath reconstruction projects that best align with the Council's *Long Term Financial Plan* and *Civil Infrastructure Asset Management Plan*, the Council's *Footpaths and Driveway Crossovers Policy*, and the 2024-2025 Annual Business Plan.

The three (3) footpath reconstruction projects are:

- Battams Road in Royston Park (between Payneham Road and Ninth Avenue);
- Devitt Avenue in Payneham South (between Aveland Avenue and Gage Street); and
- Marian Road in Firle (Avenue Road and Glynburn Road).

The purpose of the Battams Road, Devitt Avenue, Marian Road – Footpath Reconstruction Projects is to provide safer and a more connected transport infrastructure system in high-traffic areas. Each of the three (3) footpath sections to be reconstructed, have been chosen due to their aged footpath infrastructure, a high volume of vehicle traffic and/or pedestrian movement, and strategic alignment with the scope and timing of other planned capital works.

For example, Battams Road is scheduled for road reconstruction and traffic control device improvement works during the 2025-2026 financial year. Therefore, footpath reconstruction in 2024-2025 financial year will contribute to enhancing the whole street.

Trinity Gardens School and Trinity Gardens Children Centre are located on Devitt Avenue. Marion Road is a bus route and with a mix of residential and local businesses. These facilities and services attract and support a relatively large number of people on these streets.

The proposed Battams Road, Devitt Avenue, Marian Road – Footpath Reconstruction Projects are estimated to cost \$469,700 based on the Council's contractor rates. The *LRCI Program Phase 4* grant funding allocation is \$444,393. Therefore, the Council will likely need to fund the difference of approximately \$25,000 through value management savings from its 2024-2025 Capital Works Program. This is very possible to be achieved considering that \$25,000 is a very small amount with respect to the total Capital Works Program budget.

OPTIONS

The footpath reconstruction projects for Battams Road, Devitt Avenue and Marian Road have been submitted and approved for *LRCI Program Phase 4* funding. If the Council does not proceed with these projects, it will not receive its *LRCI Program Phase 4* funding allocation.

CONCLUSION

The *LRCI Program* provides the Council with an opportunity to bring forward capital expenditure which will deliver benefits to the community and offset the actual costs of the various projects.

To ensure strategic alignment with the Payneham Memorial Swimming Centre Upgrade Project and the potential future redevelopment of the Aldersgate Residential Aged Care facility, the Turner Street – Road Reconstruction Project has been delayed to a future year.

The Battams Road, Devitt Avenue, Marian Road – Footpath Reconstruction Projects that are now proposed to be delivered for the *LRCI Program Phase 4* are projects which have been identified in the Council's *Long Term Financial Plan* and *Civil Infrastructure Asset Management Plan*. The projects will benefit the community and be completed prior to 30 June 2025 in accordance with the *LRCI Program Phase 4* requirements and.

For these reasons, the *LRCI Program Phase 4* funding will be allocated to the Battams Road, Devitt Avenue, Marian Road – Footpath Reconstruction Projects.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council notes that the Briar Road and Turner Street – Road Reconstruction Project was not submitted for funding under the Federal Government's *Local Road and Community Infrastructure Program Phase 4*.
 2. That the Council endorses the actions taken by staff in submitting the Battams Road, Devitt Avenue, Marian Road – Footpath Reconstruction Projects for delivery with the Federal Government's *Local Road and Community Infrastructure Program Phase 4* funding allocation.
 3. That the Council notes that the Projects have been approved for funding as part of the Federal Government's *Local Road and Community Infrastructure Program Phase 4*.
-

Cr Piggott moved:

- 1. That the Council notes that the Briar Road and Turner Street – Road Reconstruction Project was not submitted for funding under the Federal Government’s Local Road and Community Infrastructure Program Phase 4.*
- 2. That the Council endorses the actions taken by staff in submitting the Battams Road, Devitt Avenue, Marian Road – Footpath Reconstruction Projects for delivery with the Federal Government’s Local Road and Community Infrastructure Program Phase 4 funding allocation.*
- 3. That the Council notes that the Projects have been approved for funding as part of the Federal Government’s Local Road and Community Infrastructure Program Phase 4.*

Seconded by Cr Clutterham and carried unanimously.

**Section 3 – Governance & General
Reports**

11.4 ELECTION FOR THE POSITION OF PRESIDENT OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA

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

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the postal ballot that is required to be undertaken for the position of President of the Local Government Association of South Australia (LGA) and determine the Council's preferred candidate for the position.

BACKGROUND

In August 2024, the LGA called for nominations for the position of President of the LGA. The LGA has now forwarded correspondence to the Council, advising that the LGA has received five (5) nominations for the position of President of the LGA.

In accordance with the LGA Constitution, the LGA is required to conduct a postal ballot to determine the successful candidate for the position.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

The role of the President of the LGA is to:

- provide leadership to the LGA Board of Directors;
- chair meetings of the LGA Board of Directors;
- preside at meetings of the LGA (ie Ordinary Meetings, Annual General Meetings; etc);
- to act as the principal spokesperson of the LGA; and
- represent the LGA externally to government, stakeholders, etc.

The term of Office for the new President is a two (2) year term, commencing from the 2022 LGA Annual General Meeting (ie 28 October 2022) and concluding at the 2024 LGA Annual General Meeting.

The LGA *Constitution and Rules* stipulate a long-standing protocol that the position of President alternates between metropolitan councils (now referred to as GAROC), and rural councils (now referred to as SAROC), every two (2) years.

As the current President, Mayor Dean Johnson is from an eligible rural Council (ie, District Council of Kimba), nominees were invited from eligible metropolitan Councils, (ie Members of GAROC).

The five (5) nominees for the Position, in the order as set out on the Ballot Paper, are:

- Lord Mayor Jane Lomax-Smith, City of Adelaide;
- Mayor Michael Coxon, City of West Torrens;
- Mayor Kris Hanna, City of Marion;
- Mayor Heather Holmes-Ross, City of Mitcham; and
- Mayor Claire Boan – City of Port Adelaide Enfield.

A copy of the Ballot Paper and Candidate Information for each Candidate is contained within **Attachment A**.

In accordance with the LGA Constitution, the Council must determine its preferred Candidate by marking the Ballot Paper with a cross, ie “X”, in the square opposite the name of the Candidate the Council wishes to elect.

Three (3) of the five (5) Candidates have written to the Council seeking the Council’s support of their nomination for the position of President of the LGA:

- Lord Mayor Jane Lomax-Smith, City of Adelaide;
- Mayor Michael Coxon, City of West Torrens;
- Mayor Claire Boan – City of Port Adelaide Enfield.

A copy of the correspondence received, as listed above, is contained within **Attachment B**.

The Ballot Paper must be forwarded to the Local Government Association to be received by the Returning Officer no later than 5.00pm on Monday, 4 November 2024.

RECOMMENDATION

The Council determines the following candidate for the position of President of the Local Government Association of South Australia:

- -----
-

Cr Moorhouse left the meeting at 9.14pm.
Cr Robinson left the meeting at 9.15pm.
Cr Robinson returned to the meeting at 9.16pm.
Cr Moorhouse returned to the meeting at 9.16pm.

Cr Sims moved:

The Council determines the following candidate for the position of President of the Local Government Association of South Australia:

- *Lord Mayor Jane Lomax-Smith, City of Adelaide.*

Seconded by Cr Granozio carried unanimously.

11.5 LOCAL GOVERNMENT FINANCE AUTHORITY - ELECTION FOR THE POSITIONS OF REPRESENTATIVE MEMBERS OF THE BOARD OF TRUSTEES

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2181
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the election process and candidates, who have nominated for election to the positions of Representative Members of the Board of Trustees of the Local Government Finance Authority.

Local Government Finance Authority Board

As Elected Members will recall, in August 2024, the Local Government Finance Authority (LGFA) called for nominations from Councils to fill the two (2) Representative Member positions of the Board of Trustees of the Local Government Finance Authority Board.

The LGFA has received five (5) nominations for the two (2) Representative Member positions on the Board. An election therefore will now be conducted, by postal ballot, to determine the positions.

The five (5) nominees for the two (2) positions, in the order as set out on the Ballot Paper, are:

- Cr Michael Phillips-Ryder, Light Regional Council;
- Cr Jonathan Pietzsch, Coorong District Council;
- Cr Grant Piggott, City of Norwood Payneham & St Peters;
- Mr Michael Sedgman, Chief Executive Officer, City of Adelaide; and
- Cr John Smedley, City of Holdfast Bay.

A copy of the Ballot Paper and Candidate information is contained within **Attachment A**.

In order to comply with the Rules of the Authority, the casting vote of the Council must be conducted as follows:

1. The voting must be on the official ballot paper; and
2. The Council, must by resolution, determine which candidates (being not more than two (2)) they wish to vote for.

All votes are to be forwarded to the Returning Officer by Friday, 11 October 2024.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

RECOMMENDATION

That the Council determines:

1. _____; and
2. _____

as its preferred candidates for the Representative Members for the Board of Trustees of the Local Government Finance Authority.

Cr Piggot declared a material conflict of interest in this matter, on the basis that he has been nominated as a Representative Member to the Board of Trustees of the Local Government Finance Authority and left the meeting at 9.18pm.

Cr McFarlane moved:

That the Council determines:

- 1. Cr Grant Piggott, City of Norwood Payneham & St Peters; and*
- 2. Cr Michael Phillips-Ryder, Light Regional Council*

as its preferred candidates for the Representative Members for the Board of Trustees of the Local Government Finance Authority.

Seconded by Cr Knoblauch and carried unanimously.

Cr Piggott returned to the meeting at 9.19pm.

11.6 ELECTION OF MEMBERS OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA GREATER ADELAIDE REGION ORGANISATION OF COUNCILS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA59226
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the postal ballot that is now required to be undertaken in order to determine the membership of the Local Government Association of South Australia Greater Adelaide Region Organisation of Councils (the GAROC).

BACKGROUND

In August 2024, the Local Government Association of South Australia (LGA), forwarded correspondence to all Councils inviting nominations for appointment of Members to the Greater Region of Adelaide Organisation of Councils (GAROC), which is represented by the following councils:

- Adelaide Hills Council;
- City of Burnside;
- Campbelltown City Council;
- City of Charles Sturt;
- Town of Gawler;
- City of Holdfast Bay;
- City of Marion;
- City of Mitcham;
- City of Norwood Payneham & St Peters;
- City of Onkaparinga;
- City of Playford;
- City of Port Adelaide Enfield;
- City of Prospect;
- City of Salisbury;
- City of Tea Tree Gully;
- City of Unley;
- Town of Walkerville; and
- City of West Torrens.

The LGA has received four (4) nominations for the two (2) positions allocated to the East Regional Grouping of Councils for appointment to the GAROC.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

The role of the GAROC is to provide regional advocacy, policy initiation and review, leadership, engagement and capacity building in the region(s).

At the close of nominations, the LGA received a total of four (4) nominations from Councils within the East Regional Grouping of Councils for the two (2) positions. In accordance with the Terms of Reference for the GAROC an election now needs to be conducted to determine the successful candidates to be appointed to the GAROC. The two (2) candidates with the highest number of votes will be appointed to the GAROC.

The term of the GAROC members will commence at the conclusion of the 2024 LGA Annual General Meeting which will be held in November 2024.

The Council must determine by resolution which two (2) candidates it wishes to elect and the voting must be recorded on the Ballot Paper. The Ballot Paper must be returned to the LGA by Monday, 4 November 2024.

A copy of the Ballot Paper and the Candidate Information for each Candidate is contained within **Attachment A**.

The nominees, as they appear on the Ballot Paper are as follows:

- Mayor Michael Hewitson AM, City of Unley;
- Mayor Anne Monceaux, City of Burnside;
- Councillor Anna Leombruno, Campbelltown City Council; and
- Councillor Jason Nelson, City of Prospect.

The Candidates have also written to the Council seeking the Council's support of their nomination for appointment to the GAROC:

A copy of the correspondence received from the four (4) Candidates is contained within **Attachment B**.

RECOMMENDATION

The Council determines the following candidates in order of preference for appointment to the Greater Region of Adelaide Organisation of Councils:

1. -----
 2. -----
-

Cr Granozio left the meeting at 9.22pm.
Cr Granozio returned to the meeting at 9.22pm.
Cr Callisto left the meeting at 9.25pm.

Cr Duke moved:

The Council determines the following candidates in order of preference for appointment to the Greater Region of Adelaide Organisation of Councils:

1. *Mayor Anne Monceaux, City of Burnside*
2. *Mayor Michael Hewitson AM, City of Unley*

Seconded by Cr McFarlane and carried.

Cr Callisto returned to the meeting at 9.26pm.

11.7 ERA WATER – REVIEW OF CHARTER

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA87866
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the proposed amendments to the ERA Water Charter and to seek the Council's position on the proposed amendments, to assist in finalising the review of the Charter.

BACKGROUND

ERA Water is a Regional Subsidiary which has been established pursuant to Section 43 of the *Local Government Act 1999*, for the primary purpose of implementing the Waterproofing Eastern Adelaide Project (the Scheme), which involves the establishment of wetland bio-filters, aquifer recharge and recovery, pipeline installations and water storage facilities. ERA Water manage the Scheme on behalf of the Constituent Councils and provide recycled stormwater for the irrigation of parks and reserves to Constituent Councils. The City of Norwood Payneham & St Peters, together with the City of Burnside and the Town of Walkerville make up the Constituent Councils of ERA Water.

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 ERA Water Charter was undertaken in May 2020.

At its meeting held on 25 July 2024, the ERA Water Board considered the proposed amendments to the Charter and subsequently resolved the following:

1. *That the report be received and noted.*
2. *That the Board consider the proposed priority changes to the ERA Water Charter (as outlined in Attachment A of this report) and recommend proposed changes to the Charter be forwarded to Constituent Councils in order to seek their unanimous approval.*

Clause 7.6.4 of the Charter sets out that "*Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board*".

In accordance with Clause 7.6.4 of the Charter, ERA Water has written to the Council seeking the Council's endorsement of the proposed amendments to the Charter.

A copy of the letter dated 29 July 2024 from Mr Andrew Aitken, General Manager ERA Water, is contained within **Attachment A**.

A copy of the ERA Water Charter is contained within **Attachment B**.

A summary of the proposed amendments to the Charter is contained in **Attachment C**.

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 review of the Charter ensures compliance with the provisions of the *Local Government Act 1999*.

CONSULTATION

- **Elected Members**
Cr Grant Piggott is a Member of the ERA Water Board.
- **Community**
Not Applicable.
- **Staff**
Nil
- **Other Agencies**
Not Applicable.

DISCUSSION

ERA Water have provided the Council with a document which sets out the proposed amendments to the Charter (Attachment C and highlighted in red). These proposed amendments have been considered by the Board of ERA Water as the highest priority and are specifically related to clauses under the 'Duties', 'Budget' and 'Audit Committee' sections of the Charter.

The proposed amendments which relate to the 'Audit Committee' have been recommended to the ERA Water Board by the ERA Water Audit & Risk Committee.

A summary of the proposed amendments to the Charter is set out below.

Clause 2.2 – Duties

One of the key objectives of ERA Water is to “*develop, implement, oversee and manage practical solutions to provide water supply diversity within and outside the Region*”.¹

Notwithstanding the above, the ERA Water Charter sets out that ERA Water must obtain approval from the Constituent Councils prior to entering into arrangements with other agencies and organisations outside the ERA Water region.

¹ ERA Water Strategic Plan 2022-2025

This provision within the Charter is understandable as the Constituent Councils should be made aware of the implications (if any and particularly financial), of such arrangements for each Council, prior to those arrangements being finalised.

However, the ERA Water Board is requesting an amendment to this Clause within the ERA Water Charter (Clause 2.2.2), for these type of situations in the future to allow for a more expedient process for ERA Water when negotiating new arrangements with external agencies and/or organisations, subject to an exemption in terms of the volume of water required and ensuring the water supply to Constituent Councils is not compromised.

This request is quite reasonable on the basis that ERA Water is required to “*recapitalise ERA Water to provide scope to increase sales to build financial sustainability*”.²

At the same time, as the shareholders, the Constituent Councils need to have assurance that any such arrangements (ie new connections to Third Party entities), will not have a financial impact on the Constituent Councils.

Clause 5.1 – Budget

Clause 5.1.5 of the Charter sets out that ‘*Monthly reports summarising the financial position and performance of the Subsidiary against the annual Budget must be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils*’.

The ERA Water Board has proposed an amendment to Clause 5.1.5 to require financial reports to be prepared and presented to the Board at no less than every three (3) months which aligns with the schedule of Board Meetings, which are held every two (2) months.

Clause 6.4 – Audit Committee

This proposed amendment to the Charter seeks to ensure the correct name of the Audit Committee (ie *Audit & Risk Committee*) is reflected in the Charter and proposes a change to the membership arrangements of the Audit & Risk Committee to ensure that employees of the Subsidiary and Members of the Board can not be appointed to the Audit & Risk Committee.

In addition, the Board has proposed a limit on the number of terms a person appointed to the Audit & Risk Committee can serve. The amendment aims to limit the number of terms to no more than three (3) two (2) year terms.

In summary, on the basis that the objective of the proposed amendments is to improve the operational efficiency and governance functions of ERA Water there is no reason for the Council not to support the proposed amendments.

Next Steps

As set out above, it is a requirement of the ERA Water Charter, that any amendments to the Charter are unanimously agreed to by all Constituent Councils.

The City of Burnside and the Town of Walkerville have endorsed the proposed amendments to ERA Water Charter as set out above.

OPTIONS

The Council can either resolve to approve or reject the proposed changes to the ERA Water Charter.

The proposed changes to the Charter are not controversial and as both the City of Burnside and the Town of Walkerville have agreed to the proposed changes, it is recommended that the Council endorses the proposed amendments to the Charter.

² ERA Water Strategic Plan 2022-2025

CONCLUSION

The requirement for the ERA Water 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 ERA Water's ability to carry out its responsibilities and activities and associated governance functions.

COMMENTS

Nil

RECOMMENDATION

The Council advises ERA Water that the Council endorses the proposed amendments to the ERA Water Charter.

Cr Sims moved:

The Council advises ERA Water that the Council endorses the proposed amendments to the ERA Water Charter.

Seconded by Cr Duke and carried unanimously.

11.8 HOLMESDALE MEMORIAL TENNIS CLUB - DRAFT LEASE AGREEMENT

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 this report is to present the draft Lease Agreement for the Holmesdale Memorial Tennis Club tenancy at the John Horrocks Memorial Green for the Council's consideration and endorsement, for the purposes of undertaking community consultation.

BACKGROUND

The John Horrocks Memorial Green is approximately 3550 m² in area and is located at the rear of 58 Breaker Street, St Morris. The Holmesdale Memorial Tennis Club (the Club) was incorporated in 1935 and has been using the tennis clubrooms and courts since its incorporation.

At its meeting on 7 March 2022, the Council resolved the following:

1. *That the Council agrees to grant a lease to Holmesdale Memorial Tennis Club for the facilities located at the John Horrocks Memorial Green for a period of 20 years (10+10 years).*
2. *That the Council notes that a draft Lease will be prepared and presented to the Council for consideration.*

The draft Lease has been prepared on the basis of the above decisions and a copy is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Details regarding the financial arrangements between the Council and Tennis Clubs are set out in the Discussion section of this report.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

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

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

- indemnify the Council against claims arising from the Lessee's negligence; and
- take out and maintain appropriate insurance covers.

The draft Lease that has been prepared, also clearly outlines the relevant legal, governance and risk management requirements to ensure that the Council's and the Club's responsibilities are met.

CONSULTATION

- **Elected Members**

Not applicable.

- **Community**

Whilst the proposed Lease period is authorised in the relevant Community Land Management Plan, given the period is greater than five (5) years community consultation is required to be undertaken in accordance with the *Local Government Act 1999*.

Community consultation will be undertaken in accordance with the Council's Community Consultation Policy.

- **Staff**

Not Applicable.

- **Other Agencies**

Not Applicable.

DISCUSSION

The previous Lease between the Council and the Club for the tenancy at John Horrocks Green had a term of twenty (10 + 10) years commencing on 24 November 2002 and expiring on 31 March 2023. The current Lease has been in a holding over a period since that time whilst discussions have been taking place with the Club.

The Club has used the facilities since the 1930's and has continued to meet their obligations as a Lessee and maintained the site in accordance with the provisions of the Lease. Aside from meeting all repayments for the Club's 50% contribution to the cost of constructing the tennis courts (as per the previous Lease), the Club also recently paid approximately \$50,000 to resurface the courts.

The Club currently has approximately 70 members, with a loyal group of Volunteers ensuring that the courts are well maintained and the ongoing operation of the Club remains sustainable. This is managed by conducting a range of activities which includes social tennis, fund raisers, quiz nights, hire of the courts for competition use and special events such as Tennis Australia tournaments and exploring alternate forms of tennis such as wheelchair and pickleball. This is quite an achievement as the courts do not have the benefit of lighting and therefore, any activities conducted by the Club are conducted during daylight hours only.

The Club is also committed to providing public access to the courts and this is managed via a booking system with the Club or via the Club's website. The courts are available for hire by members of the public during daylight hours, apart from the days and times when the Club is using the courts.

The draft Lease has been prepared based on the terms of the previous Lease and the Council's Tennis Facilities Policy. An improved and updated format of the Lease has been used which is simple and easy to read while still containing all necessary elements.

Tennis Facilities Policy – Lease Fee Structure

The Tennis Facilities Policy requires Tennis Clubs that are using Council owned tennis facilities, to contribute funds based on a formula of recovering 50% of the capital reconstruction cost of tennis courts, based on the expected life cycle of the courts.

The 50% of the capital reconstruction costs are recovered from the club via an annual payment over the expected life of the courts (which is approximately 20 years).

In addition, the Clubs are responsible for the costs associated with the resurfacing of the courts (plexi-pave or similar approved surface), every 7-8 years following the reconstruction.

Both the timeline for reconstruction and resurfacing of the courts may vary depending upon site specific factors.

The Holmesdale Memorial Tennis Club has repaid its contribution of the costs for the last reconstruction of the courts and therefore, its schedule of repayments towards 50% of the costs has been removed from the Lease, however the requirement to resurface the courts every 7-8 years (and cover the associated costs) has been included. The Club resurfaced the courts in November 2022.

In terms of the next reconstruction of the courts, a condition assessment will be undertaken in the next 18 months or so to determine the required timing, seek an estimate of the costs and then schedule the work accordingly. At that time, an addendum to the Lease will be sought to cover the Club's repayments of the 50% contribution of the cost of the courts reconstruction in accordance with the Tennis Facilities Policy.

The John Horrocks Memorial Green is classified as *Community Land* and therefore, in accordance with Section 202 of the *Local Government Act 1999*, as the proposed Lease term is greater than five (5) years, the Council must undertake community consultation prior to granting the proposed Lease.

OPTIONS

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

As the Council determined to enter into a Lease for a period of twenty years (10 +10) on 7 March 2022, endorsing the draft Lease for community consultation is giving effect to that decision. Notwithstanding this, the Council could determine not to enter into a Lease for the premises.

However, as the Council does not have an alternative use for the premises and the Club has been a good tenant to date, it is recommended that the Council proceed to community consultation to progress finalising the Lease arrangement with the Club.

CONCLUSION

The Lease arrangements between the Council and the Club will be finalised following the conclusion of the community consultation.

The views obtained from the community through the public consultation process will be included in the Council's final deliberations before granting the Lease.

COMMENTS

Nil.

RECOMMENDATION

1. That the draft Lease for the Holmesdale Memorial Tennis Club, as contained in Attachment A to this report, be endorsed for the purposes of community consultation, in accordance with the Council's Community Consultation Policy.
 2. The Council notes that the results of the community consultation be presented to the Council for consideration.
-

Mayor Bria declared a conflict of interest in this matter as he is a Patron of the Holmesdale Memorial Tennis Club and left the meeting at 9.29pm.

Appointment of Acting Mayor

Cr Robinson moved:

That Cr Duke be appointed Acting Mayor in respect to consideration of this Item.

Seconded by Cr Sims and carried unanimously.

Cr Duke assumed the Chair.

Cr Knoblauch moved:

1. *That the draft Lease for the Holmesdale Memorial Tennis Club, as contained in Attachment A to this report, be endorsed for the purposes of community consultation, in accordance with the Council's Community Consultation Policy.*
2. *The Council notes that the results of the community consultation be presented to the Council for consideration.*

Seconded by Granozio and carried unanimously.

Mayor Bria returned to the meeting at 9.36pm and resumed the Chair.

11.9 REPRESENTATION REVIEW - COMMUNITY CONSULTATION

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 this report is to present the draft *City of Norwood Payneham & St Peters Representation Report* (the Representation Report), to the Council for endorsement for the purpose of undertaking community consultation in accordance with the requirements of Section 12(7) of the *Local Government Act 1999* (the Act).

BACKGROUND

The Council currently comprises an elected Mayor, representing the City as a whole and thirteen (13) Councillors representing six (6) Wards as follows:

- Torrens Ward – two (2) Councillors;
- Payneham Ward – two (2) Councillors;
- St Peters Ward - two (2) Councillors;
- Maylands / Trinity Ward – three (3) Councillors;
- West Norwood / Kent Town Ward - two (2) Councillors; and
- Kensington / East Norwood Ward - two (2) Councillors.

The Council is required to conduct a review of its representation, at least once in each '*relevant period*' in accordance with Chapter 3 (Constitution of Councils), Part 1 (Creation, structuring and restructuring of councils), Division 2 (Powers of Councils and representation reviews) of the Act. This process is referred to as a Representation Review.

As prescribed by Regulation 4 of the *Local Government (General) Regulations 2013* and as determined by the Electoral Commissioner of South Australia, the '*relevant period*' for the Council's Representation Review is April 2024 - April 2025.

As Elected Members are aware, Craig Rowe & Associates have been engaged to undertake the Representation Review process for the Council, in accordance with Section 12(5) of the Act. Mr Craig Rowe is qualified to address the representation and governance issues that need to be considered and which may arise when undertaking a Representation Review.

On 29 April 2024, an Information Briefing Session was held with Elected Members to provide an overview of the prescribed Representation Review process and key legislated considerations. Elected Members were advised of the following:

- requirements of Section 11A(1) of the Act which require that Councils must not comprise more than thirteen (13) Elected Members;
- prescribed process and planned schedule for the Representation Review;
- role of the Electoral Commissioner in the process;
- principles prescribed in Section 26(1)(c) that need to be analysed as part of any proposal for the Council's structure; and
- Ward Quota matters prescribed in Section 33 of the Act.

An Information Briefing Session with Elected Members was subsequently held on 22 May 2024, at which Elected Members were presented with information to facilitate a discussion of their prospective options in respect to the number of Councillors and the Ward structure. Following the Information Briefing Session a Supplementary Discussion Paper was prepared which contained four (4) options for the Council's consideration. The four (4) options were refined from those presented in the initial Discussion Paper.

At the Council Meeting held on 5 August 2024, the Council determined by resolution its preferred structure based on the options presented in the Supplementary Discussion Paper. The preferred structure provides for a Mayor and eleven (11) Councillors with four (4) Wards and has Wards 1,3, and 4 each being represented by three (3) Councillors and the proposed Ward 2 being represented by two (2) Councillors. This structure retains all suburbs in their entirety within Wards.

The Council's preferred structure, including the number of Councillors, number and distribution of Wards and the names of these Wards, forms the basis for the Representation Report which is contained as **Attachment A**. The draft Representation Report is required to be prepared, consulted on, finalised and then submitted to the Electoral Commissioner of South Australia for consideration and approval. The Electoral Commissioner will determine whether the requirements of Section 12 of the Act have been satisfied and then certify the structure prior to gazettal.

In addition, to finalise the Representation Report for community consultation, the Council needs to resolve the names of the Wards for the preferred Council structure which was selected by the Council at the Meeting on 5 August 2024.

Any new structure will take effect at the next Local Government Election to be held in November 2026.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**
This matter has been considered at various Information Briefing Sessions and Council Meetings.
- **Community**
Community consultation will be undertaken in accordance with the Council's Community Consultation Policy.
- **Staff**
Not Applicable.
- **Other Agencies**
The Council will submit the final Representation Report to the Electoral Commissioner of South Australia in accordance with Section 12(12) of the Act.

DISCUSSION

In accordance with the requirements of Section 12(6) of the Act the Representation Report includes:

- an examination of the advantages and disadvantages of various structure options that are available to the Council and in particular, examines a reduction in the number of Elected Members and whether the division of the Local Government Area into Wards should be retained or abolished; and
- the proposed structure that the Council considers should be in place based on an analysis of how the proposal relates to the principles in Section 26(1)(c) and the matters referred to in Section 33 of the Act (which are summarised below).

The principles of Section 26(1)(c) of the Act can be summarised as follows:

- Resources available to local communities should be used as economically as possible while recognising the desirability of avoiding divisions within a community.
- Proposed changes to the Council's structure should, wherever practicable, benefit ratepayers.
- The Council should have a sufficient resource base to fulfill functions fairly, effectively and efficiently, and offer a reasonable range of services on an efficient, flexible, equitable and responsive basis.
- Council should facilitate effective planning and sustainable development within its area, and the protection of the environment.
- Council should have a structure that reflects communities of interest of an economic, recreational, social, regional or other kind and be consistent with community structures, values, expectations and aspirations.
- Ensure local communities can participate effectively in decisions about local matters.
- Residents should receive adequate and fair representation, while over-representation in comparison with Councils of a comparable size and type should be avoided.

Section 33 of the Act relates to *Ward Quotas* which is the number of electors within a Ward, divided by the number of Ward Councillors. The '*elector ratio*' for a Local Government Area is the total number of electors divided by the number of Councillors (the Mayor is excluded from this calculation). Section 33(2) of the Act, requires that any proposal which relates to the formation or alteration of Wards must observe the principle that the number of electors represented by a Councillor must not vary from the Ward quota by more than +/- 10%.

Section 33(1) provides the following matters which must also be considered in the preparation of a proposal that relates to Wards:

- the desirability of reflecting communities of interest of an economic, social, regional or other kind;
- the population of the area, and of each ward affected or envisaged by the proposal;
- the topography of the area, and of each ward affected or envisaged by the proposal;
- the feasibility of communication between electors affected by the proposal and their elected representatives;
- the nature of substantial demographic changes that may occur in the foreseeable future; and
- the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).

The first two (2) Information Briefing Sessions that were held with Elected Members, provided a comprehensive overview of the above matters with the support of information presented by Craig Rowe. The third Information Briefing Session which was held with Elected Members on 12 August 2024, provided the opportunity to discuss various naming options for the Council's preferred Ward structure, which included the following options:

- generic Ward naming such as Wards 1 – 4 or North, West, Central and South Wards;
- names based on parks and/or location e.g. Torrens, Linde, Koster and Parade Wards;
- minimal change from current Ward names – i.e. Payneham Ward; St Peters Ward; Trinity Ward and Norwood Ward; and
- a combination of the above.

Once the Council has determined the preferred Ward names via resolution and endorsed the draft Representation Report for community consultation, the draft Representation Report will be updated with this information prior to commencing community consultation.

At the conclusion of the community consultation period, the Council will receive a report summarising the outcomes of the community consultation process which will be considered as part of the final Representation Report. That final Representation Report must include any written submissions received through the consultation period and which relate to the subject matter of the proposed structure.

OPTIONS

The Council must determine the names of the Wards as part of the process associated with the proposed new Council structure. The Council's preferred structure incorporating the number of Councillors, the number and names of the Wards represented by the Councillors and the Ward boundaries must be included in the draft Representation Report.

It is a mandatory requirement of the Representation Review process that the Council consults with the community on the preferred structure via the draft Representation Report.

CONCLUSION

Having determined the Council's preferred number of Councillors and Ward structure, the Council now needs to resolve the name of these Wards.

To expedite the process the draft Representation Report (Attachment A) has been prepared based on the Council's decision of 5 August 2024 and will be updated once the Council has determined the preferred Ward names. The updated draft Representation Report will be released for community consultation from Monday, 14 October 2024.

COMMENTS

Nil

RECOMMENDATION

1. That the four (4) Wards, which were determined by the Council as the preferred Ward Structure at the Council Meeting held on 5 August 2024, be named as follows and included in the draft *City of Norwood Payneham & St Peters Representation Report* provided as Attachment A:
 - Ward 1 to be known as _____ Ward.
 - Ward 2 to be known as _____ Ward.
 - Ward 3 to be known as _____ Ward.
 - Ward 4 to be known as _____ Ward.
2. That the draft *City of Norwood Payneham & St Peters Representation Report* as contained in Attachment A be endorsed for the purpose of undertaking community consultation.

Cr Duke moved:

That the following Ward, which was determined by the Council as the preferred Payneham/Felixstow Ward at the Council Meeting held on 5 August 2024, be included in the draft City of Norwood Payneham & St Peters Representation Report provided as Attachment A:

- *Ward 1 to be known as Payneham/Felixstow Ward.*

Seconded by Cr Knoblauch and carried.

Cr Moorhouse moved:

That the following Ward, which was determined by the Council as the preferred St Peters/Kent Town Ward at the Council Meeting held on 5 August 2024, be included in the draft City of Norwood Payneham & St Peters Representation Report provided as Attachment A:

- *Ward 2 to be known as St Peters/Kent Town Ward.*

Seconded by Cr McFarlane and carried.

Cr Granozio moved:

That the following Ward, which was determined by the Council as the preferred Trinity/Maylands Ward at the Council Meeting held on 5 August 2024, be included in the draft City of Norwood Payneham & St Peters Representation Report provided as Attachment A:

- *Ward 3 to be known as Trinity/ Maylands Ward.*

Seconded by Cr McFarlane and carried.

Cr Mex moved:

That the following Ward, which was determined by the Council as the preferred Kensington/Norwood Ward at the Council Meeting held on 5 August 2024, be included in the draft City of Norwood Payneham & St Peters Representation Report provided as Attachment A:

- *Ward 4 to be known as Kensington/Norwood Ward.*

Seconded by Cr Callisto and carried.

Cr Sims moved:

That the draft City of Norwood Payneham & St Peters Representation Report as contained in Attachment A be endorsed for the purpose of undertaking community consultation.

Seconded by Cr Callisto and carried unanimously.

11.10 REVIEW OF DELEGATIONS

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 this report is to present the updated *Instrument of Delegation* for the Council's consideration and adoption.

BACKGROUND

The Council has the ability to delegate many of its decision-making powers and functions under the *Local Government Act 1999* (the Act) and a number of other Acts and Regulations. The primary purpose of delegating powers and functions, is to facilitate an efficient and effective organisation by allowing decisions to be made by the staff who carry out the day-to-day operations and to ensure that decisions are made at the appropriate level.

The current delegations have been reviewed and are now presented to the Council for consideration and adoption.

The Instruments of Delegation for powers and functions under the *Planning, Development and Infrastructure Act 2016*, as well as the Instrument of Sub-Delegation and authorisations relevant to the Minister for Transport & Infrastructure's Instrument of General Approval and Delegation to the Council (dated 22 August 2013), will be the subject of separate reports for the Council's consideration at the Council Meeting to be held on 4 November 2024.

As Elected Members may recall, a review of the Council's delegation of powers and functions to the Eastern Health Authority (EHA) was undertaken in April 2024, with no changes recommended. As EHA is a Regional Subsidiary established under Section 43 of the Act, the delegation review timing is coordinated with the other Constituent Councils to support the operations of EHA and are therefore separated from the general delegations.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Nil.

EXTERNAL ECONOMIC IMPLICATIONS

Nil.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

The adoption of an appropriate framework of delegations allows for decision making at appropriate levels within the organisation. The review and management of delegations ensures compliance with the *Local Government Act 1999*.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Consultation has taken place with relevant staff in relation to the review of Delegations and further consultation will occur through the sub-delegation process.
- **Other Agencies**
Not Applicable.

DISCUSSION

Council decision making occurs either by resolution of the Council in a Council Meeting or through delegation.

Section 44(1) of the Act enables the delegation by the Council of powers and functions under the Act or any other Act or Regulations. Therefore, in general, if an Act does not contain an express power of the Council to delegate its powers and functions under that Act, then Section 44 of the *Local Government Act 1999* may be used.

In accordance with Section 44(2) of the Act, a delegation may be made to:

- *a Council Committee; or*
- *a subsidiary of the Council; or*
- *a joint planning board established under a planning agreement to which the Council is a party; or*
- *an employee of the Council; or*
- *the employee of the Council for the time being occupying a particular office or position; or*
- *an authorised person.*

Section 44(3) of the Act places some limitations on the powers and functions which can be delegated, by identifying a number of matters that must remain solely with the Council for decision. These include:

- the power to make a by-law or to determine that a by-law applies only within a part or parts of the area of the Council;*
- the power to declare rates or a charge with the character of a rate;*
- the power to borrow money or to obtain other forms of financial accommodation;*
- the power to adopt or revise a strategic management plan of the Council;*
- the power to adopt or revise an annual business plan or budget of the Council;*
- the power to approve expenditure of money on works, services or operations of the Council not contained in a budget adopted by the Council;*
- the power to approve payment or reimbursement of expenses that may be paid at the discretion of the Council and for which the Council has not adopted a formal policy or made specific financial provision;*

- (h) the power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;
- (i) the power to make an application or recommendation, or to report or to give a notice, to the Governor or the Minister, being an application, recommendation, report or notice for which provision is made by or under this or another Act;
- (j) the power to fix, vary or revoke a fee under section 188(1)(d) to (h) of the Act;
- (k) the power to revoke the classification of land as community land under section 194 of the Act;
- (l) a power or function excluded from delegation by the regulations.

Section 44(4) of the Act, provides that a delegation:

- is subject to conditions and limitations determined by the Council or specified by the Regulations;
- if made to the Chief Executive Officer, authorises the sub-delegation of the delegated power or function unless the Council directs otherwise and if made to anyone else authorises the sub-delegation of the delegated power or function with the approval of the Council; and
- is revocable at will and does not prevent the Council from acting in a matter.

All of the powers and functions contained in the Instrument of Delegation are delegated through Section 44 of the Local Government Act. The only exception to this is the Heavy Vehicle National Law powers and functions being delegated by the Council as a Road Manager which are able to be delegated by the Council pursuant to Section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013* (HVNL Act).

As the Council is an authority responsible for the care, control of management of roads in the Council Area, under the HVNL Act it is declared to be a Road Manager with certain powers and functions. Section 22B of the HVNL Act enables a Road Manager to delegate any of the powers and functions under the HVNL Act and therefore that legislative provision is used rather than Section 44(1) of the Local Government Act.

The *Instrument of Delegation* providing for the delegation of powers and functions by the Council is contained in **Attachment A**.

The *Instrument of Delegation* identifies:

- (a) the statutory power or powers to delegate the powers or functions subject to the *Instrument of Delegation*;
- (b) the statutory basis for any power to sub-delegate a delegated power or function;
- (c) the conditions and limitations applying to the exercise of a delegated power or function; and
- (d) in an attached table for each Act or Regulation under which a delegation is granted by the *Instrument of Delegation*:
 - i. the delegated power or function; and
 - ii. the identity of the delegate or delegates in respect of that power or function.

If the Council resolves to grant the delegations provided for in the *Instrument of Delegation*, then:

- the delegations will come into operation on 1 December 2024; and
- previous delegations of the powers and functions of the various legislation covered in the attached Instrument of Delegation will be revoked from midnight 30 November 2024.

OPTIONS

Delegations are an essential component in the operation of any organisation and an important governance requirement. The majority of the delegations are of an administrative nature and are necessary for the efficient and effective implementation of decisions and the administration of Council business and operations and the efficient use of limited resources.

Without appropriate delegations, a significant number of minor matters would need to be referred to the Council for decision and the task of running the Council's operation efficiently and effectively would be made unnecessarily more difficult, complex, unwieldy and unsustainable.

CONCLUSION

The review of delegations ensures compliance with the *Local Government Act 1999*, and the effective administration of Council's powers, functions and duties with respect to various legislative requirements.

COMMENTS

Nil.

RECOMMENDATION

1. That the previous delegation of powers and functions of the Council to the Chief Executive Officer be revoked effective from midnight 30 November 2024.
 2. That the Council resolves to grant the delegation of powers and functions of the Council to the Chief Executive Officer as provided for in the *Instrument of Delegation* contained in Attachment A, effective from 1 December 2024.
-

Cr Piggott moved:

1. *That the previous delegation of powers and functions of the Council to the Chief Executive Officer be revoked effective from midnight 30 November 2024.*
2. *That the Council resolves to grant the delegation of powers and functions of the Council to the Chief Executive Officer as provided for in the Instrument of Delegation contained in Attachment A, effective from 1 December 2024.*

Seconded by Cr Moorhouse and carried unanimously.

[This Item was dealt with out of sequence – Refer to Page 12 for the Minutes relating to this Item]

11.11 NINTH AVENUE CHRISTMAS LIGHTS

[This Item was dealt with out of sequence – Refer to Page 12 for the Minutes relating to this Item]

12. ADOPTION OF COMMITTEE RECOMMENDATIONS

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

PURPOSE OF REPORT

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

- Traffic Management & Road Safety Committee – (3 September 2024)
(A copy of the Minutes of the Traffic Management & Road Safety Committee meeting is contained within **Attachment A**)
- Chief Executive Officer's Performance Review Committee – (9 September 2024)
(A copy of the Minutes of the Chief Executive Officer's Performance Review Committee meeting is contained within **Attachment B**)
- Norwood Parade Precinct Committee – (1 October 2024)
(A copy of the Minutes of the Norwood Parade Precinct Committee meeting is contained within **Attachment C**)

ADOPTION OF COMMITTEE RECOMMENDATIONS

- **Traffic Management & Road Safety Committee**

Cr Holfeld moved that the Minutes of the meeting of the Traffic Management & Road Safety Committee held on 3 September 2024, be received and noted. Seconded by Cr Duke and carried unanimously.

- **Chief Executive Officer's Performance Review Committee**

Cr Callisto moved that the Minutes of the meeting of the Chief Executive Officer's Performance Review Committee held on 9 September 2024, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Duke and carried unanimously.

- **Norwood Parade Precinct Committee**

Cr Callisto moved that the Minutes of the meeting of the Norwood Parade Precinct Committee held on 1 October 2024, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr McFarlane and carried unanimously.

13. **OTHER BUSINESS**
Nil

14. **CONFIDENTIAL REPORTS**

14.1 STAFF RELATED MATTER

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

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

Cr Holfeld moved:

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

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

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

Seconded by Cr Knoblauch and carried unanimously.

Cr Sims left the meeting at 9.56pm.

Cr Sims returned to the meeting at 9.57pm.

Cr Clutterham moved:

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

Seconded by Cr Sims and carried unanimously.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 10.22pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)