Council Meeting
Agenda & Reports

4 August 2025

Our Vision

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

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

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

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City of Norwood Payneham & St Peters

31 July 2025

To all Members of the Council

NOTICE OF MEETING

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

Monday 4 August 2025, commencing at 7.00pm.

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

Yours faithfully



Mario Barone
CHIEF EXECUTIVE OFFICER

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

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City of Norwood Payneham & St Peters

Page No.

1. KAURNA ACKNOWLEDGEMENT....1
2. OPENING PRAYER....1
3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 7 JULY 2025....1
4. MAYOR'S COMMUNICATION....1
5. DELEGATES COMMUNICATION....1
6. ELECTED MEMBER DECLARATION OF INTEREST....1
7. ADJOURNED ITEMS....1
8. QUESTIONS WITHOUT NOTICE....1
9. QUESTIONS WITH NOTICE....1
10. DEPUTATIONS....1

10.1 DEPUTATION – PROPOSED CATS BY-LAW....2
10.2 DEPUTATION – PROPOSED CATS BY-LAW....3
10.3 DEPUTATION – PROPOSED CATS BY-LAW....4

11. PETITIONS....5
12. WRITTEN NOTICES OF MOTION....5
13. STAFF REPORTS....5

Section 1 – Strategy & Policy....*6*
13.1 INTER-WAR HOUSING HERITAGE CODE AMENDMENT....7
Attachments – Item 13.1....*22*

Section 2 – Corporate & Finance....*23*
13.2 LONG-TERM FINANCIAL PLAN, RESIDENTIAL RATES AND ONGOING FINANCIAL SUSTAINABILITY....24
13.3 NORWOOD CONCERT HALL 2024-2025 OPERATING REPORT....34
13.4 NORWOOD SWIMMING CENTRE - 2024-2025 OPERATING REPORT....40

Section 3 – Governance & General....*47*
13.5 CASUAL VACANCY – WEST NORWOOD/KENT TOWN WARD....48
13.6 LOCAL GOVERNMENT ASSOCIATION (LGA) 2025 ANNUAL GENERAL MEETING – ITEMS OF BUSINESS....50
13.7 PROPOSED BY-LAWS....51
Attachments – Item 13.7....*58*
13.8 REPORT OF THE AUDIT & RISK COMMITTEE....59
Attachments – Item 13.8....*62*
13.9 VARIATION TO A LAND MANAGEMENT AGREEMENT – WILLOW BEND ESTATE – 4 WILLOW BEND, MARDEN....63
Attachments – Item 13.9....*66*
13.10 VARIATION TO A LAND MANAGEMENT AGREEMENT – WILLOW BEND ESTATE – 7 WILLOW BEND, MARDEN....67
Attachments – Item 13.10....*72*

14. ADOPTION OF COMMITTEE RECOMMENDATIONS....73
15. OTHER BUSINESS....74
16. CONFIDENTIAL REPORTS....74

16.1 APPOINTMENT OF MEMBER TO THE ERA WATER AUDIT & RISK COMMITTEE....75
16.2 COMMISSIONING OF QUADRENNIAL PUBLIC ARTWORK – STAGE 2 COMMISSIONING ARTWORK....76

17. CLOSURE....77

VENUE Council Chambers, Norwood Town Hall

HOUR

PRESENT

Council Members

Staff

APOLOGIES Cr Garry Knoblauch, Cr Connie Granozio

ABSENT

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 7 JULY 2025

4. MAYOR'S COMMUNICATION

5. DELEGATES COMMUNICATION

6. ELECTED MEMBER DECLARATION OF INTEREST

7. ADJOURNED ITEMS
Nil

8. QUESTIONS WITHOUT NOTICE

9. QUESTIONS WITH NOTICE
Nil

10. DEPUTATIONS

10.1 DEPUTATION – PROPOSED CATS BY-LAW

REPORT AUTHOR:	Manager, Governance
GENERAL MANAGER:	General Manager, Governance & Civic Affairs
CONTACT NUMBER:	8366 4593
FILE REFERENCE:	qA1041
ATTACHMENTS:	Nil

SPEAKER/S

Ms Evonne Moore.

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Ms Evonne Moore has written to the Council requesting that she be permitted to address the Council in relation to the proposed Cats By-law.

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

10.2 DEPUTATION – PROPOSED CATS BY-LAW

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE: qA1041
ATTACHMENTS: Nil

SPEAKER/S

Ms Lisa Roberts-Daintree.

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

C.A.T.S Inc. (Cats Assistance to Sterilise Incorporated)

COMMENTS

Ms Lisa Roberts-Daintree has written to the Council requesting that she be permitted to address the Council in relation to the proposed Cats By-law.

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

10.3 DEPUTATION – PROPOSED CATS BY-LAW

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE: qA1041
ATTACHMENTS: Nil

SPEAKER/S

Mr John Legg.

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Mr John Legg has written to the Council requesting that he be permitted to address the Council in relation to the proposed Cats By-law.

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

11. PETITIONS

Nil

12. WRITTEN NOTICES OF MOTION

Nil

13. STAFF REPORTS

Section 1 – Strategy & Policy Reports

13.1 INTER-WAR HOUSING HERITAGE CODE AMENDMENT

REPORT AUTHOR:	Senior Urban Planner
GENERAL MANAGER:	General Manager, Urban Planning & Environment
CONTACT NUMBER:	8366 4561
FILE REFERENCE:	qA122666
ATTACHMENTS:	A - F

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the outcome of the community engagement that has been undertaken on the *Draft Inter-War Housing Heritage Code Amendment* and to present the final *Inter-War Housing Heritage Code Amendment* for consideration and endorsement. The final version of the Code Amendment is contained in Attachment A.

BACKGROUND

Under the former *Development Act 1993*, the Council commenced a Development Plan Amendment process to provide heritage protection to exemplars of Inter-war era housing, mainly concentrated in the suburb of Heathpool. Although the initial stages of the amendment process were initially supported by the State Government, the then Minister for Planning, declined to approve the amendment for interim (temporary) operation for the purposes of community consultation. As a result, the amendment subsequently lapsed.

Following the introduction of the current planning system, at its meeting held on 5 October 2021, the Council considered a confidential report on a new proposal to revisit the opportunity for improved protection of Inter-war era housing and resolved the following:

> *That the Council reviews and prepares a Code Amendment to reflect the previous Inter-war Housing Heritage Development Plan Amendment for the Council's consideration prior to submission to the State Government.*

In accordance with this resolution, a draft *Inter-War Housing Heritage Proposal to Initiate* (the first stage in a Code Amendment process) was prepared and was endorsed by the Council at its meeting held on 6 December 2021. The draft *Proposal to Initiate* was subsequently submitted to the State Government for approval.

Following further investigations requested by the State Government Heritage Subcommittee, the Council subsequently endorsed a revised *Proposal to Initiate* on 7 August 2023, which was approved by the Minister for Planning on 12 March 2024. At that time, the Council was offered and subsequently received, matched funding for eligible heritage and historic area Code Amendments of $47,600. These funds are being used to offset eligible costs incurred by the Council, associated with the Council's three (3) current Code Amendments.

At its meeting held on 2 April 2024, the Council resolved to release the *Draft Inter-War Housing Heritage Code Amendment,* for community consultation and to request the Minister for Planning to approve early commencement of the draft Code Amendment, to allow the Code Amendment to temporarily come into effect at the same time as the Code Amendment is released for consultation (standard practice for heritage listings). Following an unexplained delay from the Minister in gaining approval, early commencement of the Code Amendment came into effect on the first day of consultation (24 October 2024) and will remain in effect for twelve (12) months expiring on 23 October 2025. After this date, if the Code Amendment has not yet been adopted the early commencement operation will cease, meaning the interim demolition protections will no longer apply.

Community engagement, in accordance with the Engagement Plan, was conducted over an eight (8) week period from 24 October to 20 December 2024. Consultation activities included:

- direct notification via tailored letters to owners and occupiers of affected and adjacent properties;
- direct notification to other stakeholders such as residents' associations and special interest groups, Local Government Association, various industry associations, Members of Parliament;
- communication to the public generally, through website information, social media, and displays at the Council's civic centres and noticeboard;
- two (2) drop-in sessions held at the Norwood Town Hall (daytime and evening); and
- conversations with interested parties on request (phone calls and in person meetings).

A copy of consultation Fact Sheets distributed during public consultation, is contained in Attachment B.

In response to the consultation, a total of fourteen (14) submissions were received; nine (9) submissions were generally supportive (some of which suggested improvements) and five (5) submissions were opposed to various aspects of the policy changes. A summary of written submissions is contained in Attachment C and a copy of the submissions is contained in Attachment D.

To provide independence and rigour in considering changes to the draft Code Amendment, Swanbury Penglase heritage architects were engaged to undertake an independent third-party review of submissions raising objections to Local Heritage Place listings, as well as suggested changes to the Heathpool Historic Area Overlay boundary and the identification of a Representative Building.

In reviewing the feedback from stakeholders during consultation and the recommendations made by the independent consultants, Swanbury Penglase, staff made changes to the Code Amendment, now presented as the final policy changes, for the Council's consideration.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

CityPlan 2030
Outcome 2: Cultural Vitality
A culturally rich and diverse city, with a strong identity, history and sense of place

Objective:
2.3. A City which values and protects built heritage

2.4. Pleasant, well designed, and sustainable neighbourhoods

Built Heritage Strategy
Theme 2 Protect
Objective:
2.1. Protect key examples of Interwar heritage
2.1.1 Expand the protection of buildings constructed between WW1 and WW2

2.2 Protect Historic Areas.
2.2.1. Expand application of Planning and Design Code Overlays

FINANCIAL AND BUDGET IMPLICATIONS

Work on this project to date has involved a combination of staff and consultants. The Minister's grant funding has contributed to activities deemed eligible in the grant provisions, including the work undertaken by consultants as part of the revised Proposal to Initiate and review of submissions and modest costs associated with public consultation.

TABLE 1: INTER-WAR CODE AMENDMENT EXPENDITURE

Activity	Expenditure
Consultant review 2023	$8415.00
Consultation Costs (external costs e.g. printing and postage)	$333.00
Consultant Post-consultation review	$7920.00
TOTAL	**$16,668.00**

EXTERNAL ECONOMIC IMPLICATIONS

Any changes to the number and type of heritage properties across the City and/or changes to the extent of Historic Areas, may have economic impacts such as affecting development potential.

SOCIAL ISSUES

Heritage and historic area conservation is, and perhaps will always be, a sensitive issue. By its nature it evokes differences of opinion of conservation versus development and property owner rights. Whilst there is no doubt that heritage listed places generate benefits to the community in the way in which they are utilised and maintained, there is also a potential for heritage places to generate intrinsic and cultural value to individuals as well as communities.

CULTURAL ISSUES

The Council's role in supporting the retention of buildings and places of heritage value strongly aligns with one of the key objectives of the Council and the community, which is to protect and enhance the City's valued built form and character.

The Council's approach to built heritage also aligns with the aims of the League of Historical Cities, of which the Council is a member.

ENVIRONMENTAL ISSUES

The embed energy and carbon in buildings which are retained results in carbon emissions savings.

RESOURCE ISSUES

The Code Amendment process can be progressed to completion without additional resource implications.

RISK MANAGEMENT

The risk of not endorsing the Code Amendment is that the buildings which have been recommended for listing will not have the level of protection from demolition which is afforded by a Local Heritage listing, or by inclusion in the Historic Area Overlay. This risk remains until such time that the draft Code Amendment is approved and gazetted and any appeals of proposed Local Heritage Place listing are resolved. To manage this risk, the Council has pursued 'early commencement' of the draft Code Amendment (formerly known as interim operation) which means the Code Amendment temporarily came into effect at the same time the Code Amendment was released for consultation. If not approved, this will lapse on 23 October 2025.

CONSULTATION

- **Elected Members**
  The Code Amendment has been prepared in response to decisions made at the Council meetings held on 5 October 2021, 6 December 2021, 7 August 2023 and 2 April 2024.

- **Community**
  Community engagement was undertaken over an eight (8) week period with direct notification to affected or interested stakeholders, distribution of information through Council's media channels and civic centres, and the option for stakeholders to participate in drop-in sessions or ad hoc enquiries during the consultation period.

- **Staff**
  General Manager, Urban Planning & Environment
  Manager, Urban Planning & Sustainability
  Manager, Development & Regulatory Services
  Development Assessment Planners
  Heritage Advisor
  Cultural Heritage Researcher (specific research assistance)

- **Other Agencies**
  Planning & Land Use Services (staff reporting to State Planning Commission)
  Local Government Association
  Members of Parliament for electorates containing affected properties
  Other interested stakeholder groups, including resident and industry associations

DISCUSSION

Code Amendment Process

The *Planning, Development and Infrastructure Act 2016* (the PDI Act) sets out the process for amending the *Planning & Design Code*, as summarised in **Figure 1**. The completed steps at this point are 1.1 through to 2.3.

FIGURE 1 – SUMMARY OF CODE AMENDMENT PROCESS

1.	**INITIATION**	
1.1	Proponent (e.g. Council)	Prepares a Proposal to Initiate outlining the intent of the Code Amendment
1.2	Department	Assesses the Proposal to Initiate
1.3	State Planning Commission Heritage Sub-Committee	Reviews the Proposal to Initiate and provides advice to the Minister
1.4	Minister	Determines whether to approve the Proposal to Initiate (with or without conditions)

2.	**PREPARATION AND ENGAGEMENT**	
2.1	Proponent	Undertakes investigations, prepares Engagement plan and Code Amendment. Drafting instructions provided to the Department
2.2	Department	Prepares draft policy and mapping (if applicable) *Note: the Department doesn't need to approve Code Amendment content*
2.3	Proponent *Post Engagement*	Undertakes engagement in accordance with the Engagement Plan. Summarises submissions, prepares Engagement Report, amend the draft Code Amendment (if applicable) and provides these to the Department for approval **WE ARE HERE** 

3.	**APPROVAL**	
3.1	Department	Assess Engagement Report and approval documentation
3.2	Heritage Sub-Committee	Provides owners of LHPs who provided a submission with an opportunity to provide a submission to the Sub-Committee (or otherwise the Sub-Committee will review existing submissions). Provides advice to Minister on Code Amendment
3.2	Minister	Considers the Engagement Report and Code Amendment (may consult with Commission) and makes a decision whether to approve the Code Amendment
3.3	ERD Committee	Considers Code amendment and resolves to object, not object or suggest amendments.
3.4	Minister	If applicable, determines whether to adopt any changes suggested by ERDC

4.	**PROPERTY OWNER APPEALS** *New process introduced in the PDI Act. Staff are not aware of such an appeal process occurring since the introduction of the Act.*	
4.1	Owners of Local Heritage Places	Opportunity to appeal their property's designation as a Local Heritage Place to the ERD Court
4.2	Proponent	Participation in ERD Court appeal.

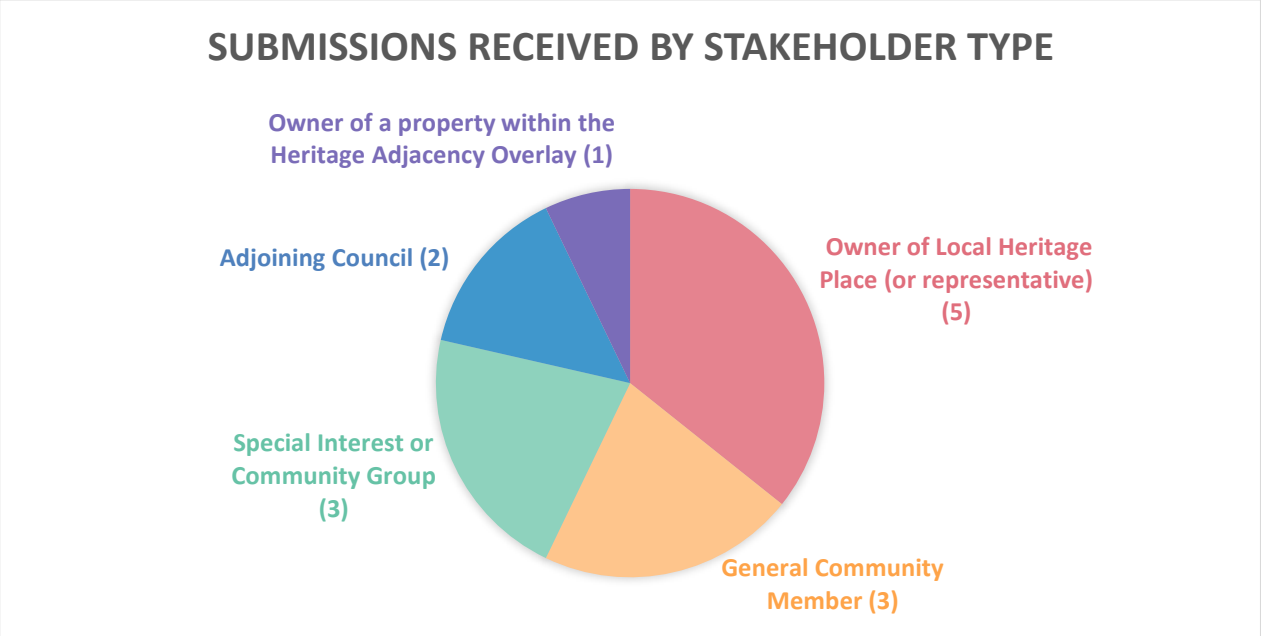
Consultation Feedback

A summary of written submissions including the Council's proposed response, is contained in Attachment C and a copy of submissions is contained in Attachment D.

Due to the provisions of the *Planning and Design Code*, some stakeholders are affected by the Code Amendment in more than one way. For example, some properties are proposed to be a Local Heritage Place, within the Historic Area Overlay and within the Heritage Adjacency Overlay. However, for the purpose of this report, stakeholders are referred to in a simplified way by the change which is likely to have the most significant or direct effect on their property, typically with a Local Heritage Place designation having the greatest potential effect, followed by Historic Area Overlay and then Heritage Adjacency Overlay.

A total of fourteen (14) submissions have been received from a range of stakeholder types as illustrated in Figure 2 below.

FIGURE 2 – NUMBER OF SUBMISSIONS RECEIVED BY STAKEHOLDER TYPE



Nine (9) submissions were generally supportive of the policy changes and five (5) were opposed to various aspects of the policy changes.

Submissions in Support of the Code Amendment

The nine (9) submissions that are generally supportive were received from:

- owners of Local Heritage Places;
- members of the community;
- community or special interest groups; and
- adjoining Councils.

A common theme raised in these submissions was support for heritage listing and historic area protections in the interests of:

- preserving historic buildings;
- preserving and promoting specifically Inter-war era / 20th Century heritage; and
- preventing 'undesirable' development outcomes.

Some submissions suggested improvements to the Code Amendment including:

- the listing of additional Local Heritage Places - either nominating specified places, or suggesting further consideration be given to particular suburbs, building styles, and non-residential buildings which warrant further consideration; and
- expansion of the Historic Area Overlay.

Submissions Opposed to the Code Amendment

The five (5) submissions which were opposed have been received from:

- owners of proposed Local Heritage Places (including representatives on behalf of owners); and
- owners of a property adjacent to a proposed Local Heritage Place.

The submissions which raised objection to the listing of three proposed (3) Local Heritage Places are set out below.

3 Newcastle Street Heathpool

Two submissions were received opposing this listing, including one from the owner and one from the neighbour.

3 Stannington Avenue Heathpool

One submission received from the owners

2B Stannington Avenue Heathpool

Two submissions were received opposing this listing, both on behalf of the owner. Importantly, this dwelling has been demolished due to there being a valid development approval in place. Notwithstanding the demolition of the building, the objections also opposed the proposed rezoning and application of the Historic Area Overlay.

Reasons for objecting to the listing of Numbers 2B and 3 Stannington Avenue included:

- opinions that the Local Heritage criteria had not been met;
- concerns about the implications of heritage listing such as limiting options for future redevelopment or building improvements, and associated restrictions on property owner rights;
- concerns about additional administrative costs and other burdens placed on owners;
- opinions that current planning policies provide adequate protection;
- a view that existing development consent for the redevelopment and subsequent demolition of 2B Stannington Avenue negates the proposed listing; and
- the proposed rezoning and inclusion in the Historic Area Overlay of 2B Stannington Avenue should not go ahead in light of the upcoming redevelopment of the property.

Other feedback

Discussions during the two (2) drop-in sessions that were held during the consultation period, were 'one-on-one' allowing the attendees to discuss their specific questions, concerns or views. Attendees included owners of directly affected properties, owners of properties adjacent to affected properties and a representative from a community group. A total of nine (9) individual groups (i.e. couples or individuals) attended the two (2) drop-in sessions.

Discussions were also held with stakeholders throughout the consultation period, including telephone calls or in-person meetings. Twelve (12) ad-hoc discussions were held during consultation with a variety of stakeholder types including owners of directly affected properties and general community members. A summary of topics, queries and concerns that were discussed with stakeholders throughout the consultation period is captured below.

Local Heritage Places

Most owners of proposed Local Heritage Places who attended the drop-in sessions, expressed concern and objection to their properties being listed. Typically, these concerns related to negative impacts on property value, property owner rights, limitations on redevelopment options and concern that engagement with property owners had not occurred earlier in the process (this point is outlined under *Code Amendment Process*).

- *How and why properties are proposed to be Local Heritage Places*
  Staff provided information on the heritage assessments, the legislative criteria that are required to be met and responded to concerns that the involvement of heritage experts throughout the listing process (including at both the Local and State Government level) supports listing heritage properties that meet the relevant legislative criteria.

- *Potential implications of Local Heritage Listing*
  Discussion included the extent of protections or restrictions and what this may mean for future redevelopment / building alterations / maintenance. Concerns were also raised about the potential effects on property value. Staff advised that as a regular, ongong service to the communiy, the Council has a free, Heritage Advisory Service where owners can meet on-site with the Heritage Advisor to discuss specific building maintanenance or modification questions.

- *Differences between Local Heritage Places and Representative Buildings*
  Staff provided information on the Local Heritage criteria and the qualities or characteristics that may warrant a building being identified as a Representative Building.

- *Why 16 Heathpool Road has not been identified as a Local Heritage Place*
  The dwelling at 16 Heathpool Road is the Reed family homestead of the original Heathpool Farm, which existed prior to the subdivision of the current residential allotments. Participants queried why this property has not been captured in past surveys or this current Code Amendment. It was discussed that the dwelling may not have been identified in past surveys due to it not being visible from the public realm. It has not been proposed to be listed as part of the current Code Amendment, due to the focus of the Code Amendment being Inter-war era buildings and the original homestead is of an earlier style and construction. The interest in this building is however, noted and should the Council be considering a new Heritage Survey and Code Amendment at some point in the future, this building and its importance to the local history, can be considered

- *Why other properties were not proposed as Local Heritage Places*
  Apart from the discussions regarding 16 Heathpool Road, other discussions were held regarding why some Inter-war era buildings were not identified as Local Heritage Places. These discussions included an explanation of the Local Heritage Criteria and in what cirucmstances an Inter-war era building may have been proposed to be listed.

- *Status of Development Consent in relation to 2B Stannington Avenue*
  Legal advice was sought from Norman Waterhouse regarding the status of a Planning Consent in place for redevelopment of 2B Stannington Avenue which was proposed to be listed as a Local Heritage Place. The advice determined that the Planning Consent was valid and the owner could proceed with securing Development Approval and undertaking the development. The details of this matter are discussed further in this report.

Historic Area, Character Area and Heritage Adjacency Overlays

Owners of properties within the proposed Historic Area Overlay or Heritage Adjacency Overlay (that were not also proposed as Local Heritage Places) expressed mixed views during discussions with Council staff, but many had queries rather than concerns.

- *Potential implications of being within a Historic Area Overlay and why the Area includes non-historic properties*
  Council staff advised that the Historic Area Overlay typically applies to an area with multiple properties, with most, but not necessarily all, of those properties demonstrating the features which contribute to the historic character of the area. The Historic Area Overlay policies refer to demolition control of buildings which demonstrate the historic characteristics expressed in the Area Statement, which means that the demolition of later era (post-war) buildings is unlikely to be hindered by these policies. The construction of new buildings and structures would be assessed against the Overlay policies which seek for new development to be consistent with the prevailing historic character.

- *How the boundaries of the proposed Historic Area Overlay were determined and whether the Overlay could be extended to capture additional properties on Stannington Avenue east of Lesbury Avenue, or a broader area representative of the original Heathpool farm.*
  Council staff advised that a broader area was originally considered for the Heathpool Historic Area but was later refined so it focused on an area with a higher proportion of historic buildings, noting that a high proportion of non-historic buildings can diminish the value of a historic area. Participants were encouraged to make any specific suggestions for changes to the Code Amendment through a submission.

- *Implications of being within a Heritage Adjacency Overlay*
  Council staff explained the mechanics of the *Planning and Design Code* and the rules of application of the Heritage Adjacency Overlay surrounding a Heritage Place. Discussions included what impact the Overlay policies may have on a future redevelopment of a non-heritage site within the Adjacency Overlay and clarification on the difference between the Heritage Adjacency Overlay and the Historic Area Overlay (it is noted that the names of these Overlays, set by the authors of the Code, are very similar which caused confusion).

Code Amendment Process

- *Why the heritage survey and listing process occurred without prior public consultation and why it was released on early commencement*
  Some participants expressed a concern that the Code Amendment process had progressed to this point without prior consultation with owners. Staff discused the potential risk of pre-emptive applications or demolitions which might occur if consultation is undertaken at an earlier stage and noted that two properties of interest had received development approval prior to early commencement coming into operation, indicating there is a risk of undesirable development outcomes. However, early commencement does not mean changes cannot be made to the proposed Code Amendment in response to submissions.

- *Whether assistance is required from a heritage, planning or legal expert to provide a submission*
  Staff advised that assistance is not required from a heritage, planning or legal expert in order to provide a submission, but participants were advised how heritage experts could be contacted if they wish to do so.

- *Steps in the Code Amendment process*
  A summary of the Code Amendment process was provided to interested participants, including who is involved in the upcoming stages and advising that appeal rights exist for owners of any newly listed Local Heritge Places.

- *Why the Code Amendment is focused on Inter-war era buildings, rather than other eras*
  Past heritage surveys undertaken within the Council area have typically focused on earlier eras and building styles, which has resulted in an under-representation of Inter-war era buildings in the list of Local Heritage Places and areas with historic area protections. This 'gap' was considered to warrant further review and expansion of heritage protection. It is best for heritage surveys and Code Amendments to have a particular focus, to manage the scope and scale of the project.

- *Format of the drop-in sessions*
  One participant indicated they would have preferred a group discussion or 'townhall' style meeting rather than the one-on-one format provided, so they could have heard the views of other participants.

- *Demolition of 2B Stannington Avenue*
  A local resident called to discuss the demolition of 2B Stannington Avenue which occurred during consultation despite the property being proposed as a Local Heritage Place. Council staff explained the chronology of events relating to the proposed listing through the Code Amendment process and concurrent Development Application, resulting in a valid Development Approval being in place allowing the development to occur, notwithstanding the early commencement of the Code Amendment. This was confirmed by legal advice.

- *The boundary of the Historic Area Overlay should be adjusted to exclude 2A Stannington Avenue (this was discussed after the formal consultation period was closed, but was a follow up from discussions which occurred during consultation)*
  In light of the demolition of the proposed Local Heritage Place at 2B Stannington Avenue and replacement with 3 two-storey dwellings and given that the adjacent 2A Stannington Avenue is not a historic property, the owner opined that it would be illogical for the Historic Area Overlay to include 2B and 2A Stannington Avenue. Instead the Historic Area Overlay boundary should start at 2 Stannington Avenue given this is a proposed Local Heritage Place. Council staff advised that the boundaries of the Historic Area Overlay be included in the the post-consultation considerations.

- Other planning matters not specifically related to the Code Amendment were also discussed, such as development which has been undertaken on neighbouring properties, challenges experienced with past development applications, minimum allotment sizes and subdivision potential, and regulated tree protections and requirements.

Post-Consultation Feedback

7 Rothbury Avenue Heathpool

The original draft Code Amendment included 7 Rothbury Avenue, Heathpool, as a Representative Building within the Heathpool Historic Area. It is noted that the dwelling was not originally identified as a Representative Building in the 2021 version of the Proposal to Initiate, due to its unique style compared to other dwellings in Rothbury Avenue, which are typically Bungalow or Tudor style dwellings. However, following the 2023 review, the property was included as a proposed Representative Building given it was constructed during the Inter-war period.

Following conclusion of public consultation, the owners of 7 Rothbury Avenue, Heathpool, contacted the Council to discuss the possibility of redeveloping their property, including demolishing the existing dwelling. Although direct and tailored notification was provided to the owners during consultation, it became apparent they were not aware of the draft Code Amendment and the proposal to identify their property as a Representative Building. Given the circumstances, Council staff invited the owners to provide feedback on the draft Code Amendment which would not be a formal submission given it was outside of the consultation period, but could be taken into consideration as part of the broader post-consultation review process. The owners provided feedback which has been summarised and included for reference with the formal submissions contained in Attachment C. A copy of the full submission is contained in Attachment D.

The feedback outlines that the unusual position of the dwelling at the rear of the allotment limits opportunities for modern dwelling extensions and the feedback also questioned the design and construction year of the dwelling in the context of other dwellings in the proposed Historic Area.

Following receipt of this feedback, clarification was sought from the Council's Cultural Heritage Researcher as to the year of construction for 7 Rothbury Avenue, which was confirmed as 1933 and therefore during the Inter-war period. Notwithstanding the year of construction being within the target era, further consideration was given to whether the dwelling displays characteristics of importance in the historic area, as per the definition provided in the *Planning & Design Code* for Representative Buildings. The outcome of the review is set out in this report.

Post-Consultation Review

It is important that the Council has due regard to the submissions and other consultation feedback to inform the decision making for the final Code Amendment. Independent specialise heritage consutants, Swanbury Penglase, were engaged to review and recommend changes.

The Consultant's report and recommendations are contained in Attachment E, with a summary provided below:

3 Newcastle Street

In reviewing 3 Newcastle Street, the Consultant has explored the social and architectural context of the period. The review describes that residential development in Heathpool was occurring between the peak development periods of other nearby areas, creating some uniqueness in the development of this area. Further, there was a growing interest in new and diverse American design trends, including American adaptations of previous English styles. This provides some context for the varied descriptions of the dwelling at 3 Newcastle Street in the Code Amendment supporting documents which include both "Inter-War American Colonial" and "Inter-war Georgian Revival style". It also provides context as to why a dwelling of an uncommon style may meet the Local Heritage criteria. The submissions relating to this property also questioned the integrity of the original building given that building alterations were undertaken shortly after construction. The consultant's review determined that these changes illustrate the evolving social attitudes and living standards of the time and the broader cultural and architectural shifts during the period.

The Consultant concluded that the dwelling located at 3 Newcastle Street, represents '*the stylistic diversity which was emerging in the suburb, reflecting the social and historic influences of the time*'. However, the Consultant concluded that there is insufficient strength in the connection to, and local importance of, architect Lionel Bruer, calling into question the inclusion of criterion e). Based on the above, the Consultant recommended that the dwelling **remain as a proposed Local Heritage Place**, but based only on Local Heritage Place criteria (a) (social themes) and (d) (design characteristics), *not* criteria (e) (association with notable local personality) as is contained in the draft Amendment.

3 Stannington Avenue

In reviewing the dwelling at 3 Stannington Avenue, the Consultant observed that the dwelling is one of the earlier buildings constructed in the street and has an intact character and setting, likely to have been built using original materials and detailing. Further, the allotment is reflective of the original residential subdivision and its link to the original developers' designers strengthens its association with the development of the area and social themes of the period. Based on the strength of these observations, the Consultant recommends the dwelling is **retained as a Local Heritage Place**.

2B Stannington Avenue

In the original 2010 Inter-war Heritage survey, 2B Stannington Avenue was identified as having heritage significance but was ultimately not included in the original Development Plan Amendment due to its frontage to Portrush Road and it being located within a zone which facilitated redevelopment and infill. Between the DPA process concluding in 2016 and the preparation of the first Proposal to Initiate in 2021, the site was subdivided resulting in the dwelling being on an allotment that only had a frontage to Stannington Avenue. This made it more practical to include the historic dwelling in the same zone as other properties fronting Stannington Avenue and a separate zone from the dwellings facing Portrush Road. It was therefore included in the 2021 Proposal to Initiate as a proposed Local Heritage Place and proposed to be included in the Historic Area Overlay and Established Neighbourhood Zone (removing it from the General Neighbourhood Zone which applies along Portrush Road).

In between the revised Proposal to Initiate being submitted for approval in 2023 and the Minister approving early commencement for the Code Amendment, a development application was lodged for a subdivision into three (3) allotments and the construction of three (3) two-storey dwellings of a contemporary design. Planning Consent was granted for the development, noting that as the Code Amendment had no legal effect, the property did not yet have demolition protection and the site was still within the General Neighbourhood Zone at the time the application was lodged and assessed.

Notwithstanding the planning consent which was in place, the proposed Local Heritage listing and rezoning of the property was retained in the draft Code Amendment that was released for consultation, given that the valid development consent may not be acted upon, potentially meaning the subject dwelling may be retained on the site. Council staff did, however, seek legal advice regarding the protection status of the property given it had both the interim protection afforded by the early commencement of the draft Code Amendment as well as a planning consent for redevelopment. Ultimately it was concluded that the Planning Consent was *not* invalidated by the early commencement of the draft Code Amendment and could therefore go ahead. The dwelling was subsequently demolished during the consultation period.

The Consultant's review confirms the proposed **Local Heritage listing should be removed** from the land given the building has been demolished.

Extent of proposed Heathpool Historic Area Overlay

Considering the demolition of the original dwelling at 2B Stannington Avenue, and that 2A Stannington Avenue contains a post-war dwelling which does not contribute to the historic character of the area, the Consultant recommended the western end of the proposed Historic Area be adjusted to exclude all post-war dwellings at this end of Stannington Avenue. That is, remove 2B and 2A Stannington Avenue from the proposed Historic Area.

The Consultant was also requested to review the eastern end of the proposed Historic Area to determine if it should be expanded to include the properties at 16–24 Stannington Avenue as recommended in the Kensington Residents' Association submission and other discussions held during consultation, or otherwise to an extent considered appropriate. The Consultant has recommended that **no change be made to the proposed Historic Area in this location due to the eastern end of Stannington Avenue** containing a lower concentration of Interwar era buildings and that the existing post-war dwellings would compromise the streetscape quality.

7 Rothbury Avenue

The administrative definition of a Representative Building as provided in the *Planning & Design* Code is:

> *Representative buildings referenced in Historic Area Statements and Character Area Statements and mapped in the South Australian Planning and Property Atlas are buildings which display characteristics of importance in a particular area. The identification of representative buildings in a particular area is not intended to imply that other buildings in an historic area are not of importance.*

Representative Buildings which have been proposed in the Heathpool Historic Area fall within the 1920-1935 year-built range and are typically Bungalow or Tudor style dwellings. Text from the proposed *Heathpool Historic Area Statement* relating to eras and styles is copied below:

> *An intact area displaying historic construction styles built from 1920 featuring large houses and gardens in Stannington Avenue, dominated by wide-fronted bungalow style dwellings. Later construction of mainly middle-class housing in Rothbury Avenue, dominated by Old English style dwellings…*
> *Along the northern side of Rothbury Avenue are highly intact examples of middle-class Inter-War Old English dwellings and Inter-War Bungalow dwellings of varying designs, repeated on southern side of Rothbury Avenue in City of Burnside – Tusmore Historic Area to form a consistent streetscape.*

Based on the above, the Consultant was asked to review the property at 7 Rothbury Avenue to determine whether it displays characteristics of importance relevant to the Heathpool Historic Area, and therefore whether it should be identified as a Representative Building.

The Consultant's review noted the general cohesiveness of Representative Buildings in the historic area. Although 7 Rothbury Avenue has some features consistent with the streetscape, such as allotment size and side setbacks, the siting of the dwelling on the allotment is inconsistent with others in the street due to its unusually large front setback. In terms of building era and style, the dwelling at 7 Rothbury has different design features including the roof and portico. This uniqueness may be a product of stylistic evolution in the later years of the area being developed, however the large front setback and contrasting roof form disrupt the rhythm of the streetscape. On balance, the Consultants have recommended that the property at **7 Rothbury Avenue is not included as a Representative Building**.

Post-Consultation Amendments

The issues raised in submissions and the recommendations made by the Consultant have been considered, resulting in the following recommendations. The recommended amendments have localised impact, respond to submissions and would not necessitate repeating the engagement process prior to submitting the revised Code Amendment to the Minister for Planning for approval.

3 Newcastle Street

The submissions objecting to the Local Heritage listing of 3 Newcastle Street contested that the dwelling did not meet the nominated heritage criteria for reasons including the dwelling being of an ambiguous and uncommon style, subsequent alterations reducing the extent of original fabric, and tenuous ties to a notable architect. Although coming to a similar conclusion regarding the property's links to architect Lionel Bruer, the Consultant review provided helpful context as to why the dwelling's unique style is relevant to the historic development of the local area and that subsequent alterations do not necessarily diminish its historic value. As such, the Consultant recommended the property remain on the Local Heritage list based on it displaying historical social themes and design characteristics of significance to the local area.

After considering the information originally collated as part of the draft Code Amendment, the Consultant review and issues raised in the submissions, it is considered there is sufficient evidence supporting the retention of 3 Newcastle Street as a proposed Local Heritage Place on the basis the building meets Local Heritage criteria (a) - social themes and (d) - design characteristics, but there is insufficient evidence that the listing could also be attributed to criteria (e) – association with a notable local personality.

As such, it is recommended that **3 Newcastle Street be retained on the list of proposed Local Heritage Places** on the basis that it meets Local Heritage criteria (a) - social themes and (d) - design characteristics only.

3 Stannington Avenue

The submission objecting to the Local Heritage listing of 3 Stannington Avenue was primarily concerned listing would place limitations on the future opportunities for improvements and developments of the site, and a view that existing policies provide sufficient development control. These concerns are noted, however the Consultant review highlights the strength of evidence supporting the listing of this building.

As such, it is recommended that 3 Stannington Avenue **be retained as a proposed Local Heritage Place.**

2B Stannington Avenue

Given the historic building has been lawfully demolished, it is considered appropriate to not proceed with the proposed Local Heritage Place listing for this property. It is therefore recommended that **2B Stannington Avenue is removed from the list of proposed Local Heritage Places.**

7 Rothbury Avenue

It is noted that the dwelling at 7 Rothbury Avenue was constructed in the Inter-war era and its unique style may be a product of evolving architectural designs at the time, as is the case with the dwelling at 3 Newcastle Street. However, unlike 3 Newcastle Street, the dwelling at 7 Rothbury Avenue is not considered to meet the Local Heritage Place criteria and therefore has not been proposed for this level of protection. It is therefore relevant to consider whether the building merits identification as a Representative Building. While Local Heritage Places can have unique features or styles (in some cases their individuality being the reason for listing), Representative Buildings are those which collectively make up the pattern of historic character of the area and therefore should present a level of consistency in built form and setting. As outlined in the Consultant's review, the unique style and unusually deep front setback of the dwelling at 7 Rothbury Avenue compromises its contribution to the consistent historic character of the street.

On balance therefore, it is recommended that the dwelling at **7 Rothbury Avenue is not included as a Representative Building** on the basis that it does not sufficiently display characteristics of importance to this area.

Adjustments to Overlay and Zone boundaries – Western End of Stannington Avenue

Although the owner of 2A Stannington Avenue has not provided a formal submission, discussions with the owner that were held during and after the consultation period indicated a preference for the property not to be included within the Historic Area Overlay, given that neither 2A Stannington Avenue nor the adjacent 2B Stannington Avenue contain historic buildings. As outlined above, the Consultant recommended that both 2B and 2A Stannington Avenue are excluded from the Historic Area Overlay given they currently, or soon will, contain post-war dwellings which do not contribute to the historic character of the area. This is considered a reasonable approach as these properties are at the western-most fringe of the Overlay and inclusion of too many non-contributing buildings can diminish the consistency and integrity of a historic area.

As the properties are also at the fringes of a zone boundary, it is relevant to consider whether the properties should be within the Established Neighbourhood Zone, which applies to established residential areas with generally consistent streetscape character, or the General Neighbourhood Zone, which applies to suburban contexts where there may be a greater variety of built form and opportunities for subdivision. Prior to the early commencement of the Code Amendment, 2B Stannington Avenue was located in the General Neighbourhood Zone and not within the Historic or Character Area Overlay, and 2A Stannington Avenue was located in the Established Neighbourhood Zone and within the Heathpool / Marryatville Character Area along with other dwellings to the east in Stannington Avenue. The Code Amendment proposes to expand the Established Neighbourhood Zone to include 2B Stannington Avenue, and apply the Historic Area Overlay across both properties, replacing the Character Area for 2A Stannington. These zone and overlay boundaries are illustrated in Attachment F.

Given the development under construction at 2B Stannington Avenue will result in a built form which is similar to existing post-war development in the General Neighbourhood Zone along Portrush Road, it is considered logical for 2B Stannington Avenue to remain in the General Neighbourhood Zone as was the case prior to the Code Amendment coming into interim effect. While there is some logic for the General Neighbourhood Zone boundary to be extended to 2A Stannington Avenue, it is relevant to consider impacts of a potential future redevelopment of this site on the historic Stannington Avenue streetscape and adjacent heritage places, particularly as the limited allotment depth of 2A Stannington Avenue will likely result in any future replacement dwelling being closer to the street than other dwellings to the east.

Assuming the proposed Local Heritage listing of 2 Stannington Avenue is implemented, the Heritage Adjacency Overlay will automatically be applied to surrounding properties including 2A Stannington Avenue. The Heritage Adjacency Overlay policies seek development outcomes which respect the setting of adjacent Heritage Places. These Overlay policies, in conjunction with Established Neighbourhood Zone policies, are considered to provide an appropriate level of guidance for future development on this site to not unreasonably compromise the historic Stannington Avenue streetscape. It is not considered necessary for the existing Heathpool / Marryatville Character Area to be retained for 2A Stannington Avenue given it would be significantly disconnected from, and have no immediate streetscape relationship to, other properties in this Character Area at the eastern end of Stannington Avenue.

Given the above-mentioned context, it is recommended that:

- 2B Stannington Avenue **be included in the General Neighbourhood Zone with no Character or Historic Area Overlay**; and
- 2A Stannington Avenue **be included in the Established Neighbourhood Zone with no Character or Historic Area Overlay**, but with the Heritage Adjacency Overlay applied due to its adjacency to the proposed Local Heritage Place at 2 Stannington Avenue.

Adjustments to Historic Area Overlay – Eastern End of Stannington Avenue

The submission provided by the Kensington Residents' Association, as well as discussions held with another stakeholder during consultation, suggested expanding the Heathpool Historic Area particularly at the eastern end. The Consultant's review suggested that the fragmentation and lower concentration of post-war housing at the eastern end of Stannington Avenue compromises streetscape quality to an extent that does not warrant inclusion in the Historic Area Overlay. This view is considered reasonable and is consistent with previous heritage survey findings and Council resolutions as to the extent of the Heathpool Historic Area.

It is recommended that **no changes be made to the extent of the Historic Area Overlay at the eastern end of Stannington Avenue**.

The above recommendations have been incorporated into the revised Code Amendment document contained in Attachment A.

Next steps in the Code Amendment process

If the Council determines to endorse the final Code Amendment document, the following steps would occur:

- the Code Amendment and an accompanying Engagement Report will be provided to the Department of Housing and Urban Development for review;
- the Heritage Sub-Committee will provide owners of Local Heritage Places that objected to their listing an opportunity to provide an additional submission to the Sub-Committee (noting that the Sub-Committee will read existing submissions provided during consultation) and provide feedback to the Minister for Planning;
- the Minister will make a decision as to whether to approve the Code Amendment, with or without further changes;
- Environment Resources and Development Committee (ERDC) of Parliament considers all material and may resolve to approve, object, or suggest amendments to the Code Amendment;
- the Minister determines whether to adopt any changes to the Code Amendment suggested by the ERDC; and
- owners of newly confirmed Local Heritage Places will have the right to appeal the listing to the Environment Resources and Development Court.

OPTIONS

Option 1 involves adopting the attached Code Amendment contained in Attachment A, which includes the changes recommended by staff, as outlined in this report.

This option is recommended.

Option 2 involves adopting an alternative version of the Code Amendment, such as the draft version of the Code Amendment which was released for consultation without the changes recommended in this report.

This option is not recommended for the reasons contained in this report.

CONCLUSION

Following community engagement and an independent review by Swanbury Penglase Heritage Architects, staff have finalised a Code Amendment document with the following post-consultation amendments:

- 2B Stannington Avenue Heathpool **removed** from the list of Local Heritage Places, as the building has been demolished;
- 2B Stannington Avenue **removed** from the proposed Heathpool Historic Area Overlay and reinstate into the General Neighbourhood Zone (rather than the Established Neighbourhood Zone as proposed in the consultation version of the Code Amendment);
- 2A Stannington Avenue Heathpool **removed** from the proposed Heathpool Historic Area (but not reinstate 2A Stannington Avenue in the Heathpool/Marryatville Character Area as was the case prior to the Code Amendment, retaining it in the Established Neighbourhood Zone);
- the proposed Local Heritage listing of 3 Newcastle Street Heathpool **amended** to remove reference to criteria (e) as a reason for listing (but retaining criteria (a) and (d)); and
- 7 Rothbury Avenue Heathpool **removed** from the list of proposed Representative Buildings.

The attached Code Amendment is suitable for submission to the Department of Housing and Urban Development for review and approval.

COMMENTS

Nil

RECOMMENDATION

1. That the draft Code Amendment, as contained in Attachment A, be endorsed as suitable for submission to the Department of Housing and Urban Development for review and Ministerial decision; and

2. That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the draft Code Amendment, providing the changes do not affect the intent of the Amendment.

Attachments – Item 13.1

Attachment A

Inter-War Housing Heritage Code Amendment

Section 78(1) of the *Planning, Development and Infrastructure Act 2016*

Inter-War Housing Heritage Code Amendment

By the City of Norwood Payneham & St Peters

THE AMENDMENT – FOR EARLY COMMENCEMENT

(POST CONSULTATION TRACK CHANGES VERSION)

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Adopted for early commencement by:

.....

Hon Nick Champion

Minister for Planning

..../...../.....

Inter-War Housing Heritage Code Amendment

Preamble

This Code Amendment has not been updated in its entirety. Changes proposed to the Code Amendment, where this differs from the "Early Commencement" version, are presented using track changes mark-up.

The amendment instructions below reflect the proposed changes to the Planning and Design Code as outlined in the Draft Code Amendment released for public consultation. These changes will come into operation on an interim basis on the day specified by the notice published in the Gazette and pursuant to Section 78 of the *Planning, Development and Infrastructure Act 2016*.

Amendment Instructions

The following amendment instructions (at the time of drafting) relate to the Planning and Design Code, version 2024.9 published on 23 May 2024. Where amendments to the Planning and Design Code have been published after this date, consequential changes to the following amendment instructions will be made as necessary to give effect to this Code Amendment.

Instructions

Amend the Planning and Design Code as follows:

1. Spatially apply the Local Heritage Place Overlay to the following properties and update the Heritage Adjacency Overlay to reflect these changes:
    - 5 Pembroke Street COLLEGE PARK, (CT 5732/277)
    - 55 Hackney Road HACKNEY, (CT 5750/148)
    - 3 Newcastle Street HEATHPOOL, (CT 5976/718)
    - 1 Stannington Avenue HEATHPOOL, (CT 5680/699; 5243/424)
    - 2 Stannington Avenue HEATHPOOL, (CT 5210/326)
    - ~~2B Stannington Avenue HEATHPOOL, (CT 6175/952)~~
    - 3 Stannington Avenue HEATHPOOL, (CT 5515/747)
    - 4 Stannington Avenue HEATHPOOL, (CT 5405/422)
    - 6 Stannington Avenue HEATHPOOL, (CT 5529/130)
    - 7 Stannington Avenue HEATHPOOL, (CT 5421/900)
    - 11 Stannington Avenue HEATHPOOL, (CT 5752/515; 5826/554)
    - 13 Stannington Avenue HEATHPOOL, (CT 5751/160)
    - 18 Stannington Avenue HEATHPOOL, (CT 5433/809)
    - 6 Battams Road MARDEN, (CT 5694/441)
    - 316-322 Portrush Road MARRYATVILLE, (CT 5853/430)
    - 11 Augusta Street MAYLANDS, (CT 5403/283)
    - 82-84 Sixth Avenue ST PETERS, (CT 6182/717)
    - 86 Sixth Avenue ST PETERS, (CT 5349/890)
    - 72 Third Avenue ST PETERS, (CT 5817/474)
    - 27 Winchester Street ST PETERS, (CT 5363/424)
2. In the Historic Area Overlay, spatially remove 'Representative Building' status from the following properties:
    - 5 Pembroke Street COLLEGE PARK, (CT 5732/277)

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- 6 Battams Road MARDEN, (CT 5694/441)
- 86 Sixth Avenue ST PETERS, (CT 5349/890)

3. In Part 11 – Heritage Places, Local Heritage, in the section applying to Norwood Payneham and St Peters, insert (in alphabetical order) within the Table of Local Heritage Places, the additional Local Heritage Places contained in **Attachment A** (as updated post consultation).
4. In the Historic Area Overlay spatially apply 'Representative Building' status to the following property:
   - 140-142 Second Ave ROYSTON PARK, (CT 5068/23).

Area 1 –Heathpool Historic Area

5. Spatially apply the following to the 'area affected' bounded by the blue line in Map B (as updated post consultation) contained in **Attachment B**:
   - Historic Area Overlay
   - Historic Area Statement – NPSP26 – Heathpool Historic Area
6. In the Historic Area Overlay spatially apply 'Representative Building' status to the following properties:
   - 8 Stannington Ave HEATHPOOL, (CT 5852/50)
   - 12 Stannington Ave HEATHPOOL, (CT 5278/393)
   - 1 Rothbury Ave HEATHPOOL, (CT 6057/389)
   - 3 Rothbury Ave HEATHPOOL, (CT 5149/353; 5149/290)
   - 5 Rothbury Ave HEATHPOOL, (CT 5247/657)
   - ~~7 Rothbury Ave HEATHPOOL, (CT 5084/525)~~
   - 11 Rothbury Ave HEATHPOOL, (CT 5779/74)
   - 13 Rothbury Ave HEATHPOOL, (CT 5502/786)
   - 21 Rothbury Ave HEATHPOOL, (CT 5179/823)
   - 23 Rothbury Ave HEATHPOOL, (CT 5184/271)
   - 25 Rothbury Ave HEATHPOOL, (CT 5225/700)
   - 27 Rothbury Ave HEATHPOOL, (CT 5736/477)
7. Spatially remove the following from the 'area affected' bounded by the blue line in Map C contained in **Attachment C**.
   - Character Area Overlay
   - Character Area Statement – NPSPC3 – Heathpool/Marryatville Character Area
8. In Part 3 – Overlays, Historic Area Overlay, Historic Area Statement in the 'Historic Areas affecting City of Norwood, Payneham and St Peters' include the following statement immediately after the row applying to 'NPSP25':

NPSP26	**Heathpool Historic Area Statement (NPSP 26)** The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality. These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area. The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.

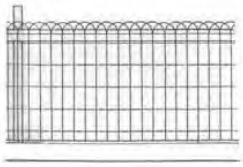
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	Eras, themes and context	An area which demonstrates its origin as a locally significant subdivision of land in 1917, following the sale of Heathpool farm. The subdivision by land developers Wilkinson, Sando and Wyles, created 40 allotments, forming a new residential estate known as 'Toorak East'. Developed during the Inter-War period (1915-1945) after the main phases of suburban development (on northern side of Kensington Road) were completed. This area was developed at the same time as similar subdivisions in nearby parts of the City of Burnside. An intact area displaying historic construction styles built from 1920 featuring large houses and gardens in Stannington Avenue, dominated by wide-fronted bungalow style dwellings. Later construction of mainly middle-class housing in Rothbury Avenue, dominated by Old English style dwellings. The southern extent of the Historic Area along Rothbury Avenue abuts and shares the built form character, patterns and housing styles of the Tusmore Historic Area (in the City of Burnside).
	Allotments, subdivision and built form patterns	Largely intact original subdivision pattern, comprising grid pattern of original allotment sizes, providing regularity and consistency laid out along the east-west streets. Large single storey detached dwellings with bespoke decorative and ornate detailing on large allotments, especially along Stannington Avenue, including double allotments bought and retained as single holdings and other sites with extensive landscaped open space. Allotments are generally between 1000m² and 1400m². Sites comprised of double allotments in the order of 1700m² to 2500m². Frontages are generally between 21 and 33 metres. Sites comprised of double allotments with total frontage width in the order of 42 to 53 metres. Front setbacks are generous and range from 9 metres to 21 metres. Spaciousness around dwellings with site coverage in the order of 30 to 45 per cent on original allotments. Side setbacks are a feature of the locality providing large separation distances between dwellings of between 1 to 5 metres, with limited original development built on the side boundary. Setback patterns are generally asymmetrical, with varied space on either side of dwellings. Street facing dwellings enhanced by their landscaped settings.
	Architectural styles, detailing and built form features	Notable dwellings include large and finely crafted 1920s Inter-War Bungalow dwellings with form, scale and

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		detailing reflective of 1920s-era homes of the wealthy, lining both sides of Stannington Avenue. Along the northern side of Rothbury Avenue are highly intact examples of middle-class Inter-War Old English dwellings and Inter-War Bungalow dwellings of varying designs, repeated on southern side of Rothbury Avenue in City of Burnside – Tusmore Historic Area to form a consistent streetscape. Porches and verandahs in keeping with the scale and style of associated dwellings, either projecting or as a continuation of the main roof structure. Hip and gable roof forms with roof pitches of 20 to 30 degrees on Bungalows and up to approximately 45 degrees on Inter-War Old English dwellings. Visible chimneys are a feature of the distinctive roofing detail in this area. Where a second building level exists, it is setback from side boundaries and incorporated within the roof-pitch. Single-width open style carport alongside and sometimes incorporated into the roof form with matching masonry pillars, or generously recessed is a feature of Inter-war dwellings in the area. Free-standing or enclosed ancillary buildings are sited to the rear of the associated dwelling.
	Building height	Dwelling height to the roof ridge in the order of 5 to 8 metres. Predominantly single storey, except for original lofts, dormer windows or other upper storey elements in some taller dwellings where the second level is incorporated with minimal interruption to the pitched roof-form.
	Materials	Feature front walls materials consistent with era of original construction including freestone, sandstone and brickwork. Verandah balustrades of red brick, freestone or rendered brick, often with feature pillars supporting the verandah roof. Bungalow styles featuring a front timber pergola adjoining the verandah. Pitched roofs in galvanised iron sheet or terracotta tiles, including double steep gables. Original materials and finishes and unpainted masonry. Detailing around doors, windows, wall edges and gables. Timber framed sash or casement style window openings and use of projecting bay windows. Natural and muted colour palette (including the use of red brick and terracotta) with colour highlights in the detailing such as quoins.

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	Fencing	Front fences are generally open style and low in height (to 1.2 metres high) permitting good views of the dwelling and its curtilage. Fencing materials commonly associated with Inter-War Bungalow and Inter-War Old English dwelling styles, was typically woven wire or chain mesh with timber or galvanised tube framing and/or hedge, or a low masonry plinth wall.  Woven wire mesh
	Setting, landscaping, streetscape and public realm features	Spacious front and side gardens with extensive landscaping are features of this locality and are important in the setting of historic building forms. Tree lined streets creating a leafy public realm. Trees and tennis courts on larger sites, adding to the sense of buildings integrated into landscaped settings. Narrow access points which maximise the extent of unbroken street frontage and front landscaping with single width driveways.
	Representative Buildings	Identified - refer to SA planning database.

Area 2 – Units 1, 2, 3, 4, 5 & 6/1A Stannington Avenue, Heathpool

9. Spatially apply the General Neighbourhood Zone (in place of the current Established Neighbourhood Zone) to the 'area affected' bounded by the blue line in Map D contained in **Attachment D**.
10. Spatially apply the Affordable Housing Overlay to the 'area affected' bounded by the blue line in Map E contained in **Attachment E**.
11. Spatially remove the following Technical and Numeric Variation (TNV) from the 'area affected' bounded by the blue line in Map F contained in **Attachment F**:
    - Minimum Site Area - Minimum site area 1,500 sqm
12. Spatially remove the following Technical and Numeric Variation (TNV) from the 'area affected' bounded by the blue line in Map G contained in **Attachment G**:
    - Minimum Frontage - Minimum frontage is 25m
13. Spatially remove the following Technical and Numeric Variation (TNV) from the 'area affected' bounded by the blue line in Map H contained in **Attachment H**:
    - Site Coverage - Maximum site coverage is 50 per cent
14. Spatially remove the following Technical and Numeric Variation (TNV) from the 'area affected' bounded by the blue line in Map I contained in **Attachment I**:
    - Maximum Building Height (Levels) - Maximum building height is 2 levels

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15. Spatially remove the following Technical and Numeric Variation (TNV) from the 'area affected' bounded by the blue line in Map J contained in **Attachment J**:

    - Minimum Side Boundary Setback - Minimum side boundary setback is 1.5m for the first building level; 3m for any second building level or higher

Area 3 – 2B Stannington Avenue, Heathpool

16. Spatially ~~apply~~ reinstate the General Neighbourhood Zone ~~Established Neighbourhood Zone~~ (in place of the "early commencement" application of the Established ~~current General~~ Neighbourhood Zone) to the 'area affected' bounded by the blue line in Map K contained in **Attachment K**.

17. ~~Spatially remove~~Reinstate the Affordable Housing Overlay ~~from~~ to the 'area affected' bounded by the blue line in Map L contained in **Attachment L**.

~~18. Spatially apply the following Technical and Numeric Variation (TNV) to the 'area affected' bounded by the blue line in Map M contained in **Attachment M**:~~

~~- Minimum Site Area - Minimum site area 1,500 sqm~~

~~19. Spatially apply the following Technical and Numeric Variation (TNV) to the 'area affected' bounded by the blue line in Map N contained in **Attachment N**:~~

~~- Minimum Frontage - Minimum frontage is 25m~~

~~20. Spatially apply the following Technical and Numeric Variation (TNV) to the 'area affected' bounded by the blue line in Map O contained in **Attachment O**:~~

~~- Site Coverage - Maximum site coverage is 50 per cent~~

~~21. Spatially apply the following Technical and Numeric Variation (TNV) to the 'area affected' bounded by the blue line in Map P contained in **Attachment P**:~~

~~- Maximum Building Height (Levels) - Maximum building height is 2 levels~~

~~22. Spatially apply the following Technical and Numeric Variation (TNV) to the 'area affected' bounded by the blue line in Map Q contained in **Attachment Q**:~~

~~- Minimum Side Boundary Setback - Minimum side boundary setback is 1.5m for the first building level; 3m for any second building level or higher~~

~~23.~~18. In Part 13 – Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the 'Table of Planning and Design Code Amendments' to reflect the publication of this Code Amendment.

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ATTACHMENT A

Table of Local Heritage Places

Property Address	Description and/or Extent of Listed Place	Section 67(1) Criteria	Heritage NR
5 Pembroke Street COLLEGE PARK	Dwelling; External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of a Federation / Inter-War transitional dwelling with Federation Bungalow and Federation Arts & Crafts detailing. Includes all original roughcast rendered masonry walls, original form and materials relating to the roofline including all tiling, chimneys and verandah forms. The form and materials of all early window and door fittings are also included in the listing. All later additions and alterations are not included in the listing.	a d	28219
55 Hackney Road HACKNEY	Dwelling; External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an Inter-War Bungalow. Includes all original roughfaced masonry walls with clinker brick base, original form and materials relating to the roof including all tiling, chimneys and verandah forms. The form and materials of all early window and door fittings are also included in the listing. The original carport and boundary fence are of significance and are included in the listing. All later additions, comprising rear late 20th century additions and alterations, are not included in the listing.	a d	28220
3 Newcastle Street HEATHPOOL	Dwelling ('The Croft'); External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an Inter-War Georgian Revival dwelling. Includes Inter-War Georgian Revival classical detailing; the original external form and materials relating to the roof including tiling, chimney,	a d e	28221

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Property Address	Description and/or Extent of Listed Place	Section 67(1) Criteria	Heritage NR
	ventilators; the original form and materials relating to the verandah including columns; and early timber and door elements including early timber shutters. The early brick fence on the portion of the front boundary east of the tennis court area is of significance and is included in the listing. All later additions, comprising rear late 20th century additions and alterations, are not included in the listing.		
1 Stannington Avenue HEATHPOOL	Dwelling; External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an Interwar Bungalow. Includes all rockfaced and rendered masonry construction, all form and materials relating to the 'triple fronted' roof including rendered masonry chimneys, terracotta tiling, rendered bargeboards with timber detailing and timber verandah forms with rockfaced masonry pillars with rendered treatments. The form and materials of all early window and door fittings are also included in the listing. All later additions and alterations are not included in the listing.	a d	28222
2 Stannington Avenue HEATHPOOL	Dwelling ('Frayston'); External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an Interwar Bungalow with Federation Arts & Crafts detailing. Includes all original masonry walls, original form and materials relating to the 'triple fronted' roof including all tiling, chimneys and verandah forms. The form and materials of all early window and door fittings are also included in the listing. All later additions, comprising rear late 20th century additions and alterations, are not included in the listing.	a d	28223
~~2B Stannington Avenue HEATHPOOL~~	~~Dwelling ('Daarewin'); External form, fabric and detail, including façade, external walling and roof, that~~	~~a d e~~	~~28224~~

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Property Address	Description and/or Extent of Listed Place	Section 67(1) Criteria	Heritage NR
	~~contribute to the building's identity as an example of an Interwar Bungalow.~~ ~~Includes all original masonry walls, original form and materials relating to the 'triple fronted' roof including all tiling, chimneys and verandah forms. The form and materials of all early window and door fittings are also included in the listing.~~ ~~All later additions, comprising rear late 20th century additions and alterations, are not included in the listing.~~		
3 Stannington Avenue HEATHPOOL	Dwelling; External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an Interwar Bungalow. Includes all original rendered and brick masonry walls, form and materials relating to the 'triple fronted' roof including brick and rendered masonry chimneys and timber verandah forms. The form and materials of all early window and door fittings are also included in the listing. All later additions and alterations are not included in the listing.	a d	28225
4 Stannington Avenue HEATHPOOL	Dwelling; External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an Interwar Bungalow. Includes all rockfaced masonry walls with rendered detailing, all form and materials relating to the 'triple fronted' roof including rendered masonry chimneys, terracotta tiling and timber verandah forms. The form and materials of all early window and door fittings are also included in the listing. All later additions and alterations are not included in the listing.	a d	28226
6 Stannington Avenue HEATHPOOL	Dwelling; The form and materials of all elements that contribute to the building's identity as an example of an Interwar Bungalow, including all brick and rendered masonry construction, all form and materials relating to the 'triple fronted' roof including rendered masonry chimneys, terracotta tiling, rendered bargeboards with timber	a d	28227

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Property Address	Description and/or Extent of Listed Place	Section 67(1) Criteria	Heritage NR
	detailing and timber verandah forms with brick masonry pillars with rendered treatments. The form and materials of all early window and door fittings are also included in the listing. All later additions and alterations are not included in the listing.		
7 Stannington Avenue HEATHPOOL	Dwelling; External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an Interwar Bungalow. Includes all brick and rendered masonry walls, all form and materials relating to the 'triple fronted' roof including brick and rendered masonry chimneys, terracotta tiling, 'Kentish' styled timber bargeboards and timber verandah forms with brick and rendered masonry pillars. The form and materials of all early window and door fittings are also included in the listing. All later additions and alterations are not included in the listing.	a d	28228
11 Stannington Avenue HEATHPOOL	Dwelling ('Ralston'); External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an 'Interwar Bungalow'. Includes all rockfaced masonry walls with 'clinker' brick embellishments, all form and materials relating to the 'triple fronted' roof including rockfaced masonry chimneys, terracotta tiling, 'Kentish' styled timber bargeboards and timber verandah forms with rockfaced masonry pillars with 'clinker' brick embellishments. The form and materials of all early window and door fittings are also included in the listing. All later additions and alterations are not included in the listing.	a d	28229
13 Stannington Avenue HEATHPOOL	Dwelling; The form and materials of all elements that contribute to the dwelling's 'Inter-War Old English' design, including all masonry walls with terracotta shingles, roof form and materials, including tiling, chimneys and decorative stuccoed bargeboards. Form and materials of	a d	28230

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Property Address	Description and/or Extent of Listed Place	Section 67(1) Criteria	Heritage NR
	porches, including extending roofline, masonry and all structural and decorative timberwork are included in the listing. Original timber door and window fittings, including original shutters, bullion 'glass bottle' window panes and lead framing are included in the listing. All later additions and alterations are not included in the listing.		
18 Stannington Avenue HEATHPOOL	Dwelling; External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of a Californian Bungalow. Includes all rockfaced and rendered masonry construction, all form and materials relating to the 'triple fronted' roof including rockfaced and rendered masonry chimneys, terracotta tiling, rendered bargeboards with timber detailing and timber verandah forms with rockfaced masonry pillars with rendered treatments. The form and materials of all early window and door fittings are also included in the listing. All later additions and alterations are not included in the listing.	a d	28231
6 Battams Road MARDEN	Dwelling ('Azara'); External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of a Federation / Inter-War transitional dwelling with Federation Bungalow and Federation Arts & Crafts detailing, including all original brick masonry walls and rendered areas. The original form and materials relating to the roofline including all tiling, chimneys and verandah forms are included in the listing. The form and materials of all early window and door fittings and window shades are also included in the listing. All later additions, comprising rear late 20th century additions and alterations, are not included in the listing.	a d	28232
316-322 Portrush Road MARRYATVILLE	Former Dwelling ('Mararoa'); External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as	a d e	28233

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Property Address	Description and/or Extent of Listed Place	Section 67(1) Criteria	Heritage NR
	an example of a Federation Old English dwelling. Includes all brick and rendered masonry walls, original roof form and materials including 'Old English' rendered masonry chimneys and all 'Old English' half-timbered gable detailing, including timber bracing and brackets. All verandah elements, including 'Old English' splayed brick piers and stepped and recessed entrance portal, are included in the listing. All original door and window elements are included in the listing. The external form and materials of the early 20th century garage are included in the listing. All later additions and alterations are not included in the listing.		
11 Augusta Street MAYLANDS	Dwelling; External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an 'Interwar Bungalow' with 'Federation Arts & Crafts' elements. Includes all brick and rough-faced stonework masonry elements, the form and materials of the hipped and gabled roof with terracotta tiling, brick chimneys, timber eaves brackets and verandah detailing, including brick and rough-faced stonework pylons and all 'Federation Arts & Crafts' timberwork, including brackets, braces and friezes. The form of timber louvred gable ventilators and early window and door elements are also included in the listing. All later additions and alterations are not included in the listing.	a d	28234
82-84 Sixth Avenue ST PETERS	Dwelling; The form and materials of all elements of the building's identity as an example of an Inter-War transitional dwelling with Federation Bungalow and Federation Arts & Crafts detailing, including, including all brick, bluestone and rendered masonry walls, original form and materials relating to the roof, chimneys and verandah elements. The form and materials of all early window and door elements are also included in the listing.	a d	28235

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Property Address	Description and/or Extent of Listed Place	Section 67(1) Criteria	Heritage NR
	All later additions and alterations are not included in the listing.		
86 Sixth Avenue ST PETERS	Dwelling; The form and materials of all elements of the building's identity as an example of an Inter-War transitional dwelling with Federation Bungalow and Federation Arts & Crafts detailing, including all brick, bluestone and rendered masonry wall elements and the original form and materials relating to all roof, chimney and verandah elements. The form and materials of all early window and door elements are also included in the listing. All later additions and alterations are not included in the listing.	a d	28236
72 Third Avenue ST PETERS	Dwelling; External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of a Federation Old English dwelling. Includes all rendered masonry walls, original roof form and materials including Marseilles tiling, 'Old English' rendered masonry chimneys and all 'Old English' half-timbered gable detailing, including timber bracing and brackets. All metal eaves brackets are included in the listing. All elements of the Classical portico including Classical columns are included in the listing. All Inter-War Georgian Revival elements, including timber-framed gable window and covered porch etc. are included in the listing. All original door and window elements are included in the listing. All later additions and alterations are not included in the listing.	a d e	28237
27 Winchester Street ST PETERS	Dwelling; External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an Interwar Bungalow. Includes all brick masonry and early rendered areas, the original form and materials relating to the roof including all tiling, chimneys, bargeboard and verandah forms, and the form and materials of all early window and door fittings.	a d	28238

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Property Address	Description and/or Extent of Listed Place	Section 67(1) Criteria	Heritage NR
	All later additions, comprising rear late 20th century additions and alterations and recent boundary fencing, are not included in the listing.		

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ATTACHMENT B
Map B



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

Note: 2A, 2B (Lot 1,2 and 3) removed from Historic Area Overlay

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ATTACHMENT C
Map C



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT D
Map D



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT E
Map E



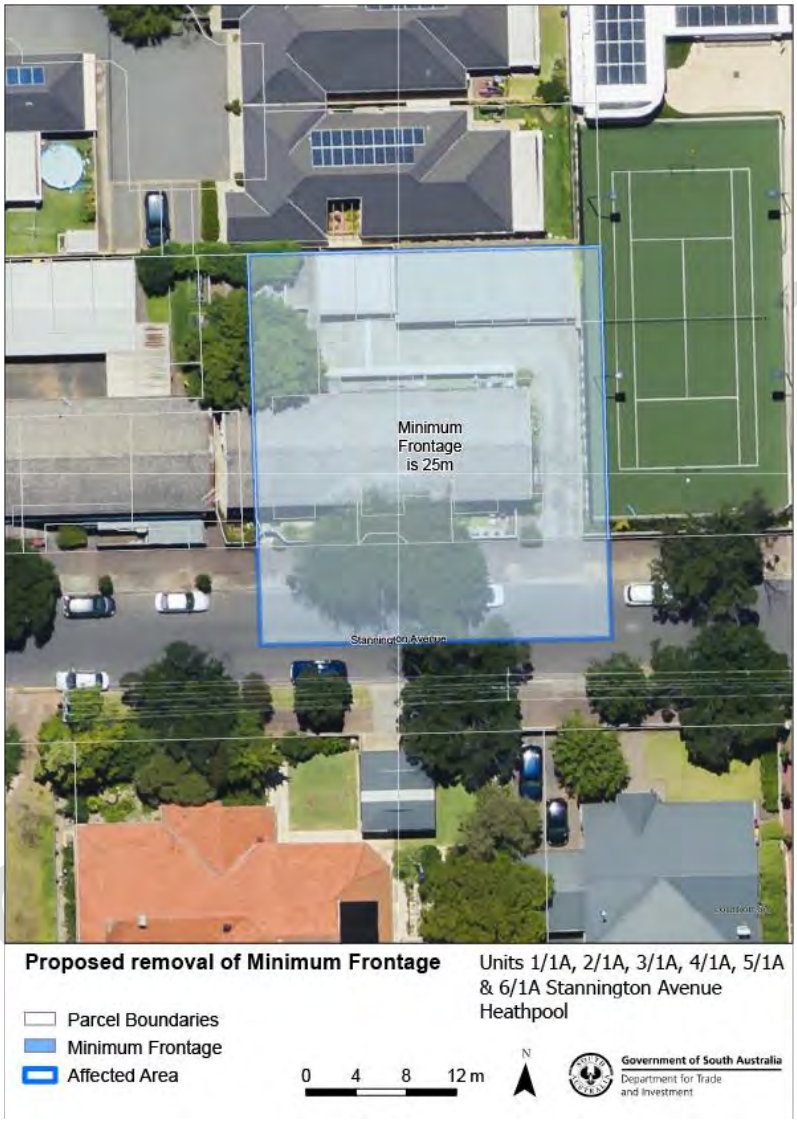
Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT F
Map F



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT G
Map G



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT H
Map H



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT I
Map I



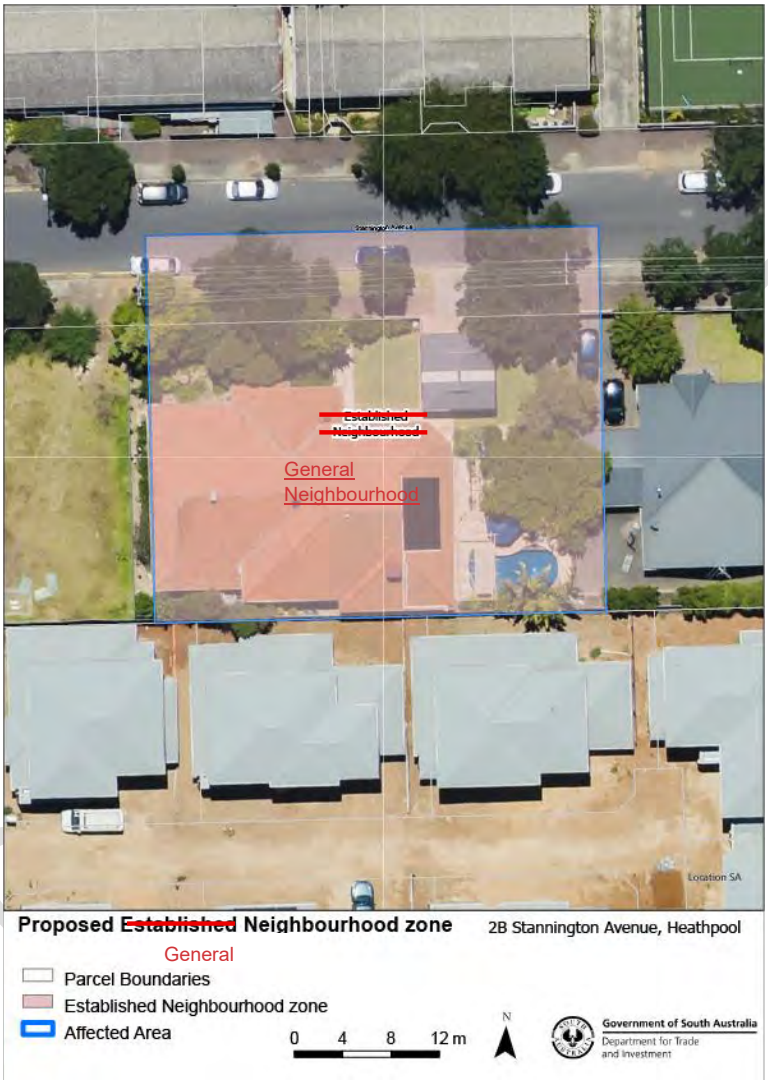
Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT J
Map J



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT K
Map K



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT L
Map L



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT M
Map M



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT N
Map N



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT O
Map O



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT P
Map P



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

ATTACHMENT Q
Map Q



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of the SA planning database if the Inter-War Housing Heritage Code Amendment is adopted by the Minister for Planning under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

Attachment B

Inter-War Housing Heritage Code Amendment

Inter-War Housing Heritage Code Amendment
Fact Sheet 1

The City of Norwood Payneham & St Peters is proposing changes to the Planning and Design Code to improve heritage protection for some buildings in the Council area. The community is invited to have their say on these changes.

What is a Code Amendment?

The State-wide Code contains the planning rules and policies used to assess development applications. A Code Amendment can be undertaken to change how the Code applies to particular properties or areas.

What is the aim of this Code Amendment?

Many buildings from the Inter-war era (built between the First and Second World Wars) do not currently have heritage protection. There is a risk that significant examples of buildings from this period of development could be lost over time.

One of the actions identified in the Council's Built Heritage Strategy 2022–2027 involves identifying additional Inter-war era buildings that may be worthy of heritage listing or additional protection (Objective 2.1: Protect key examples of Inter-war heritage).

The Inter-war Housing Heritage Code Amendment seeks to implement the Built Heritage Strategy by designating 20 houses built during the Inter-war era as Local Heritage Places[1] and applying the Historic Area Overlay[1] to an area of Heathpool that has retained its original historic character due to its many significant Inter-war dwellings. Within the Historic Area Overlay, 12 of the properties are proposed to be identified as Representative Buildings[1]. The Code Amendment also proposes to apply the Heritage Adjacency Overlay[1] to properties adjacent to proposed Local Heritage Places. For more information on heritage protection please refer to Fact Sheet 2 Heritage and Historic Area Protection in the Planning & Design Code.

[1] See Fact Sheet 2 Heritage and Historic Area Protection in the Planning & Design Code for information on types of heritage protection

What does 'early commencement' mean?

This Code Amendment has been released for consultation on 'early commencement' which means the proposed changes have temporarily come into effect while the Code Amendment process is undertaken. The early commencement process is used when the Minister for Planning considers it necessary in the interests of orderly and proper development, and to counter applications for undesirable development before the Code Amendment process can be completed.

What properties are affected?

Proposed Local Heritage Places	
Heathpool	
1 Stannington Ave	6 Stannington Ave
2 Stannington Ave	7 Stannington Ave
2B Stannington Ave	11 Stannington Ave
3 Stannington Ave	13 Stannington Ave
4 Stannington Ave	18 Stannington Ave
3 Newcastle St	
St Peters	
82-84 Sixth Ave	72 Third Ave
86 Sixth Ave	27 Winchester St
Other suburbs	
5 Pembroke St College Park	316-322 Portrush Rd Marryatville
55 Hackney Rd Hackney	11 Augusta St Maylands
6 Battams Rd Marden	

The Historic Area Overlay is proposed to apply to 32 properties in Heathpool and is shown on Map 1. The proposed Historic Area Overlay contains 8 of the proposed Local Heritage Places listed above (shaded in blue on Map 1) and 12 properties are proposed to be identified as Representative Buildings (shaded in green on Map 1).

MORE INFO

www.npsp.sa.gov.au

City of Norwood Payneham & St Peters

Map 1.

Proposed Policy Changes for Heathpool



How do I find out more?

More information is available from:

City of Norwood Payneham & St Peters Website
www.npsp.sa.gov.au/consultation

PlanSA Portal
www.plan.sa.gov.au/have_your_say/code-amendments/on-consultation

If you have any questions, you can contact the Council on 8366 4555

You can also attend a drop-in session:

Wednesday, 13 November
6:00pm – 8:00pm
Mayor's Parlour, Norwood Town Hall
175 The Parade, Norwood (enter via George St)

Thursday, 14 November
2:00pm – 4:00pm
Don Pyatt Hall, Norwood Town Hall
175 The Parade, Norwood (enter via George St)

Please register your attendance via Humanitix:
www.events.humanitix.com/inter-war-heritage-code-amendment-consultation-drop-in-sessions

A hard copy is available to view at:
Norwood Town Hall, 175 The Parade, Norwood
St Peters Library, 101 Payneham Road, St Peters

How do I have my say?

You can provide feedback via one of the following options:

- Online feedback form on the PlanSA Portal
- Email a submission to:
  townhall@npsp.sa.gov.au
  Subject: 'Inter-war Housing Heritage Code Amendment'
- Post a submission to:
  'Inter-war Housing Heritage Code Amendment'
  City of Norwood Payneham & St Peters
  PO Box 204, Kent Town SA 5071

How can my feedback influence the Amendment?

This Code Amendment does not seek to change any existing heritage places or historic areas. However, the feedback you provide can influence:

- which sites are proposed as Local Heritage Places or Representative Buildings;
- the proposed extent of the Historic Area Overlay in Heathpool;
- the content of the proposed Heathpool Historic Area Statement;
- the proposed rezoning of the properties at 1A and 2B Stannington Avenue, Heathpool.

Consultation opens on Thursday 24 October and closes at 5:00pm on Friday 20 December 2024

Heritage and Historic Area Protection in the Planning & Design Code

Fact Sheet 2



Norwood Historic Area Overlay

What is the Planning & Design Code?

The Planning & Design Code is a State-wide document that contains the planning rules and policies used to assess development proposals

What is a Local Heritage Place?

A Local Heritage Place designated in the Code is considered to have heritage value to the local area because it plays an important role in identifying and preserving the community's collective identity. Places recommended for Local Heritage listing must meet one or more criteria set out in Section 67 of the *Planning, Development and Infrastructure Act 2016*, which are outlined below:

The Planning and Design Code may designate a place as a place of local heritage value if

a. it displays historical, economic or social themes that are of importance to the local area; or

b. it represents customs or ways of life that are characteristic of the local area; or

c. it has played an important part in the lives of local residents; or

d. it displays aesthetic merit, design characteristics or construction techniques of significance to the local area; or

e. it is associated with a notable local personality or event; or

f. it is a notable landmark in the area; or

g. in the case of a tree (without limiting a preceding paragraph)—it is of special historical or social significance or importance within the local area.

MORE INFO

www.npsp.sa.gov.au

City of Norwood Payneham & St Peters

Local Heritage Places are given statutory protection under the Act. Development controls extend to anything specified by the Code which may materially affect a Local Heritage Place, however some specific types of work are exempt from requiring a development approval.

The Code applies additional development policies to protect the ongoing heritage value of these places, including that they generally should not be demolished and new additions should be sensitive to the heritage characteristics of the place.

What is the Historic Area Overlay?

The Historic Area Overlay in the Code applies to areas of distinct historic character contributed to by the buildings, spaces, or general street pattern. This Overlay applies additional policies to future development applications to ensure the integrity and character of the area is not compromised through uncontrolled demolition and unsympathetic new development.

This Overlay already applies to many different locations across South Australia, however each area has a unique Historic Area Statement which identifies the attributes specific to that location. The Statement is used during the assessment of development proposals to help determine whether the proposed development is consistent with the desired outcomes for the area.

What is a Representative Building?

Individual buildings in the Historic Area Overlay are able to be designated Representative Buildings if they display characteristics of importance in a particular area.

What is the Heritage Adjacency Overlay?

The Heritage Adjacency Overlay in the Code applies to properties surrounding a State or Local Heritage Place. The Overlay applies additional policies which seek for new development adjacent to Heritage Places to maintain the heritage and cultural values of those Places

In urban areas, the Heritage Adjacency Overlay is applied to any allotment directly abutting a State or Local Heritage Place, to a maximum distance of 60 metres, plus any property within 6 metres of the allotment on which the heritage place is located, to a maximum distance of 60 metres.

Is demolition permitted?

Demolition of a Heritage Place or a building within the Historic Area Overlay requires a development application to be lodged and assessed against the relevant Code policies.

Total demolition of a Local Heritage Place is unlikely to be approved other than where the structural integrity or condition of the building represents an unacceptable risk to public or private safety and is irredeemably beyond repair.

Total demolition of a building within the Historic Area Overlay which demonstrates important historic characteristics is unlikely to be approved other than where the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style or where the structural integrity or safe condition of the original building is beyond reasonable repair.

How are Local Heritage Places and Historic Areas designated?

Changes to which places are designated as Local Heritage Places, or where the Historic Area Overlay applies, requires an amendment to the Code called a Code Amendment. Pursuant to Section 202(1)(a) of the Act, owners of newly designated Local Heritage Places have a right to appeal against the designation to the Environment, Resources and Development Court.

Attachment C

Inter-War Housing Heritage Code Amendment

INTER-WAR HOUSING HERITAGE CODE AMENDMENT - SUMMARY OF SUBMISSIONS RECEIVED

Sub. #	Date received	Name / Organisation	Type	Property	Details of Submission	Council Response to submissions
1	26/10/2024	John & Julie Davis	Community Member	N/A	Supports / fully endorses Code Amendment	Noted
					Refers to demolition of the characterful 'Gentleman's Bungalow' at 338 Portrush Road, Heathpool, some years ago and the subsequent erection of eight two-storey dwellings on the land. This development outcome reinforces the importance of this Code Amendment	Noted
					Refers to impacts of developments creating a lack of significant trees and plants	Noted
					Supports listing criteria as outlined in Fact Sheet 2	Noted
2	5/11/2024	Elisa Star	Community Member	N/A	Supports the intent of the Code Amendment to protect heritage houses, prevent demolition and major alterations	Noted
3	14/11/2024	City of Adelaide	Adjoining Council	N/A	City of Adelaide supports NPSP's efforts to strengthen the heritage protection for buildings built between the First and Second World Wars.	Noted
4	20/11/2024	Adelaide Planning and Development Solutions (APDS) on behalf of Fortune Infrastructure Pty Ltd (the owner)	On behalf of an owner of a proposed Local Heritage Place	2B Stannington Ave Heathpool	Site purchased in 2022 for the purposes of redevelopment. Planning consent has been granted for three (3) two-storey dwellings, retaining wall and fencing (30 October 2023). At the time of the application the land was zoned General Neighbourhood Zone with no approval required for demolition, which is why demolition was not included in the development description. NPSP staff have advised that given the consent currently in place, separate demolition approval is not required and construction can commence once development approval has been issued. The property owner intends to demolish soon to undertake the development. Therefore, the LHP listing is requested to be removed from the Code Amendment.	The development approval to redevelop the land is noted. The advice from Council staff regarding the demolition and development being able to proceed was based on carefully considered legal advice, in light of the valid consent which was in place at the time the Code Amendment was released for consultation (noting that the property was identified prior to the development application being lodged, but no heritage protection applied to the property until the early commencement of the Code Amendment). In light of the redevelopment of this site having commenced, including the demolition of the building which was proposed to be listed, it is recommended the LHP listing is removed for this property.
					Approved dwelling designs are not reflective of other established dwellings, Established Neighbourhood Zone policy, Historic Area Overlay policy, or contribute to the broader character to the east on Stannington Avenue. The approved allotments are also not reflective of the established larger sites (noting the original allotment had already been subdivided). 2B Stannington is the closest edge of the Historic Area Overlay to Portrush Road whereas other allotments at this end of Stannington Avenue are proposed to be put into / remain in the General Neighbourhood Zone. The property at 2B Stannington is considered to be more reflective, both in dwelling design and allotment pattern, with the General Neighbourhood Zone rather than the Established Neighbourhood Zone. It is therefore not considered appropriate to apply the Established Neighbourhood Zone and the property should remain in the General Neighbourhood Zone.	It is acknowledged that the development currently underway on the site is more consistent with the surrounding properties in the General Neighbourhood Zone and the policies of that zone. Given its location at the edge of the zone / overlay, it is recommended that 2B Stannington Avenue is *not* included in the Established Neighbourhood Zone and Historic Area Overlay as proposed, and instead remains in the General Neighbourhood Zone.
5	11/12/2024	Art Deco & Modernism Society of Australia - Adelaide Chapter	Special interest group	N/A	Supports the intent of the Code Amendment to recognise 20th Century buildings being recognised as being of heritage value, the new Historic Area Overlay in Heathpool, and the intent and application of the Heritage Adjacency Overlay.	Noted
					Note that the nominated places are mostly Gentleman's Bungalows. Were there other places proposed but not included because they didn't meet local heritage criteria? Was the scope of the Code Amendment limited to housing, and if so, why? Three (3) examples of inter-war non-	This Code Amendment is focused on housing constructed during the inter-war period, which is why non-residential buildings and structures have not been included. It is considered outside the scope of the current Code Amendment to broaden the scope to

INTER-WAR HOUSING HERITAGE CODE AMENDMENT - SUMMARY OF SUBMISSIONS RECEIVED

Sub. #	Date received	Name / Organisation	Type	Property	Details of Submission	Council Response to submissions
					residential buildings were provided as possible inclusions for local heritage listing in the Code Amendment.	non-residential buildings, particularly as a new heritage survey focusing on non-residential buildings would need to be conducted. The original 2010 heritage survey reviewed 142 inter-war era dwellings across the Council, including a range of building styles. It is acknowledged that the subsequent processes and reviews have resulted in predominately bungalow style dwellings being identified as Local Heritage Places, however this was a result of careful assessment of each potential local heritage place against local heritage criteria.
6	13/12/2024	City of Burnside	Adjoining Council	N/A	Support the initiative of the Code Amendment. The proposed Historic Area Overlay in Heathpool is a logical extension of the historic area in Tusmore within the City of Burnside. Various features of the Code Amendment, such as the Historic Area Statement and reinforcement of Representative Buildings is supported.	Noted
7	18/12/2024	Botten Levinson on behalf of Douglas and Marion Coster	On behalf of an owner of a proposed Local Heritage Place	3 Newcastle St Heathpool	Object to the proposed listing for the following reasons: • the property was not identified in the original 2010 heritage survey; • the property is the sole example provided in the thematic analysis of an Inter-war Georgian Revival dwelling and the Georgian Revival style is not mentioned in the Proposal to Initiate document. This indicates it is not considered to be a popular style of importance to the local area, and therefore this property is not representative of the local area; • being architecturally designed does not, in isolation, determine historic, economic or social themes of importance to the area, and question as to whether this building was 'architecturally designed'; • question as to the extent of original fabric that currently exists on the property. Reference to the property being extensively remodelled is incompatible with the statement it has a high degree of original fabric. Elements of the dwelling were introduced as late as the 1970s e.g. the Monier roof times. Question the reference to the 'early brick fence'; • inconsistent conclusions as to the style classification of the property; • question as to whether the property is associated with a notable local personality, specifically questioning Lionel Burer's notoriety to the general community. For the above reasons, the property is not considered to satisfy any of the section 67 criteria and therefore does not qualify for listing as a local heritage place.	The uniqueness of the building style is noted, however this is reflective of changes in architectural designs of the time. Similarly, the building modifications made shortly after construction are also reflective in evolving tastes and attitudes with respect to building style. The dwelling is referred to with different descriptions, likely because the building designs evolving at this time were American adaptions of previous English designs. The association with Lionel Bruer has been reviewed, and it is noted that a building being designed by an architect is not necessarily in and of itself a reason for listing. It is recommended that the reason for listing against criteria (e) is removed from the proposed listing. However, the building is still considered to warrant listing based on criteria (a) and (d).
8	19/12/2024	Bronwyn Parkin and Robert Lines	Owner of a proposed Local Heritage Place	72 Third Ave St Peters	Supportive of the Code Amendment and thank the team that have recognised the house as a significant contribution to the Council area.	Noted
9	19/12/2024	St Peters Residents' Association	Residents' Association	N/A	SPRA welcomes the Code Amendment and supports the listing / identification of new Local Heritage Places, Historic Area and Representative Buildings.	Noted
					SPRA would like to see the expansion of the Historic Area in the Avenues in St Peters - particularly Seventh, Eighth and Ninth Avenues.	Expanding the Historic Area Overlay to additional suburbs is outside the scope of the current Code Amendment, but can be considered as part of future Code Amendments,

INTER-WAR HOUSING HERITAGE CODE AMENDMENT - SUMMARY OF SUBMISSIONS RECEIVED

Sub. #	Date received	Name / Organisation	Type	Property	Details of Submission	Council Response to submissions
						consistent with Initiative *2.2.1 Expand application of Planning and Design Code Overlay*s in the Council's *Built Heritage Strategy 2022 - 2027*
					Some dwellings in College Park should be 'upgraded' to Local Heritage Places.	This Code Amendment has involved a comprehensive assessment of Inter-war era housing across the Council. There may be other dwellings in College Park constructed in other eras that are worthy of 'elevation' to Local Heritage Place, however that is outside the scope of this Code Amendment.
					Heritage / historic protection should be extended to protect more bungalows, as these buildings are regularly being demolished, particularly 'gentlemen's bungalows'.	This Code Amendment proposes to introduce or strengthen historic or heritage protections to several bungalow style dwellings. Additional opportunities to protect bungalows can be explored through other Council-led Code Amendments, consistent with the Council's *Built Heritage Strategy*.
10	19/12/2024	Botten Levinson, on behalf of the owner of 2B Stannington Avenue	On behalf of an owner of a proposed Local Heritage Place	2B Stannington Ave Heathpool	Development approval has been granted for the construction of 3 two-storey dwellings and associated land division, and the development will shortly commence. The original dwelling has been demolished. The proposed local heritage listing is therefore futile and serves no planning purpose.	The fact that the proposed local heritage place has been demolished and that the new development has been approved and is underway is noted. In light of the redevelopment of this site having commenced, including the demolition of the building which was proposed to be listed, it is recommended the LHP listing is removed for this property.
					The proposed application of the Historic Area Overlay and Established Neighbourhood Zone will not be reflected in the built form that will soon exist on the site. The site is surrounded by other contemporary dwellings which also do not reflect the kind of development sought in the Established Neighbourhood Zone, Historic Area Overlay or Heritage Adjacency Overlay. Pursuing the proposed rezoning is redundant and will serve no good planning purpose.	It is acknowledged that the new development is contrary to the kind of development envisaged in the Historic Area Overlay and Established Neighbourhood Zone. The site is not proposed to be included in the Heritage Adjacency Overlay; this was noted in the consultation letter but was an administrative error. Given its location at the edge of the zone / overlay, it is recommended that 2B Stannington Avenue be removed from the proposed Established Neighbourhood Zone and Historic Area Overlay, and remain in the General Neighbourhood Zone.
					The circumstances of the land have changed significantly since the initiation of the Code Amendment.	The 2023 iteration of the Proposal to Initiate document was endorsed by the Council prior to the lodgement of the Development Application for this site.
					The property owner would like to be heard at any public meeting convened for the Code Amendment	Public meetings are not required as part of the Code Amendment process (as was previously the case for Development Plan Amendments). However, submissions will be carefully considered by the Council and copies of submissions received will be summarised and attached to the engagement report. Additionally, owners of proposed Local Heritage Places who provided a submission as part of the consultation process will be invited by the State Planning Commission Heritage Sub-Committee to provide a supplementary submission (noting that all submissions received during consultation will be considered by the Sub-Committee in any case).
11	19/12/2024	David & Amanda Turvey	Owner of a proposed Local Heritage Place	3 Stannington Ave Heathpool	The owners object to the proposed LHP listing for the following reasons: • limits potential future property improvements / extensions or development and therefore impacts property value growth; • restricts property owner rights and adds administrative costs, time and risk; • current policies adequately protects historic character of the building.	The objections are noted, however a review of the property has reaffirmed the recommendation that the property be proposed as a Local Heritage Place as it incorporates features which are consistent with the original residential development of the area. Retaining important features of a heritage place needs to be considered when undertaking alterations and/or additions, however consultation with the Council's heritage advisor can be beneficial in the design and assessment stages. The planning policies that ordinarily apply to this property (outside of the current Code Amendment early commencement process) do not provide demolition protection.
12	20/12/2024	Aaron Parker	Community Member	N/A	Supports the Code Amendment. Would like to see additional houses added to the list of proposed heritage places	Noted.
13	20/12/2024	Kensington Residents' Association	Residents' Association	N/A	Support the Code Amendment, particularly: • proposed Local Heritage listings; • identification of new Representative Buildings; • application of HAO over Heathpool.	Noted

INTER-WAR HOUSING HERITAGE CODE AMENDMENT - SUMMARY OF SUBMISSIONS RECEIVED

Sub. #	Date received	Name / Organisation	Type	Property	Details of Submission	Council Response to submissions
					Would like to see the HAO extended to apply to 12-24 Stannington Avenue.	It is assumed the submission is referring to 16-24 Stannington Avenue, as 12 and 14 Stannington are included in the proposed HAO. Consideration has been given to the proposed boundaries of the Historic Area Overlay in Heathpool but it is recommended that the Historic Area boundaries remain as proposed due to the high prevalence of post-war development at the Eastern end of Stannington Avenue. Expanding the Historic Area to portions of the street with a high proportion of non-original buildings could undermine the strength, consistency and value of the Historic Area streetscape.
					Would like to see additional Built Heritage Strategy actions implemented.	The progress of the Built Heritage Strategy actions was recently reported to the Council at its meeting held on 7 April 2025.
14	20/12/2024	Herriman Legal on behalf of owners of 1 Newcastle St	On behalf of an owner proposed in the Heritage Adjacency Overlay (in relation to adjacent LHP)	Owners of 1 Newcastle St but submission relates to proposed listing of 3 Newcastle St	Object to the proposed listing of the Local Heritage Place and the associated application of the Heritage Adjacency Overlay over the adjacent property on the basis the criteria specified in the Code Amendment as being applicable to the property (criteria (a), (d)&(e)) are not met, and therefore the property does not warrant heritage listing. Reasons given include: • the property was not identified in the original 2010 heritage survey; • the documents informing and supporting the Code Amendment provide inconsistent description of the architectural style of the property; • question whether the building is important to the local area if the architectural theme is not common in the area; • question whether the building was 'architecturally designed'; • question the extent of original fabric remaining on the site; • question the role of Lionel Bruer who is identified in the Code Amendment as being the designer of the dwelling.	The uniqueness of the building style is noted, however this is reflective of changes in architectural designs of the time. Similarly, the building modifications made shortly after construction are also reflective in evolving tastes and attitudes with respect to building style. The dwelling is referred to with different descriptions, likely because the building designs evolving at this time were American adaptions of previous English designs. The association with Lionel Bruer has been reviewed, and it is noted that a building being designed by an architect is not necessarily in and of itself a reason for listing. It is recommended that the reason for listing against criteria (e) is removed from the proposed listing. However, the building is still considered to warrant listing based on criteria (a) and (d).
					Both 1 & 3 Newcastle Street have sufficient existing character protective policies applicable under the Code.	The submission notes that 1 Newcastle St is within the HAO (Bur5). This is limited to a ~7m deep portion of the rear of the allotment being located within the City of Burnside, which appears to be either a cadastral anomaly, or perhaps a result of a past boundary realignment.

Post-Consultation Feedback					
Date received	**Name / Organisation**	**Type**	**Property**	**Details of Submission**	**Council Response to submissions**
30/05/2025	Evelyn and Eagle Chu	Owner of proposed Representative Building	7 Rothbury Ave Heathpool	Existing house is positioned far back on the allotment leaving limited opportunity for rear additions or functional backyard, and the front yard is underutilised Happy to preserve façade but the dwelling appears to be from a period later than Inter-war Allowing development improvements to the property would benefit the residents and the local area	A review of Council's records indicate the dwelling was constructed in 1933 so is within the Inter-war era, however the contribution of the building to the Historic Area has been carefully considered. While the property has some features consistent with the historic character of the area (such as era of construction, allotment pattern and side setbacks) it is inconsistent with the predominant buildings styles and features of other original dwellings in Rothbury Avenue (such as roof pitch and portico). On balance, it is not considered to display sufficient characteristics of importance to the Historic Area to warrant identification as a Representative Building.

Attachment D

Inter-War Housing Heritage Code Amendment

Emily McLuskey

From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Saturday, 26 October 2024 2:19 PM
To: Townhall
Subject: Public Consultation submission for Inter-War Housing Heritage Code Amendment

City of Norwood Payneham & St Peters Planning Department,

Submission Details

Amendment:	Inter-War Housing Heritage Code Amendment
Customer type:	Member of the public
Given name:	John and Julie
Family name:	Davis
Organisation:	N/A
Email address:	[redacted]
Phone number:	
My overall view is:	I support the Code Amendment
Comments:	Having observed the demolition of the characterful 'Gentleman's Bungalow' at 338 Portrush Road, Heathpool, some years ago and the subsequent erection of eight two-storey 'boxes' on the land, we commend the Council for this Code Amendment and fully endorse it. No doubt there are many other examples of such inappropriate 'development' in the Council area that reinforce the importance of this Code Amendment application. Its trees and appealing garden having been removed, 338 Portrush Road now has vastly increased storm water that needs to be carried away — to the sea, eventually. Rainwater that once soaked the earth now strikes cement and steel roofs. Moreover, the lack of significant trees and plants has a deleterious effect on temperature, birds, insects and aesthetic amenity. We fully support the seven criteria listed in Fact Sheet 2 that are used to identify a place of local heritage value.
Attachment 1:	No file uploaded
Attachment 2:	No file uploaded
Attachment 3:	No file uploaded
Attachment 4:	No file uploaded
Attachment 5:	No file uploaded
Sent to proponent email:	townhall@npsp.sa.gov.au

Emily McLuskey

From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Tuesday, 5 November 2024 3:47 PM
To: Townhall
Subject: Public Consultation submission for Inter-War Housing Heritage Code Amendment

City of Norwood Payneham & St Peters Planning Department,

Submission Details

Amendment:	Inter-War Housing Heritage Code Amendment
Customer type:	Member of the public
Given name:	Elisa
Family name:	Star
Organisation:	
Email address:	[redacted]
Phone number:	
My overall view is:	I support the Code Amendment
Comments:	I support protecting heritage houses to prevent demolition and major alterations.
Attachment 1:	No file uploaded
Attachment 2:	No file uploaded
Attachment 3:	No file uploaded
Attachment 4:	No file uploaded
Attachment 5:	No file uploaded
Sent to proponent email:	townhall@npsp.sa.gov.au

CITY OF ADELAIDE

Enquiries: Sarah Gilmour [redacted]
Reference: ACC2024/156751

[redacted]

14 November 2024

Eleanor Walters
Manager, Urban Planning & Sustainability
City of Norwood Payneham & St Peters
175 The Parade
NORWOOD SA 5067

Dear Eleanor

Thank you for your letter dated 24 October 2024 advising of the commencement of public consultation on the draft *Inter-War Housing Heritage Code Amendment* (the Code Amendment) by the City of Norwood Payneham & St Peters.

I acknowledge that the purpose of the Code Amendment is to identify local heritage places, adjust zone boundaries and expand the spatial application of the Historic Area and Heritage Adjacency Overlays.

The City of Adelaide supports the City of Norwood Payneham & St Peters' efforts to strengthen the heritage protection for buildings built between the First and Second World Wars.

The City of Adelaide also notes that the Code Amendment does not change the zoning of land or planning policies as they apply to the City of Adelaide.

If you wish to discuss this matter further, please contact Sarah Gilmour, Associate Director Park Lands Policy and Sustainability, at [redacted]

Yours sincerely

Anthony Spartalis
Acting Chief Executive Officer

Town Planning Specialists | Planning Private Certifiers

City of Norwood Payneham & St Peters
Inter-war Housing Heritage Code Amendment
townhall@npsp.sa.gov.au

And Via the PlanSA Portal: Make a submission

Dear Council,

RE: 2B Stannington Avenue Heathpool – Local Heritage Place Listing / Rezoning of land to Established Neighbourhood Zone from General Neighbourhood Zone.

1.0 Introduction and Background

Adelaide Planning and Development Solutions (APDS) has been instructed to provide a submission to the Inter-war Housing Heritage Code Amendment in relation to the site at 2B Stannington Avenue, Heathpool on behalf of the owner, Fortune Infrastructure Pty Ltd.

The City of Norwood Payneham & St Peters has launched a third party Code Amendment, which is currently on public consultation. As detailed in correspondence received by the owner,

The City of Norwood Payneham & St Peters is proposing to introduce heritage protection for some buildings constructed in the Inter-war era. Specifically, the Code Amendment proposes to include 20 dwellings as Local Heritage Places and apply the Historic Area Overlay in part of Heathpool where there is a cohesive historic character due to the presence of significant original Inter-war dwellings. Within the Historic Area Overlay, 12 of the properties are proposed to be identified as Representative Buildings. The Code Amendment also seeks to apply the Heritage Adjacency Overlay to properties adjacent to proposed Local Heritage Places, and some minor Zone and Overlay changes in association with the proposed Heathpool Historic Area. The affected area consists of several properties in Heathpool, as well as individual sites in College Park, Hackney, Marden, Marryatville, Maylands, St Peters, Royston Park and Joslin.

This Code Amendment is consistent with the Council's Built Heritage Strategy 2022-2027 which includes an objective to identify additional Inter-war era buildings that may be worthy of heritage listing or additional protection (Objective 2.1: Protect key examples of Inter-war heritage).

2.0 Subject Land

2B Stannington Avenue is located on the western end of Stannington Avenue, one allotment removed from Portrush Road. The site contains an interwar detached dwelling, outbuildings, swimming pool and mature vegetation.

The draft code amendment has entered interim operation, with the dwelling on site listed as a Local Heritage Place (LHP) as part of the amendment, in addition to the sites zoning changing from General Neighbourhood to Established Neighbourhood Zone, with an Historic Area Overlay applied.



Snapshot 1: Subject Land (identified in green)

2.0 Existing approvals and proposed LHP listing

The subject land was purchased by Fortune Living in 2022 for the purposes of redevelopment, with application number 23022831 lodged on the 14th of August, 2023 for a *Torrens Title Land Division (1 Allotment into 3) and construction of three two storey dwellings, retaining wall and fencing*, which received planning consent on the 30th of October, 2023.

At the time, the land was located within the General Neighbourhood Zone, with no approval required for the demolition of the dwelling on site at that time (hence why demolition was not included in the application description). Recently, the Assessment Manager at the City of Norwood Payneham & St Peters, Geoff Parsons has confirmed, as of the 5th of November 2024, that it is the Councils position that a separate approval for demolition is not required; that *upon issuing of Development Approval for Development Application 23022831, that demolition can occur and construction can commence*. To this end, the building rules consent for Stage 1 of the development is currently within Council awaiting the issuing of Development Approval.

Given our clients intention to develop the land in the manner approved, the existing dwelling will soon be demolished as such the listing of the dwelling as a LHP serves no purpose. We therefore request that the LHP attribute against the property (and against the currently in place dwelling) be removed from the code amendment.

3.0 Rezoning of Subject Land to Established Neighbourhood Zone

As mentioned above, prior to the interim operation of the code amendment, the site was located within the General Neighbourhood Zone. Development Application 23022831 will establish three two storey detached dwellings on the subject land. While the dwellings are architecturally designed and will be constructed to a high standard, they are not reflective of other established dwellings; reflect the policy of the Established Neighbourhood Zone or the Historic Area Overlay nor contribute to a cohesive historic character and therefore do not contribute to the established streetscape character sought to be maintained by the change in zoning. In addition, the allotment pattern is no longer reflective of the established larger sites, due to the subdivision of the site in to four allotments (three within the subject application. Given the additional constraints applicable to properties within an Established Neighbourhood Zone and Historic Area Overlay (which are intended to preserve streetscape attributes) we consider that it would be beneficial to retain the subject land within the General Neighbourhood Zone given the above.

This is also reflective of the zoning pattern found within the immediate locality. As noted within Council correspondence distributed to the subject land, *2B Stannington Avenue is currently included in the Established Neighbourhood Zone as it previously had a frontage to Portrush Road prior to a land division which created the allotment at 336 Portrush Road. As the property no longer as a frontage to Portrush Road and your property has been recognised as having local heritage value, it is not proposed to be included within the Established Neighbourhood Zone; a zone where the predominate streetscape character and prevailing development pattern should be maintained.*



Snapshot 2: Proposed Zoning Map and Subject land (circled in red)

As can be seen above within *Snapshot 2*, 2B Stannington Avenue would be the closest portion of the proposed Historic Area Overlay to Portrush Road, at odds with other dwellings with and without a frontage to Portrush Road which are to remain within the General Neighbourhood Zone (including those on the northern side of Stannington Avenue. As is demonstrated by both the allotment width and dwelling design, we believe that the subject land more closely aligns (and is better suited within) the General Neighbourhood Zone.

3.0 Conclusion

This submission provides details on the future development of 2B Stannington Avenue for the construction of three two storey detached dwellings, which has planning consent and inferred demolition approval. As confirmed by Council, upon granting of Development Approval (within which Stage 1 which is currently under review by Council) the dwelling will be subsequently demolished, and as such the proposed LHP status of the dwelling will no longer be relevant. Furthermore, while all three architecturally designed dwellings are to be constructed to a high standard, they are not by design, reflective of established dwellings within the locality, particularly on sites to the west of the subject land which are to be included within the Established Neighbourhood Zone. It is therefore not appropriate to apply the Established Neighbourhood Zoning to the subject land, as it is better suited (and more closely associated with), properties to the south and north (on the northern side of Stannington Avenue) which will continue to be located within the General Neighbourhood Zone.

Town Planning Specialists | Planning Private Certifiers

We look forward to your support of this request. If you have any further questions regarding this submission or require additional information, please contact me on [redacted]

Yours sincerely,



Mark Kwiatkowski MPIA CPP
Director + Principal Urban Planner APDS
Adelaide Planning & Development Solutions - Town Planning Specialists | Planning Private Certifiers

10-12-2024

Mr Mario Barone,
C.E.O.
City of Norwood, Payneham and St Peters
via townhall@npsp.sa.gov.au

Re: Inter-War Heritage Code Amendment

Dear Mr Barone,

I write in response to your call for submissions on your Inter-War Heritage Code Amendment, on behalf of the Adelaide Chapter of the Art Deco & Modernism Society of Australia.

The Art Deco & Modernism Society of Australia Inc (ADMSA) was formed in Melbourne in 1992 and has active chapters in Adelaide and Brisbane. ADMSA is dedicated to the preservation and celebration of all aspects of Art Deco and Modernism, such as architecture, landscaping, furniture, industrial design, fashion, graphics, art, jewellery, entertainment, and transport. The Adelaide Chapter of ADMSA was launched in April 2008. Since then, the Chapter has hosted countless tours, presentations and events, creating awareness and presenting a strong local voice on appreciating and preserving 20th century architecture and culture.

As an organisation dedicated to the preservation and appreciation of 20th Century heritage, the ADMSA Adelaide Chapter, our members and followers are always very supportive of heritage code amendments, particularly when they relate to our period of interest. Therefore, we are happy to see examples of houses from the 20th Century being recognised as being of heritage value.

We also commend the City of Norwood, Payneham and St Peters for creating a new Historic Area Overlay in a section of Heathpool. We are keen to see Councils create many more small-scale historic areas, as we believe this is an excellent way of protecting and drawing interest to the heritage features of these areas, which can also be provided with relevant signage.

Similarly, we commend the creation of a Heritage Adjacency Overlay. ADMSA Adelaide Chapter has seen unfortunate examples where this important extra step is overlooked and nearby buildings, that added to the historic feel of a streetscape, have been demolished, the façade significantly altered, or a new building with quite inappropriate scale or features has been erected next door to a significant heritage place.

In short, we are in agreement with the statement provided on Fact Sheet 1 provided with the request for public feedback, that “Many buildings from the Inter-war era (built between the First and Second World Wars) do not currently have heritage protection. There is a risk that significant examples of buildings from this period of development could be lost over time.”

However, we wish to make several observations on the selection of places for assessment. Most of the nominated places are fine examples of just one type of building: the Gentleman’s bungalow. Most likely date from the period between the conclusion of the First World War and the onset of the Great Depression. Adelaide Chapter wonders whether other places besides those nominated there were proposed, assessed but found not to meet one or more of the local heritage criteria? If so, which places were assessed but not included in the final list?

Furthermore, were only residential buildings proposed for this amendment? If so, why? Why have no commercial, industrial, educational and other categories of building been considered? ADMSA Adelaide Chapter would have expected an Inter-War survey to include buildings in all of these categories, and especially those with obvious Art Deco features such as: 45 Stephen Tce St Peters (a currently veterinary practice) and associated shops; the row of attached shops at 182 Payneham Road, Evandale; and Hackney Kindergarten, 68 Richmond Street, College Park, by way of example **and not intended to be an exhaustive list.** Further information on these properties is provided in Appendix A below.

We therefore feel that the current Inter-War heritage survey and code amendment is incomplete, and presents a grave risk to the interpretation of interwar heritage as being restricted to residential forms, and largely to the gentlemen's bungalow form.

Furthermore, we are acutely aware of how difficult it is for a local council to initiate, fund, research, progress and conclude a heritage code amendment. This makes it difficult to contemplate how these additional categories and examples thereof will be listed, unless they are added to the current code amendment process. We strongly encourage you to take this latter path, as it is more timely, being already on foot.

For future reference, we would also encourage Council to examine the post-WWII period, including for example the contribution of Displaced Persons and other immigrants from Europe, recognising the profound changes in architectural methods and designs in the period until 1975.

In conclusion, we very much appreciate the Council initiating this Code amendment, and support the intent to broaden the Council's extensive heritage listings to cover the 20th Century.

However, we caution the scope being restricted to residential items and strongly urge Council to broaden the scope to include other types of properties, including but not restricted to the examples we have suggested. We further encourage the Council to consider identifying 20th Century items beyond WW2 for consideration in a subsequent code amendment at your earliest opportunity.

As we like to remind people, the 20th Century is the previous century, not the current one, and many items and periods of cultural, demographic and institutional history, are approaching considerable age and face an uncertain future.

If you have any questions, or wish to discuss our submission any further, please do not hesitate to contact us on [redacted]

Yours in appreciation,

Fran Smith,

Chair, Preservation Committee

Adelaide Chapter,

Art Deco & Modernism Society of Australia

Appendix A: Additional information supplied about the places mentioned above.

-

45 Stephen Tce St Peters [currently a veterinary practice]

The land on which this building now stands was purchased in November 1935 by the pharmaceutical company F.K. Faulding Ltd [CT 1621/177]. It was then leased to chemist A.J. Clark for a period of three years. Clark's pharmacy appears in the Sands and McDougall Directory from 1941 onward. These dates would appear to fit the observed Art Deco features of the building, with its stepped and decorated parapet, incorporating stepped decorative pilasters and recessed rendered panels. Below the cantilevered verandah, other Art Deco features are evident including the stepped fanlight above the corner entry doorway, which

incorporates a sunburst design, the monumental entrance on the chamfered corner and the used of glazed tiles contrasting with smooth render across all of the façade. It is unclear from the CT information whether this was a new build or a refacing of an earlier building in the late 1930s.



Row of shops, 182 Payneham Rd Evandale.

The land upon which this attractive row of shops reside was transferred to Henry James Truscott in 1938. The style of the decorative elements fits a late 1930s construction date or possibly a refacing of earlier shops using Art deco parapet and styling, with the multi-tenancy façade united by the wave-like banding and other brick and rendered detailing on the parapet as well as the glazed green tiles at the base of the shops. The shops have recessed doorways typical of the period, allowing windows that maximised display space at a time when shopping hours were heavily restricted. The sections of facade between windows are decorated in rare and original acid-etched vitrolite, in an Art Deco pattern. The Council's current local heritage listings include row shops closer to the CBD and built during the 1920s, but not into the 1930s. ADMSA Adelaide Chapter recommends that these shops be assessed as representative of retail opportunities during the very brief window following difficult years of the Great Depression and before the building restrictions imposed after the outbreak of WWII.



Hackney Kindergarten, 68 Richmond Street, College Park.

Hackney Kindergarten, began in 1932 as one of the Kindergarten Union of SA's Free Kindergartens [no charge was made to the children attending] and has been in continuous operation on this site since 1932. This was an enormously challenging time for many families in the Depression, where unemployment reached 35.4% in South Australia, and kindergarten education was beyond most peoples' ability to pay.

The kindergarten was designed by a prominent architect of the time H.I. Barrett, of the firm Barrett and Glover.

ADMSA Adelaide Chapter of is disappointed to see the general under-representation of important educational buildings such as early kindergartens in local government heritage listings and would like to see this kindergarten assessed as soon as possible with a view to inclusion in a Code Amendment.



13 December 2024

Ms Eleanor Walters
Manager, Urban Planning & Sustainability
Inter-War Housing Heritage Code Amendment
City of Norwood Payneham & St Peters
PO Box 204
KENT TOWN SA 5071

By email: townhall@npsp.sa.gov.au

Dear Eleanor

Submission – Inter-War Housing Heritage Code Amendment

Thank you for the opportunity to comment on the Inter-War Housing Heritage Code Amendment that was released for consultation and early commencement on 24 October 2024.

We support the City of Norwood Payneham & St Peters' initiative to propose improvements to the Planning and Design Code to strengthen heritage protection for buildings built between the First and Second World Wars, and the historic area in Heathpool which demonstrates existing cohesive historic character.

We recognise that this proposal is consistent with the City of Norwood Payneham St Peters "*Built Heritage Strategy 2022-2027*" which specifically seeks to protect key examples of inter-war heritage.

The proposed application of the Historic Area Overlay in Heathpool is of relevance to the City of Burnside, as it abuts our Council boundary. Our Council is particularly interested in the proposed changes because they embody many of the desired outcomes of our Council's *Burnside 2030 Strategic Community Plan*, the *Burnside City Master Plan (Urban Form and Transport)* and associated Code Amendments.

The Historic Area Overlay already applies to much of Tusmore in the City of Burnside. The established character of Tusmore is derived from the repetition and consistency of inter-war houses in the area so the proposal by the City of Norwood Payneham St Peters to apply the Historic Area Overlay in Heathpool is a logical extension of the existing Burnside approach.

More specifically, the following aspects of the Code Amendment are pleasing to see:



- The logical extension of the Historic Area Overlay to the north of the suburb of Tusmore
- Strengthening of heritage protection for buildings built between the First and Second World Wars
- The Historic Area Statement for Heathpool which describes attributes and elements of historic character, themes, context, landscape setting and descriptions of fencing and materials appropriate to periods of architecture to guide context-sensitive design and decision-making
- The proposed use of a diagram in the Historic Area Statement to provide further guidance for fencing, and
- The reinforcement of Representative Buildings through their identification in the proposed extension to the Historic Area Overlay which will further support their value and retention.

We wish you every success with the rest of the Code Amendment process.

If you would like further clarification regarding any matters discussed in this letter, please contact Aaron Schroeder, Strategic Projects and Planning Manager on [redacted] or via e-mail [redacted]

Yours sincerely



Barry Cant
Director Environment and Place

BOTTEN LEVINSON Lawyers

Our ref: MDO/224291

18 December 2024

Eleanor Walters
Manager, Urban Planning and Sustainability
City of Norwood, Payneham and St Peters
BY EMAIL ONLY: townhall@npsp.sa.gov.au

Dear Ms Walters

Inter-war Housing Heritage Code Amendment, Proposed Local Heritage listing of 3 Newcastle Street, Heathpool

1. This firm acts for Douglas and Marion Coster of 3 Newcastle Street, Heathpool (**The Land**). The land is comprised in Certificates of Title Volume 5967 Folios 716 and 717.

2. As part of the proposed Inter-war Housing Heritage Code Amendment, the dwelling and brick fence on the land is proposed to be listed as a local heritage place. The extent of the listing is described as:

> *External form, fabric and detail, including façade, external walling and roof that contribute to the building's identity as an example of an Inter-War Georgian Revival dwelling.*
>
> *Includes Inter-War Georgian revival classical detailing; the original external form and materials relating to the roof tiling, chimney, ventilators, original form of materials relating to the veranda including columns; and early timber and door elements including early timber shutters.*
>
> *The early brick fence on the portion of the front boundary east of the tennis court is of significance and is included in the listing.*
>
> *All later additions, comprising rear late 20th century additions and alterations, are not included in the listing.*

3. Our clients object to the proposed listing for the reasons articulated in this letter. Although it is not entirely clear, we assume that the stated exclusions in the heritage summary report mean that CT 5967 / 717 is not included as part of the proposed listing. You should advise us immediately if this is not the case.

Background

4. In 2010 an Inter-war Housing Heritage Survey of the local council area was completed. A full copy of the 2010 survey has not been made (or is no longer) publicly available. The 2010 survey did not result in a recommendation that our clients' property be listed as a local heritage place.

5. In 2023, a review of the 2010 survey was undertaken. We understand that two reports were produced as part of that review, namely:

[redacted]

- City of Norwood, Payneham & St Peters – Interwar Housing Heritage Survey: Thematic History, July 2023 by Kenan Henderson, Historian (**Thematic Report**), which identifies the Californian Bungalow style as the dominant residential style in the local area during the early Inter-war period after the First World War; and

- Historical Report: History of the Suburb of Heathpool, South Australia (5068), BBarchitects, April 2023 (**Historical Report**), which identifies our clients' property as an "Inter-War American Colonial Dwelling". We understand this to include a Californian Bungalow.

6. The Thematic report also mentions a few other Inter-war styles as "popular", namely Old English, Mediterranean, and Georgian Revival. Our clients' property is the sole example provided of an Inter-war Georgian Revival dwelling. The Thematic and Historical reports are attached to the proposed Code Amendment Initiation Document, dated 7 August 2023.

7. The Initiation Document summarises the rationale for the proposed Code Amendment (amongst other reasons not relevant here) as "*to protect a small number of Inter-War era dwellings as Local Heritage Places (22 properties)"*. The Inter-war housing styles identified in the Initiation Document include Tudor, Spanish mission, Mediterranean, Dutch Gable, Art Deco, and [Californian] Bungalow. The Georgian Revival style is not mentioned in the Initiation Document. Our clients' dwelling is nevertheless included as one of the 22 properties recommended for local heritage protection.

8. Our clients dwelling is proposed to be listed as a local heritage place on the basis that it satisfies the criteria in paragraphs (a), (d) and (e) of section 67(1) of the *Planning, Development and Infrastructure Act 2016* (**Act**). In particular, it is asserted in the survey that:

   (a) It displays historical, economic, or social themes that are of importance to the local area; being an important example of an inter-war Georgian Revival residential building, an important revivalist style of the inter-war period. The dwelling was architecturally designed and retains a high degree of original fabric.

   (d) It displays aesthetic merit, design characteristics, or construction techniques of significance to the local area….has been identified as an outstanding example of an architecturally designed Inter-War Georgian Revival dwelling, retaining a high degree of original fabric and exhibiting all of the principal characteristics of this important inter-war style.

   (e) It is associated with a notable personality or event…..identified as the work of leading South Australian architect Lionel Gregory Bruer (1895 – 1972), a specialist in Georgian Revivalist residential architecture. The dwelling is one of a few intact residential designs by this architect. Bruer was also a prominent local Heathpool resident.

9. The statement of heritage significance is recorded as saying:

   The Croft, 3 Newcastle Street, Heathpool is of local heritage significance as an outstanding representation of local example of an architecturally designed Inter-War Georgian Revival dwelling, retaining a high degree

of original fabric and exhibiting all of the principal characteristics of this important Inter-War style.

The dwelling has been identified as the design of prominent South Australian architect Lionel Gregory Bruer (1895 – 1972) a specialist in the Georgian revival residential architecture during the Inter-war period. The dwelling in now one of the few identified intact residential designs by this architect, Bruer was also a prominent local Heathpool resident during his lifetime.

10. It is contended that the property does not satisfy any of the s 67 criteria and consequently does not qualify for listing as a local heritage place for the reasons articulated below.

Act

11. The designation of a local heritage place is controlled under the Act. When making an assessment about whether a place is of local heritage value under the Act the Council may only apply the words of the statute in s 67.

12. Because the designation of a place as a local heritage place has significant potential ramifications it is crucial to note the words of the legislation and to then assess the merits of any proposal for listing carefully and faithfully against the meaning of those words.

Historical, economic or social themes that are of importance to the local area (section 67(1)(a))

13. The precise wording is important. To satisfy this criterion, the place must display (that is exhibit, reveal or show) one of the 3 listed themes, which themselves must be of importance to the local area.

14. The property is said to meet this criterion because it is an important example of an inter-war revivalist style (nominated as Georgian Revivalist), was architecturally designed and retains a high degree of original fabric. This reasoning is patently wrong.

15. A building cannot be said to display historical, economic or social themes simply because it has been architecturally designed. Whether a building has been architecturally designed is irrelevant to this criterion. In any event, Bruer was not trained as an architect until after the remodelling such that it cannot be said to be architecturally designed.

16. Further, the conclusion that the dwelling contains a high degree of original fabric is fundamentally inconsistent with other observations. The statements in the heritage report that the original home was extensively remodelled is inherently incompatible with a conclusion that the dwelling contains a high degree of **original** fabric. In addition, the reference to the "early brick fence" is purposefully opaque; but is clearly not designated as being part of the original fabric. Simple investigations would reveal that elements of the dwelling's purported "original fabric" were introduced as late as the 1970's e.g. the Monier roof tiles. In all the circumstances, there are serious questions about the accuracy of claims about the degree of the dwelling's original fabric.

17. Putting to one side the unfounded reliance on both the architectural design of the dwelling and the extent of its original fabric, the main thrust of this argument is that the dwelling is an important example of a Georgian Revival style to the local area. This conclusion is not justified.

18. The Thematic and Historical reports present diverging assessments of the architectural style of our clients dwelling in the context of the interwar period. Adding to this inconsistency, the Initiation Document outlines a range of interwar styles without mentioning the Georgian Revival style at all.

19. Whilst all sources agree that the California Bungalow was the predominant style during this period, they diverge significantly on the classification of our client's dwelling. By reference to the preeminent architectural literature, *"A pictorial guide to identifying Australian architecture styles and terms from 1788 to the present,"* our clients dwelling clearly has some features (but not all) of a California Bungalow and incorporates other features (but not all) of a Georgian revival dwelling - thus explaining the divergent conclusions in the Thematic and Historical reports.

20. Given that the two reports identify the dwelling differently, the more accurate conclusion is that it represents a medley of these two different styles rather than being definitively an example of just one. To label it as belonging solely to one style is not justified, and to further claim it as an outstanding or important example of that (or any) style is simply implausible and unsupported by the evidence.

21. The discrepancies in the Thematic Report, Historical Report and Initiation Document also serve to highlight the apparent lack of consensus on the popularity of the Georgian Revival architecture within the local interwar context. A single example of a remodelled Georgian Revival dwelling does not support the conclusion that this style was of any importance to the local area or that there is any reason for it to be represented as a local heritage place, as it is clearly not representative of the local area.

Aesthetic merit, design characteristics or construction technique significance to the local area (s 67(1)(d)).

22. It is contended that the house satisfies criterion (d) on the basis that it "displays aesthetic merit, design characteristics and construction techniques of significance to the local area as it is an outstanding example of an architecturally designed Inter-War Georgian Revival dwelling, retaining a high degree of original fabric and exhibiting all of the principal characteristics of this important inter-war style".

23. For reasons already articulated, the assertions in the heritage report are simply wrong. The property cannot be said to retain a high degree of original fabric nor does the property exhibit the principal characteristics of an Inter-War Georgian Revival dwelling.

24. Even if it did, the precise wording of criterion (d) is again important. It is plain from the wording that a place will not satisfy (d) simply because it displays some aesthetic merit, or even if it is an "outstanding example" of a particular style of architecture from a given period. Critically, the aesthetic merit, design characteristics and construction techniques must be "of significance to the local area". A developer's brochure featuring the property is not evidence of this fact.

25. For reasons expressed above, the aesthetic merit, design characteristics and construction techniques are of minimal or no relevance to criterion (d) in this case. None of those aspects, if "displayed" at all by the house, are "of significance to the local area".

Associated with a notable local personality or event (s 67(1)(e))

26. It is contended that the building satisfies this criterion because it is "associated with" Lionel Gregory Bruer, a local architect. Our clients' reject the proposition that Bruer was a "notable" local personality or that the dwelling is "associated with" him.

27. There is no reference to Bruer on the council's website or in any of its publications. Some reference to him should be expected if he is genuinely considered to have been notable to the local area.

28. Bruer's notoriety appears to be limited to the South Australian Institute of Architects and not more broadly in the local community. Although some buildings (because of their significance) may be "associated with" an architect, a remodelled home does not hold sufficient cultural or architectural weight to warrant this conclusion. Neither the heritage summary report or the architectural library held by University of South Australia suggest that our clients dwelling is even recognised as one of his notable architectural works. Most of his notable works are credited to Bruer's firm and not to him personally. Indeed, Bruer's firm was not founded until 1933 and is primarily noted for its Moderne or Art Deco Style buildings – especially theatres. Many of the firm's notable works were in association with higher profile lead architects from interstate. The Architects Database records that "generally the practice had a local Supervisory role since the designs originated from interstate firms."[1]

29. More fundamentally, Bruer was not himself registered as an architect until 1931, that is after the remodelling of the dwelling that occurred between 1926-1929. Accordingly, the property cannot be said to be architecturally designed as mis-represented in the heritage reports. This perhaps explains the confused architectural style used in the building, which reflects poorly on its architectural merits.

30. At its absolute highest, a remodelled home can only be said to be partially associated with whoever undertook the changes. The original structure, design, and overall form of the home pre-date any involvement by Bruer. To claim that the property is associated with Bruer is a gross overstatement.

31. There is nothing to substantiate the claim that Bruer was a prominent local Heathpool resident so as to be a notable local personality.

Conclusion

32. On a proper construction of the evidence, our client's remodelled dwelling is a mishmash of different styles that incorporates features of a Georgian Revival dwelling but is not an outstanding example of this style (or of any style).

33. The evidence of the original fabric of the dwelling is precarious, noting that at least some external features were introduced as recently as the 1970's. That the early brick fence adds to the overall character of the place is irrelevant to the test under s 67 of the Act.

34. There is nothing to suggest that the Georgian Revival style was important to the local area or that the dwelling has any design characteristics and construction techniques "of significance to the local area". A single remodelled dwelling incorporating elements of the Georgian Revival style rather points to the contrary conclusion.

35. The original structure, design, and overall form of the home pre-date Bruer's involvement, and Bruer was not yet an architect at the time of the remodelling. There is nothing to substantiate the claim that he was a notable local personality.

36. Ultimately, the property does not display historical, economic or social themes that are of ***importance*** to the local area, does not display aesthetic merit, design

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(https://architectsdatabase.unisa.edu.au/arch_full.asp?Arch_ID=83).[1]

characteristics or construction techniques of any ***significance*** to the local area and is not ***associated with*** a ***notable*** local personality or event.

37. As the property does not satisfy any of the statutory criteria under s 67 of the Act, it **must not** be listed as it does not warrant local heritage protection. It should be removed from the final version of the Code Amendment.

Our clients reserve all rights.

Please contact me or Tom Game if you have any queries.

Yours faithfully



Michael Opacic
BOTTEN LEVINSON
[redacted]

Emily McLuskey

From: Bronwyn Parkin [redacted]
Sent: Thursday, 19 December 2024 2:39 AM
To: Townhall
Subject: Inter-war Housing Heritage Code Amendment

To whom it may concern:
We are the owners of 72 Third Ave, St Peters, one of the houses put forward to be included in the Inter-War Housing Heritage Code Amendment. We support this amendment, and thank the team who have worked to recognise this house as a significant historic contribution to the council area.
Regards,
Bronwyn Parkin and Robert Lines.

ST PETERS RESIDENTS ASSOCIATION INC.

E-mail : [redacted]

ABN 86 794 177 385

Representing the Residents of St Peters, College Park, Hackney, Stepney, Maylands, Evandale & Joslin.

SUBMISSION - INTER-WAR HOUSING CODE AMENDMENT

The CEO
City of Norwood Payneham & St Peters
townhall@npsp.sa.gov.au

Dear Sir,

Re**: Inter-war Housing Heritage Code Amendment**

The St. Peters Residents Association welcomes this Code Amendment and thanks Council for the efforts it has put into extending historic and heritage protection to more properties and areas in our Council area.

The proposed Historic Overlay Area for Heathpool, and the proposed listing of twelve properties in this Historic Area as Representative buildings is particularly welcome as this suburb has many fine dwellings.

Also welcome is the proposal to list another twenty properties both within and outside Heathpool as Local Heritage Places. The seven properties proposed for Local Heritage Place listing in St. Peters, College Park, Hackney and Maylands are most appreciated.

The Avenues, St. Peters
Our Association would like more of the Avenues in St. Peters to be protected as Historic Overlay Areas. At present this protection is limited to First Avenue to Sixth Avenue. Seventh Avenue, Eighth Avenue and Ninth Avenue contain many fine dwellings with fairly coherent and consistent patterns of development. We urge Council to investigate this while the Minister and the Planning Commission seem to have adopted kindly dispositions towards historic and heritage protections.

College Park
We point out that College Park, a fine suburb, has many historic streetscapes and beautiful historic dwellings. We submit that some of these dwellings should be considered for upgrading to Local Heritage Places. The Minister for Housing and Planning Nick Champion has spoken publicly on several occasions on the theme that councils are now being encouraged to upgrade protection of buildings to heritage places.

Bungalows
We ask Council to consider protecting more bungalows as these are being demolished at a significant rate. The loss of several imposing historic “gentlemen’s” bungalows over the past few years has been unfortunate. We are concerned that this important style of inter-war housing may become extinct in our Council area if no protections are afforded to bungalows.

BOTTEN LEVINSON Lawyers

Our ref: SM/224290

19 December 2024

Mr Mario Barone PSM
Chief Executive Officer
City of Norwood, Payneham and St Peters
175 The Parade
NORWOOD SA 5067

By email: townhall@npsp.sa.gov.au

Dear Mr Barone

Inter-war Housing Heritage Code Amendment - 2B Stannington Avenue, Heathpool - Submission

This firm acts for the owner of the land comprised in Certificate of Title Volume 6175 Folio 952 and commonly known as 2B Stannington Avenue, Heathpool (**our client's land**).

These submissions in response to the draft *Inter-war Housing Heritage Code Amendment* (**Code Amendment**) are made on our client's behalf.

For the reasons which follow, our client is **opposed** to the Code Amendment insofar as it proposes amendments to the planning rules affecting our client's land.

Background

On 30 October 2023, the Council's Assessment Manager granted planning and land division consents to DA 23022831 to divide our client's land into three allotments and construct three, two-storey dwellings and associated retaining walls and fencing (**Development**). At the time planning consent for the Development was granted, our client's land comprised a large, regular shaped allotment and contained a single storey detached dwelling (**Original Dwelling**). The Original Dwelling was not a representative building or a State or Local Heritage Place.

Building consent and development approval have since been granted for the Development (**Approved Development**).

The Original Dwelling has been demolished pursuant to the Approved Development and construction of the 3, 2-storey contemporary approved dwellings will shortly commence.

[redacted]

A 3D render of the Approved Development is included below:



Proposed changes to the planning rules affecting our client's land

The Code Amendment proposes to:

1. list the (now demolished) Original Dwelling as a Local Heritage Place;

2. rezone our client's land from the General Neighbourhood Zone to the Established Neighbourhood Zone;

3. include our client's land in the Historic Area Overlay; and

4. include our client's land in the Heritage Adjacency Overlay.

We understand that the application of the Heritage Adjacency Overlay to our client's land is an "automatic" consequence of the heritage listing of adjacent land.

Local heritage listing now futile

The extent of the proposed local heritage listing is as follows:

> *External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an Interwar Bungalow. Includes all original masonry walls, original form and materials relating to the 'triple fronted' roof including all tiling, chimneys and verandah forms. The form and materials of all early window and door fittings are also included in the listing. All later additions, comprising rear late 20th century additions and alterations, are not included in the listing.*

The extent of the proposed listing is limited to the built form of the Original Dwelling and does not include other physical characteristics of our client's land. Given the Original Dwelling has been demolished, the proposed listing is plainly futile and serves no planning purpose.

Planning objectives cannot reasonably be achieved

The Historic Area Overlay seeks to "reinforce" the historic themes and characteristics of the "historic area"[1], whilst the Established Neighbourhood Zone seeks to "maintain" the predominant built form and streetscape character.[2] Those planning objectives will not,

[1] DO 1 of the Historic Area Overlay.
[2] DO 1, DO 2 Established Neighbourhood Zone.

and cannot, reasonably be achieved on our client's land in circumstances where three new, modern dwellings will be constructed.

The dwellings presently under construction on our client's land will not reflect the kind of development sought in the Established Neighbourhood Zone, Historic Area Overlay or Heritage Agency Overlay. Further, the allotments abutting our client's western boundary (336 Portrush Road), eastern boundary (2A Stannington Avenue) and southern boundary (units 1-3, 338 Portrush Road) **all** comprise contemporary dwellings constructed in recent times and do not reflect the kind of development sought in the Established Neighbourhood Zone, Historic Area Overlay or Heritage Agency Overlay.

The reality is that the built form of our client's land will not, and the built form of the land which surrounds it does not, represent or demonstrate historic themes, characteristics and/or streetscapes which ought to be reinforced through conservation and contextually responsive development, design and adaptive reuse. This will not be remedied by the proposed policy changes. Indeed, the inclusion of our client's land and the land which abuts it in the Established Neighbourhood Zone and Historic Area Overlay is likely to confuse the characteristics of the area sought to be maintained. To put it bluntly, 'that ship has sailed'. Rezoning such land as proposed in these circumstances will do no more than create an unnecessary burden in the administration of the Planning and Design Code.

Conclusion

The factual circumstances surrounding our client's land have changed significantly since the initiation of the Code Amendment. Understandably, the authors of the Code Amendment may not have been aware of the authorised development of our client's land at the time of preparing the Code Amendment.

For at least the reasons set out above, the proposed listing of our client's Original Dwelling which has been demolished as a Local Heritage Place is redundant. Further, the proposed rezoning to include our client's land and the land which abuts it in the Established Neighbourhood Zone, Historic Area Overlay and Heritage Agency Overlay is also redundant and will not only serve no good planning purpose but will represent poor planning.

Our client requests an opportunity to be heard, whether personally or by representative, at the public meeting convened in relation to the Code Amendment.

Please contact me if you have any queries or wish to discuss.

Yours faithfully



Syd McDonald
BOTTEN LEVINSON
[redacted]

Emily McLuskey

From: David Turvey [redacted]
Sent: Thursday, 19 December 2024 4:32 PM
To: Townhall
Cc: Amanda Turvey
Subject: Inter-War Housing Heritage Code Amendment

Attention:
Eleanor Walters
Manager, Urban Planning & Sustainability
City of Norwood, Payneham & St Peters

Regarding the proposal by the City of Norwood, Payneham & St Peters (NPSP) for Inter-War Housing Heritage Code Amendment (your letter dated 24 October 2024).
Thanks for the opportunity to discuss this proposal with NPSP council officers who answered our questions as part of the public consultation process.

We have considered the proposal and ***"wish to object"*** to the Heritage Code Amendment for 3 Stannington Avenue, Heathpool.
Our reasons include but are not limited to the following:

1. Limits potential for upside value growth for the owner from additional property extensions or development.

2. Limits options of the owner to improve the function of the property e.g. addition of ensuite to master bedroom, extra bedrooms / bathrooms and family areas.

3. Limits the increase to the size / area, number and function of rooms from the current limited footprint.

4. Restricts rights of the property owner and adds to administrative cost, time and risk (as current development rules are adequate and restrictive).

5. Finally, we believe the current Heritage Code adequately protects the historic character of the 3 Stannington Avenue area, Heathpool.

Thanks for your consideration to our objection and we await further notice of the public consultation and NPSP decision process.

Kind Regards,

David & Amanda Turvey

Proerty Owner – 3 Stannington Avenue, Heathpool SA 5068

[redacted]

Emily McLuskey

From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Friday, 20 December 2024 2:06 PM
To: Townhall
Subject: Public Consultation submission for Inter-War Housing Heritage Code Amendment

City of Norwood Payneham & St Peters Planning Department,

Submission Details

Amendment:	Inter-War Housing Heritage Code Amendment
Customer type:	Member of the public
Given name:	Aaron
Family name:	Parker
Organisation:	
Email address:	[redacted]
Phone number:	
My overall view is:	I support the Code Amendment
Comments:	This is an excellent amendment to the code that will further protect the character of these suburbs. I'd like to see more houses on this list.
Attachment 1:	No file uploaded
Attachment 2:	No file uploaded
Attachment 3:	No file uploaded
Attachment 4:	No file uploaded
Attachment 5:	No file uploaded
Sent to proponent email:	townhall@npsp.sa.gov.au



KENSINGTON RESIDENTS ASSOCIATION
INCORPORATED
[redacted]
Serving the community since 1977

The Chief Executive Officer,
City of Norwood, Payneham & St Peters,
Town Hall,
175 The Parade,
Norwood, 5067.

The Secretary,
Kensington Residents' Association Inc.,
Mr A. Dyson,
42, Regent Street,
Kensington, 5068.
20th December 2024.

Attention: **Inter-War Housing Heritage Code Amendment**

Dear Sir,

Please accept this submission on behalf of the Kensington Residents' Association regarding the proposed Inter-War Housing Heritage Code Amendment.

We fully support this Code Amendment for our neighbouring suburb. The Historic Overlay in Kensington has served our community well. The result is that Kensington retains important historic built heritage, otherwise many of these houses would have been demolished given the propensity for developers to look to the inner suburbs for opportunities at the expense of what already exists.

Accordingly, our Association maintains its position that local heritage and character must be protected and preserved for the benefit of both present and future generations.

What we like about the Code Amendment.

Many homes built between the First and Second World Wars do not currently have heritage protection. There is a high risk that many buildings from this period will be lost over time.

We fully support the 20 nominated houses built during the Inter-war era to be designated as Local Heritage Places. We also support the 12 identified properties to be designated as Representative Buildings within the Historic Area Overlay.

It is absolutely crucial that the application of an Historic Area Overlay is applied to Heathpool. We note that this beautiful suburb has retained its original historic character due to the love and care of the owners of these important buildings.

How the Code Amendment can be improved

We support extending the proposed heritage overlay to 12 – 24 Stannington Avenue in Heathpool for better consistency.

Thank you for progressing this proposed Code Amendment. We note that it forms part of the Council's Built Heritage Strategy 2022-2027 and an inter-war code amendment had already been identified as an action. We urge Council to remember that this Strategy received overwhelming community support when it was adopted, and we look forward to its full implementation over the coming years.

Yours faithfully,





Roger Bryson
President [redacted]

Andrew Dyson
Secretary [redacted]

cc Mayor Robert Bria & All Members of Council,
Ms Cressida O'Hanlon, Member for Dunstan.

PLANNING
DEVELOPMENT
ENVIRONMENT
GOVERNMENT

20 December 2024

Eleanor Walters
Manager, Urban Planning and Sustainability
City of Norwood, Payneham and St Peters

townhall@spsp.sa.gov.au

Dear Ms Walters

Inter-war Housing Heritage Code Amendment – proposed listing of 3 Newcastle Street, Heathpool and associated Heritage Adjacency Overlay

We act for David and Gillian O'Sullivan of 1 Newcastle Street, Heathpool (**Our Clients' Property**).

We make this representation in relation to the proposed "Interwar Housing Heritage Code Amendment" (the **Code Amendment**) made by the City of Norwood Payneham & St Peters (the **Council**) which is currently out to public consultation.

Amongst other matters, the Code Amendment seeks Ministerial support for the designation of 3 Newcastle Street, Heathpool, located immediately to the west of Our Clients' Property (the **Subject Property**) as a Local Heritage Place (**LHP**) under section 67 of the *Planning Development and Infrastructure Act 2016* (the **PDI Act**). It also seeks associated amendments to the Planning and Design Code (the **Code**) to cater for this listing.

As a result of the proposed designation of the Subject Property as a LHP, Our Clients' Property would be rendered subject to an Adjacency Heritage Overlay (**AHO**).

We **firmly object** to the designation of the Subject Property as a LHP and the application of the AHO to the Property, on the grounds outlined below.

The Subject Property – the proposed Extent of Listing

The Code Amendment proposes, as a part of the Code Amendment, to alter the designation of the Subject Property from *undesignated* to a that of a local heritage place.

The Extent of the Listing is referenced as:

> *Dwelling ('The Croft'); External form, fabric and detail, including façade, external walling and roof, that contribute to the building's identity as an example of an Inter-War Georgian Revival dwelling. Includes Inter-War Georgian Revival classical detailing; the original external form and materials relating to the roof including tiling, chimney, ventilators; the original form and materials relating to the verandah including columns; and early timber and door elements including early timber shutters. The early brick fence on the portion of the front boundary east of the tennis*

court area is of significance and is included in the listing. All later additions, comprising rear late 20th century additions and alterations, are not included in the listing[1].

In order to designate the Subject Property through a Code Amendment, it must meet the requirements of section 67 of the PDI Act.

The Initiation Report claims that the listing of the Subject Property is supported as it satisfies subsections (a), (d) and (e) of section 67. These provisions require that:

(a) [the Subject Property] displays historical, economic or social themes that are of importance to the local area; or
...
(d) [the Subject Property] displays aesthetic merit, design characteristics or construction techniques of significance to the local area; or

(e) [the Subject Property] associated with a notable local personality or event.

[Emphasis added]

It is our view that none of these provisions are met and as a result, the Code Amendment cannot lawfully designate the Subject Property as a local heritage place, subject to the Local Heritage Overlay.

Research in support of the Code Amendment

The Initiation Report provides a brief background into the Investigations undertaken to support the proposed Code Amendment. It references the *Inter-War Housing Heritage Survey 2010* undertaken by David Brown of BB Architects, and the work undertaken in support of this survey, which focussed on the dwelling styles constructed in the Council area between 1915 – 1945, referenced generally as the Inter-war period. The work undertaken in the survey included field inspections of a range of inter-war architectural styles (notably not Georgian revivalist). Unfortunately, a copy of this 2010 survey was not provided with the Code Amendment, but there was no suggestion in the Initiation Report that the Subject Property was included in the 15 inter-war dwellings proposed to be listed as local heritage places in 2010, by David Brown.

In support of this current proposed Code Amendment, it is understood that the Council undertook further work throughout 2021-2023, including a broadening of the 2010 survey to include the recognition of rare inter-war revivalist styles, having regard to a thematic history of the inter-war residential development in the Council area.

Associated documents are attached to the Initiation Report, comprising:

[1] Heritage Survey Data Sheets: Proposed Local Heritage Places, 2023. 'The Croft', 3 Newcastle Street, Heathpool, Extent of Listing, p. 74.

1. Interwar Housing Heritage Survey: Thematic History (July 2023) (the **Thematic Report**) which speaks to the thematic framework of Inter-War Housing in the Council area, from prior to WW1 (1912) up until the end of WWII (1949), and
2. History of Suburb of Heathpool (the **Historical Report**).

Together, we refer to these as 'the **Reports**' and are used to support the Council's premise that the Subject Property (and a number of other properties) should be made the subject of a Local Heritage Overlay. The Council has produced the proposed *Heritage Survey Data Sheets: Proposed Local Heritage Places, 2023* in support of the Code Amendment. The Subject Property is referenced at page 75 (the **Relevant Data Sheet**).

The Council uses the information and research in the above documents to support the premise that the Subject Property is a property worthy of local heritage listing under section 67 of the PDI Act – under sections 67(1) (a), (d) or (e).

We are **not** of the view that **any** of these statutory requirements is able to be met on the facts and research made available in support of this Code Amendment. We discuss this below.

As such, the HAO, proposed to be applied to Our Clients' Property under this Code Amendment, has no basis or application.

The Subject Property: why section 67 is not met

The Relevant Data Sheet provides the following Statement of Heritage Significance for the Subject Property:

> *'The Croft', 3 Newcastle Street, Heathpool is of local heritage significance as an outstanding local example of an architecturally designed Inter-war Georgian Revival dwelling, retaining a high degree of original fabric and exhibiting al of the principal characteristics of this important Inter-war style.*
>
> *The dwelling has been identified as the design of prominent South Australian architect Lionel Gregory Bruer (1895-1972), a specialist in Georgian Revival residential architecture during the Inter-War period. The dwelling is now one of a few identified, intact residential designs by this architect. Bruer was also a prominent Heathpool resident during his lifetime.*

Repeating much of this Statement, the "Relevant Criteria"[2] as to how the Property meets the requirements of section 67(a), (d) and (e) of the PDI Act, respectively, are outlined in the Data Sheet.

We say as follows.

[2] Heritage Survey Data Sheets: Proposed Local Heritage Places, 2023. 'The Croft', 3 Newcastle Street, Heathpool, Extent of Listing, p. 75.

S67(a): ***It displays historical, economic or social themes that are of importance to the local area***

No.	Relevant Criteria Statement	Why section 67(a) is not met
1.	*It displays historical, economic or social themes that are of importance to the local area, being an important local example of an Inter-War Georgian Revival Residential Building, and important revivalist style of the Inter-War Period.*	Whilst the Subject Property may have been built during the Inter-war Period, between the Reports provided there is inconsistent reference to what style of architecture it actually reflects, thereby rendering insecure the position that the Subject Property carries with it a particular historical, economic or social themes, important to the locality. The Data Sheet references it as an *'important example of Inter-war Georgian Revival residential building',* as does the Thematic Report.[3] The 2010 Survey doesn't reference it at all. The Historical Report refers to it as having an 'Inter-war American Colonial Style'[4] which is hard to align with how the Inter-war Georgian Revival style is described in the Thematic Report: A *"formal and elegant revivalist style [which] was based on renewed 20th Century interests in the noble proportions of British architecture from the Georgian Period.... Principal characteristics include Classical elements, symmetry and repetitive fenestration, two pane Georgian windows with shutters."*[5] Whilst there may be less of a question as to whether the Subject Property reflects architecture of an Inter-war revivalist style, the fact that there is a lack of clarity as to what style that is (and therefore, what historic, economic or social theme or themes it displays) renders the possibility of connecting it with a 'historic, economic or social theme that is important to the local area' (being the basis of section 67(a)) very tenuous. In addition, whether the Subject Property reflects a genuine Inter-war Georgian Revival style or more of a mix of inter-war revival styles, the fact remains – and is consistently noted across all of the Reports – there were only a few examples of this architectural style present in the local area. We query the nexus between the few examples of the Inter-war Georgian Revival style and what is reflect / connected / important to the local area.

[3] Interwar Housing Heritage Survey: Thematic History (July 2023) page 41.
[4] History of the Suburb of Heathpool, page 9.
[5] Interwar Housing Heritage Survey: Thematic History (July 2023) page 41.

2.	*The dwelling was architecturally designed and retains a high degree of original fabric*.	Despite it being mentioned numerous times across the Code Amendment documents, there is actually no evidence provided that the dwelling at the Subject Property was architecturally designed, and there are conflicting conclusions between the Reports, as to the role at Lionel Gregory Bruer played in its original design or later modifications of the Subject Property. Also, assuming that it was architecturally designed does not of itself, render the Subject Property reflective of historic, economic and social themes of importance to the local area. In fact, referenced alone, this statement offers nothing to the meeting of section 67(a) of the PDI Act. In addition, the statement that the Subject Property retains a *'high degree of original fabric'* is unsubstantiated in the Reports and understood to be factually incorrect. Firstly, there is little to no description in the Initiation Report as to what comprises the original elements / fabric of dwelling; what *"extensive remodelling"* was undertaken by Sarah Gartrell in the late 1920s[6] (which, of itself, could have offset the notion that a "high degree" of the original house was still present) such that what is actually 'original' and of value (and has been retained) is unclear. Secondly, various works have been undertaken to the Subject Property since that time (evident upon inspection). As such, to claim that a *high degree of the original fabric* of the Subject Property is still in situ, in support of the premise that it continues to reflect historic, economic or social themes important to the local area, is simply factually incorrect and unsubstantiated in the Code Amendment documentation.

There is significant confusion across the historical evidence provided to support the premise that the Subject Property is worthy of local listing pursuant to section 67(a) of the PDI Act. There is inadequate reliable evidence to be able to make the claim that the Subject Property displays historical, economic or social themes that are of importance to the local area.

(d) it displays aesthetic merit, design characteristics or construction techniques of significance to the local area

No.	Council Relevant Criteria Statement	Why section 67(a) is not met
1.	*It displays aesthetic merit, design characteristics or*	We repeat the arguments made in relation to section 67(1)(a) above here, as many of them are again applicable. The Reports provided in support of the Code Amendment simply do not

[6] Heritage Survey Data Sheets: Proposed Local Heritage Places, 2023. 'The Croft', 3 Newcastle Street, Heathpool, Extent of Listing, p. 76-77.

	construction techniques of significance to the local area; it has been identified as an outstanding example of an architecturally designed Inter-war Revival dwelling, retaining a high degree of original fabric and exhibiting all of the principal characteristics of this important Inter-War style.	provide sufficient or reliable evidence to support the requirements of section 67(d) of the PDI Act, being that aesthetic merit, design characteristics or construction techniques have been employed in relation to the Subject Property to render it significance to the local area. As to aesthetic merit and design techniques, we repeat our clients' position as to the confused architectural characterisation of the Subject Property presented in the Reports and query, as such, how it can be concluded that the Subject Property can be considered, as a result, of significance to the local area. As to the Council's claim that the Subject Land is an *"outstanding example of an architecturally designed Inter-war Revival dwelling, retaining a high degree of original fabric and exhibiting all of the principal characteristics of this important Inter-War style"* we repeat out statements above in relation to this. It is a gross overstatement and factually incorrect.

There is simply insufficient evidence provided in the Code Amendment documentation to enable the requirements of section 67(d) of the PDI Act to be met in relation to the Subject Property.

(e) it is associated with a notable local personality or event

No.	Council Relevant Criteria Statement	Conclusions on information provided
1.	*Is associated with a notable local personality or event; it has been identified as the work of leading South Australian architect Lionel Gregory Bruer (1895-1972), a specialist in Georgian Revival residential architecture. The dwelling is now one of the few identified intact residential designs by this architect. Bruer*	The Reports in support of the proposed Code Amendment make numerous contradictory references to the role that Lionel Gregory Bruer (architect) played in relation to the Subject Property – in short, we are left completely confused as to his involvement / impact on the Subject Property and whether he actually had any link to it at all. The Thematic Report references his impact on the Subject Property as being the "designer"[7]. The Historical Report makes passing reference to the Subject Property, *"attributed to L.G Bruer who resided next door"*[8]. The Relevant Data Sheet for the Subject Property[9] claims that whilst the *"dwelling has been identified as the design of prominent South Australian architect Lionel Gregory Bruer (1985-*

[7] Interwar Housing Heritage Survey: Thematic History (July 2023) page 41.
[8] History of Suburb of Heathpool page 9, which makes this conclusion premised on the Sands & McDougall Directory, 1928, p. 227.
[9] Heritage Survey Data Sheets: Proposed Local Heritage Places, 2023. 'The Croft', 3 Newcastle Street, Heathpool, Extent of Listing, p. 75.

	was also a prominent Heathpool resident.	*1972, a specialist in Georgian Revival residential architecture during the Inter-War period"*[10] none of this is actually supported in primary evidence provided in support of the Code Amendment. In fact, the Brief Historical Background in the Relevant Data Sheet for the Subject Property then proceeds to confirm that the dwelling was built by CA Monk (between 1924-25) and then "extensively remodelled" by Sarah Gartrell between 1926-29. Mr Bruer apparently married Mrs Gartrell's granddaughter in 1924 and resided in the Subject Property from 1926 onwards. It says he was an architect and admitted to the Royal Institute of British Architects in 1931 and the South Australian Institute of Architects in 1933[11]. This raises queries about whether Bruer actually designed the original build, or the "extensive remodelling" only (in which case, it cannot be held that it was his original design or substantively representative of his work) and if he did either, he must have done so before he was a registered architect. As to whether he lived in the Subject Property for a time, or next door in fact, is unclear. Overall, his 'association' with the Subject Property is unsubstantiated in the Code Amendment documentation, and is at best, confused and unreliable. In addition, there is nothing in the proposed Code Amendment documentation which substantiates Bruer's characterisation as a "local personality" and there is no discussion or further evidence provided to support his identity as such. Simply claiming that he was a *"prominent Heathpool resident"*[12], is insufficient and unhelpful.

There is very confused and frankly, insubstantial primary evidence provided with the proposed Code Amendment to establish that Mr Bruer was a notable local personality, with a reliable association with the Subject Property such that the requirements of section 67(e) of the PDI Act are met.

Overall, and putting aside various overstatements made by the Council in its Code Amendment documentation in relation to the above matters, the information provided in the Reports simply do not provide either adequate or reliable evidence or fact upon which to

[10] Ibid.

[11] Ibid, page 76-77.

[12] Heritage Survey Data Sheets: Proposed Local Heritage Places, 2023. 'The Croft', 3 Newcastle Street, Heathpool, Extent of Listing, p. 75.

reasonably conclude that the statutory requirements of section 67(a), (d) or (e) of the PDI Act are met in relation to the Subject Property.

As such, it is our view that the Minister **does not have the legal basis necessary to characterise the Subject Property as a local heritage place** under this Code Amendment.

Coster Representation

Botten Levinson Lawyers for the owners of the Subject Property, Marion and Douglas Coster, have submitted a very robust representation on the numerous failings of the Code Amendment and the information provided to support a listing of the Subject Property.

Our clients wholly endorse this representation and repeat its points, here.

Current Zoning and Character Overlays

The Council's future intentions re Heritage Initiatives, as set out in its *Built Heritage Strategy (2022-2027)* are recognised in relation to the Heathpool area generally. However, and in addition to our position that the requirements of section 67 of the PDI Act simply not met in relation to the Subject Property, it is clear that both the Subject Property and Our Clients' Property are already the subject of a large number of policies / development controls in the Code which require the sensitive consideration and recognition of character, both of the properties themselves and the local area. We note:

1. Both properties fall within the **Established Neighbourhood Zone** (which includes a number of **TNVs** securing setbacks, site coverage, building height etc).
2. Both properties are subject to an existing **Character Area Overlay** (NPSPC3 - which is not being lifted by the proposed Code Amendment in relation to these properties).
3. Both properties fall within an **Historic Area** (Bur5).

The sheer number of character-protective policies already applying these properties, are outlined at the **Annexure** to this Representation. Our view is that, in addition to the above, the Subject Property (and Our Clients' Property) is already adequately and appropriately protected by the existing provisions of the Code.

Conclusion

Our clients **do not support** that part of the proposed Code Amendment that proposes the rezoning of the Subject Property to that of a local heritage place, nor does it support the placement of a Heritage Adjacency Overlay over their Property which would come about as a result of this listing.

Thankfully, it is our firm view that the proposed Code Amendment, including the Reports, **do not provide sufficient supporting evidence or alignment with the statutory requirements of section 67 of the PDI Act, needed in order to support such a rezoning.**

The evidence provided in the Reports which speaks to the alleged inter-war revivalist Georgian style, original existing fabric, any aesthetic merit or design characteristics, or indeed, the construction of the Subject Property is either non-existent, insufficient or

confused – and most importantly for the purposes of section 67(a), (d) and (e) – f**ails to reflect themes significant to the local area.**

In addition, both the Subject Property and Our Clients' Property are already subject to a significant number of planning controls present in the Code and outlined at the Annexure. There is arguably no need for this proposed listing.

As such, on the information provided, we respectfully submit that the Minister would not have the power pursuant to section 67 of the PDI Act to approve the listing of the Subject Property (and the resultant placement of an Adjacent Heritage Overlay on Our Client's Property) as part of this Code Amendment.

We request that it be removed from the final version of the Inter-war Housing Heritage Code Amendment.

Yours sincerely,



Emma Herriman
Principal
Herriman Legal

ANNEXURE

Currently applicable Code Policies to 1 and 3 Newcastle Street, Heathpool which support the retention of neighbourhood character

Established Neighbourhood Zone

Desired Outcome	
DO 1	A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.
DO 2	Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.	DTS/DPF 1.1 Development comprises one or more of the following: 1. Ancillary accommodation 2. Community facility 3. Consulting room 4. Dwelling 5. Office 6. Recreation area 7. Shop.
PO 1.3 Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.	DTS/DPF 1.3 None are applicable.
Site Dimensions and Land Division	
PO 2.1	DTS/DPF 2.1 Development will not result in more than 1 dwelling on an existing allotment

<table>
<tr>
<td>Allotments/sites for residential purposes are of suitable size and dimension to accommodate the anticipated dwelling form and are compatible with the prevailing development pattern in the locality.</td>
<td>or

Development involves the conversion of an existing dwelling into two or more dwellings and the existing dwelling retains its original external appearance to the public road

or

Allotments/sites for residential purposes accord with the following:

1. site areas (or allotment areas in the case of land division) are not less than the following (average site area per dwelling, including common areas, applies for group dwellings or dwellings within a residential flat building):

<table>
<tr><td>Minimum Site Area</td></tr>
<tr><td>Minimum site area for a detached dwelling is 400 sqm; semi-detached dwelling is 400 sqm; group dwelling is 400 sqm</td></tr>
<tr><td>Minimum site area for a detached dwelling is 750 sqm; semi-detached dwelling is 550 sqm</td></tr>
</table>
and

2. site frontages (or allotment frontages in the case of land division) are not less than:

<table>
<tr><td>Minimum Frontage</td></tr>
<tr><td>Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 9m; group dwelling is 18m</td></tr>
<tr><td>Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 10m</td></tr>
</table>
In relation to DTS/DPF 2.1, in instances where:

3. more than one value is returned in the same field, refer to the Minimum Frontage Technical and Numeric Variation layer or Minimum Site Area Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development

4. no value is returned in (a) or (b) (i.e. there is a blank field or the relevant dwelling type is not listed), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.</td>
</tr>
<tr>
<td>PO 2.2

Development creating new allotments/sites in conjunction with retention of an existing dwelling ensures the site of the existing dwelling remains fit for purpose.</td>
<td>DTS/DPF 2.2

Where the site of a dwelling does not comprise an entire allotment:</td>
</tr>
</table>

	1. the balance of the allotment accords with the requirements specified in Established Neighbourhood Zone DTS/DPF 2.1, with 10% reduction in minimum site area where located in a Character Area Overlay or Historic Area Overlay 2. if there is an existing dwelling on the allotment that will remain on the allotment after completion of the development it will not contravene: 1. private open space requirements specified in Design in Urban Areas Table 1 - Private Open Space 2. car parking requirements specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.
Site coverage	
PO 3.1 Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.	DTS/DPF 3.1 Development does not result in site coverage exceeding: Site Coverage Maximum site coverage is 50 per cent Maximum site coverage is 40 per cent In instances where: 1. no value is returned (i.e. there is a blank field), then a maximum 50% site coverage applies 2. more than one value is returned in the same field, refer to the Site Coverage Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development.
Building Height	
PO 4.1 Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.	DTS/DPF 4.1 Building height (excluding garages, carports and outbuildings) is no greater than: 1. the following: Maximum Building Height (Metres) Maximum building height is 6.5m

	Maximum Building Height (Levels) Maximum building height is 1 level Maximum building height is 2 levels 2. in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 9m. In relation to DTS/DPF 4.1, in instances where: 1. more than one value is returned in the same field, refer to the *Maximum Building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Meters) Technical and Numeric Variation* layer in the SA planning database to determine the applicable value relevant to the site of the proposed development. 2. only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.
PO 4.2 Additions and alterations do not adversely impact on the streetscape character.	DTS/DPF 4.2 Additions and alterations: 1. are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street or 2. meet all of the following: 1. do not include any development forward of the front façade building line 2. where including a second or subsequent building level addition, does not project beyond a 45 degree angle measured from ground level at the building line of the existing building.
Primary Street Setback	
PO 5.1 Buildings are set back from primary street boundaries consistent with the existing streetscape.	DTS/DPF 5.1 Buildings setback from the primary street boundary in accordance with the following table: Development Context: There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building. Minimum setback: The average setback of the existing buildings.

	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is not on a corner site.	The setback of the existing building.
	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site.	1. Where the existing building shares the same primary street frontage – the setback of the existing building 2. Where the existing building has a different primary street frontage - no DTS/DPF is applicable
	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	No DTS/DPF is applicable.
	For the purposes of DTS/DPF 5.1: 1. the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback 2. any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table	
Secondary Street Setback		
PO 6.1 Buildings are set back from secondary street boundaries (not being a rear laneway) to maintain the established pattern of separation between buildings and public streets and reinforce streetscape character.	DTS/DPF 6.1 Building walls are set back from the secondary street boundary (other than a rear laneway): 1. no less than:	
	Minimum Side Boundary Setback	
	Minimum side boundary setback is 1.5m for the first building level; 3m for any second building level or higher	
	Minimum side boundary setback is 1.5m for the first building level; 4m for any second building level or higher	

	or 2. 900mm, whichever is greater or 1. if a building (except for ancillary buildings and structures) on any adjoining allotment is closer to the secondary street, not less than the distance of that building from the boundary with the secondary street. In instances where no value is returned in DTS/DPF 6.1(a) (i.e. there is a blank field), then it is taken that the value for DTS/DPF 6.1(a) is zero.
Boundary Walls	
PO 7.1 Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.	DTS/DPF 7.1 Dwellings do not incorporate side boundary walls where a side boundary setback value is returned in (a) below: (a) Minimum Side Boundary Setback Minimum side boundary setback is 1.5m for the first building level; 3m for any second building level or higher Minimum side boundary setback is 1.5m for the first building level; 4m for any second building level or higher or 2. where no side boundary setback value is returned in (a) above, and except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below: 1. side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height 2. side boundary walls do not: 1. exceed 3.2m in wall height from the lower of the natural or finished ground level 2. exceed 8m in length

<table>
<tr><td></td><td>3. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary

4. encroach within 3m of any other existing or proposed boundary walls on the subject land.</td></tr>
<tr><td>PO 7.2

Dwellings in a semi-detached, row or terrace arrangement maintain space between buildings consistent with a low density suburban streetscape character.</td><td>DTS/DPF 7.2

Dwellings in a semi-detached, row or terrace arrangement are setback from side boundaries shared with allotments outside the development site at least the minimum distance identified in Established Neighbourhood Zone DTS/DPF 8.1.</td></tr>
<tr><td colspan="2">Side Boundary Setback</td></tr>
<tr><td>PO 8.1

Buildings are set back from side boundaries to provide:

1. separation between buildings in a way that complements the established character of the locality

2. access to natural light and ventilation for neighbours.</td><td>DTS/DPF 8.1

Other than walls located on a side boundary in accordance with Established Neighbourhood Zone DTS/DPF 7.1, building walls are set back from the side boundary:

1. no less than:

<table><tr><td>Minimum Side Boundary Setback</td></tr><tr><td>Minimum side boundary setback is 1.5m for the first building level; 3m for any second building level or higher</td></tr><tr><td>Minimum side boundary setback is 1.5m for the first building level; 4m for any second building level or higher</td></tr></table>
2. in all other cases (i.e., there is a blank field), then:

1. where the wall height does not exceed 3m measured from the lower of natural or finished ground level - at least 900mm

2. for a wall that is not south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level

3. for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.</td></tr>
<tr><td colspan="2">Rear Boundary Setback</td></tr>
</table>

PO 9.1 Buildings are set back from rear boundaries to provide: 1. separation between buildings in a way that complements the established character of the locality 2. access to natural light and ventilation for neighbours 3. private open space 4. space for landscaping and vegetation.	DTS/DPF 9.1 Other than in relation to an access lane way, buildings are set back from the rear boundary at least: 1. 4m for the first building level 2. 6m for any second building level.
Appearance	
PO 10.1 Garages and carports are designed and sited to be discreet and not dominate the appearance of the associated dwelling when viewed from the street.	DTS/DPF 10.1 Garages and carports facing a street (other than an access lane way): 1. are set back at least 0.5m behind the building line of the associated dwelling 2. are set back at least 5.5m from the boundary of the primary street 3. have a total garage door / opening width not exceeding 30% of the allotment or site frontage, to a maximum width of 7m.
PO 10.2 The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.	DTS/DPF 10.2 None are applicable.
Ancillary buildings and structures	
PO 11.1 Residential ancillary buildings and structures are sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties.	DTS/DPF 11.1 Ancillary buildings and structures: 1. are ancillary to a dwelling erected on the same site 2. have a floor area not exceeding 60m^2 3. are constructed, added to or altered so that they are situated at least 1. 500mm behind the building line of the dwelling to which they are ancillary or 2. 900mm from a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)

4. in the case of a garage or carport, the garage or carport:
    1. is set back at least 5.5m from the boundary of the primary street
    2. when facing a primary street or secondary street has a total door/opening not exceeding 7m or 30% of the site frontage (whichever is the lesser) when facing a primary street or secondary street
5. if situated on a boundary (not being a boundary with a primary street or secondary street), a length not exceeding 8m unless:
    1. a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and
    2. the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent
6. if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary not exceeding 45% of the length of that boundary
7. will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure
8. have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end), and where located to the side of the associated dwelling, have a wall height or post height no higher than the wall height of the associated dwelling
9. have a roof height where no part of the roof is more than 5m above the natural ground level
10. if clad in sheet metal, are pre-colour treated or painted in a non-reflective colour.
11. retains a total area of soft landscaping in accordance with (i) or (ii), whichever is less:
    1. a total area as determined by the following table:

Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m^2)	Minimum percentage of site
<150	10%
150-200	15%
201-450	20%
>450	25%

<table>
<tr><td></td><td>12.

1. the amount of existing soft landscaping prior to the development occurring.</td></tr>
<tr><td>PO 11.3

Buildings and structures that are ancillary to an existing non-residential use do not detract from the streetscape character, appearance of buildings on the site of the development, or the amenity of neighbouring properties.</td><td>DTS/DPF 11.3

Non-residential ancillary buildings and structures:

1. are ancillary and subordinate to an existing non-residential use on the same site

2. have a floor area not exceeding the following:

<table><tr><td>Allotment size</td><td>Floor area</td></tr><tr><td>≤500m^2</td><td>60m^2</td></tr><tr><td>>500m^2</td><td>80m^2</td></tr></table>
3. are not constructed, added to or altered so that any part is situated:

1. in front of any part of the building line of the main building to which it is ancillary

or

2. within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)

4. in the case of a garage or carport, the garage or carport:

1. is set back at least 5.5m from the boundary of the primary street

5. if situated on a boundary (not being a boundary with a primary street or secondary street), do not exceed a length of 11.5m unless:

1. a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary

2. the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent

6. if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary will not exceed 45% of the length of that boundary

7. will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure</td></tr>
</table>

	8. have a wall height (or post height) not exceeding 3m (and not including a gable end) 9. have a roof height where no part of the roof is more than 5m above the natural ground level 10. if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour.
Advertisements	
PO 12.1 Advertisements identify the associated business activity, and do not detract from the residential character of the locality.	DTS/DPF 12.1 Advertisements relating to a lawful business activity associated with a residential use do not exceed 0.3m2 and mounted flush with a wall or fence.

Character Area Overlay

Desired Outcome	
DO 1	Valued streetscape characteristics and development patterns are reinforced through contextually responsive development, design and adaptive reuse that responds to the attributes expressed in the Character Area Statement.

Performance Outcome All Development	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 All development is undertaken having consideration to the valued attributes expressed in the Character Area Statement.	DTS/DPF 1.1 None are applicable.
Built Form	
PO 2.1 The form of new buildings and structures that are visible from the public realm are consistent with the valued streetscape characteristics of the character area.	DTS/DPF 2.1 None are applicable.
PO 2.2 Development is consistent with the prevailing building and wall heights in the character area.	DTS/DPF 2.2 None are applicable.
PO 2.3	DTS/DPF 2.3

Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) are consistent with the prevailing characteristics in the character area.	None are applicable.
PO 2.4 Development is consistent with the prevailing front and side boundary setback pattern in the character area.	DTS/DPF 2.4 None are applicable.
PO 2.5 Materials are either consistent with or complement those within the character area.	DTS/DPF 2.5 None are applicable.
Alterations and Additions	
PO 3.1 Additions and alterations do not adversely impact on the streetscape character.	DTS/DPF 3.1 Additions and alterations: 1. are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street or 2. meet all of the following: 1. do not include any development forward of the front façade building line 2. any side or rear extensions are no closer to the side boundary than the existing building 3. do not involve the construction or alteration of a second or subsequent building level.
PO 3.2 Adaptive reuse and revitalisation of buildings to retain local character consistent with the Character Area Statement.	DTS/DPF 3.2 None are applicable.
Ancillary Development	
PO 4.1 Ancillary development, including carports, outbuildings and garages, complements the character of the area and associated building(s).	DTS/DPF 4.1 None are applicable.
PO 4.2 Ancillary development, including carports, outbuildings and garages, is located behind the building line of the principal building(s).	DTS/DPF 4.2 None are applicable.

PO 4.3 Advertising and advertising hoardings are located and designed to complement the building, be unobtrusive, be below the parapet line, not conceal or obstruct significant architectural elements and detailing, or dominate the building or its setting.	DTS/DPF 4.3 None are applicable.
PO 4.4 Fencing and gates closer to a street boundary (other than a laneway) than the elevation of the associated building are consistent with the traditional period, style and form of the of the associated building.	DTS/DPF 4.4 None are applicable.
Land Division	
PO 5.1 Land division creates allotments that are: 1. compatible with the surrounding pattern of subdivision in the character area 2. of a dimension to accommodate buildings of a bulk and scale that reflect existing buildings and setbacks in the character area.	DTS/DPF 5.1 None are applicable.
Context and Streetscape Amenity	
PO 6.1 The width of driveways and other vehicle access ways are consistent with the prevalent width of existing driveways in the character area.	DTS/DPF 6.1 None are applicable.
PO 6.2 Development maintains the valued landscape pattern and characteristics that contribute to the character area, except where they compromise safety, create nuisance, or impact adversely on existing buildings or infrastructure.	DTS/DPF 6.2 None are applicable.

Character Statement NPSP-C3

NPSPC3	**Heathpool/Marryatville Character Area Statement (NPSP-C3)** The Character Area Overlay identifies localities that comprise valued character attributes. They can be characterised by a consistent rhythm of allotment patterns, building setting and spacing, landscape or natural features and the scale, proportion and form of buildings and their key elements. These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of a Character Area.

The preparation of a Contextual Analysis can assist in determining potential additional attributes of a Character Area where these are not identified in the below table.

Eras, themes and context	Pre-1940. Primarily low-scale and low density residential. Detached (including battleaxe in Marryatville east and west of Clapton Road), semi-detached and group dwellings. Residential flat buildings in Marryatville east and west of Clapton Road.
Allotments, subdivision and built form patterns	Original, pre-1940s land division patterns.
Architectural styles, detailing and built form features	Traditional pre-1940s roof forms, eaves, front verandah treatments, window proportions. Semi-detached dwellings often presenting as single dwellings.
Building height	Single storey, with some two storey to the rear of buildings (with single storey appearance to primary street frontage).
Materials	Varied, traditional materials.
Fencing	Low, open-style fencing that allows connectivity to the street. Front fencing and side fencing (between the front of a dwelling and the street) and landscaping are important components of streetscape character. Some more solid forms of fencing along arterial roads.
Setting, landscaping, streetscape and public realm features	Vehicle garaging, driveways and front fences are not dominant streetscape elements. In most areas mature street tree plantings provide an overall visual coherence to the streets. Soft front landscaping, including trees. Some limited advertising and signage which complements scale and architecture of associated buildings.
Representative Buildings	[Not identified]

Historic Area Overlay

Desired Outcome	
DO 1	Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature

All Development	
PO 1.1 All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.	DTS/DPF 1.1 None are applicable.
Built Form	
PO 2.1 The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.	DTS/DPF 2.1 None are applicable.
PO 2.2 Development is consistent with the prevailing building and wall heights in the historic area.	DTS/DPF 2.2 None are applicable.
PO 2.3 Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.	DTS/DPF 2.3 None are applicable.
PO 2.4 Development is consistent with the prevailing front and side boundary setback pattern in the historic area.	DTS/DPF 2.4 None are applicable.
PO 2.5 Materials are either consistent with or complement those within the historic area.	DTS/DPF 2.5 None are applicable.
Alterations and additions	
PO 3.1 Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.	DTS/DPF 3.1 Alterations and additions are fully contained within the roof space of an existing building with no external alterations made to the building elevation facing the primary street.
PO 3.2 Adaptive reuse and revitalisation of buildings to support retention consistent with the Historic Area Statement.	DTS/DPF 3.2 None are applicable.
Ancillary development	
PO 4.1 Ancillary development, including carports, outbuildings and garages, complements the historic character of the area and associated buildings.	DTS/DPF 4.1 None are applicable.

PO 4.2 Ancillary development, including carports, outbuildings and garages, is located behind the building line of the principal building(s) and does not dominate the building or its setting.	DTS/DPF 4.2 None are applicable.
PO 4.3 Advertising and advertising hoardings are located and designed to complement the building, be unobtrusive, be below the parapet line, not conceal or obstruct significant architectural elements and detailing, or dominate the building or its setting.	DTS/DPF 4.3 None are applicable.
PO 4.4 Fencing and gates closer to a street boundary (other than a laneway) than the elevation of the associated building are consistent with the traditional period, style and form of the associated building.	DTS/DPF 4.4 None are applicable.
Land Division	
PO 5.1 Land division creates allotments that are: 1. compatible with the surrounding pattern of subdivision in the historic area 2. of a dimension to accommodate buildings of a bulk and scale that reflect existing buildings and setbacks in the historic area	DTS/DPF 5.1 None are applicable.
Context and Streetscape Amenity	
PO 6.1 The width of driveways and other vehicle access ways are consistent with the prevailing width of existing driveways of the historic area.	DTS/DPF 6.1 None are applicable.
PO 6.2 Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on buildings or infrastructure.	DTS/DPF 6.2 None are applicable.
Demolition	
PO 7.1 Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:	DTS/DPF 7.1 None are applicable.

1. the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style or 2. the structural integrity or safe condition of the original building is beyond reasonable repair.	
PO 7.2 Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.	DTS/DPF 7.2 None are applicable.
PO 7.3 Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.	DTS/DPF 7.3 None are applicable.
Ruins	
PO 8.1 Development conserves and complements features and ruins associated with former activities of significance.	DTS/DPF 8.1 None are applicable.

Historic Area Statements

Bur5	**Tusmore Historic Area Statement (Bur5)** The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality. These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area. The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.

Eras, themes and context	Majority 1918 - 1950 Post WW1. Few 1900 - 1918 Federation.
Allotments, subdivision and built form patterns	Traditional rectangular grid pattern. Large site areas. Large street frontages Large front set-backs.

Architectural styles, detailing and built form features	Interwar styles including Bungalows and Tudors of varying designs. Forms, scale and detailing reflective of the era. Hip and gable roof forms with pitches above 25 degrees. Various porch and verandah styles ranging from modest to generous proportions either projecting or as a continuation of the main roof structure. Garages and carports are located behind the main façade of dwellings. Visible chimneys.
Building height	Single storey.
Materials	Wall materials consistent with era of original construction including sandstone and brickwork. Pitched roofs in galvanised iron sheet. Few terracotta tiles. Retention of original materials and finishes and unpainted masonry.
Fencing	Typical of the era of historic development. Low and/or open fencing forward of the main building facade. Maximum height to 1.2m. Woven crimped wire. Wire mesh with timber or galvanised tube framing. Masonry with galvanised steel ribbon. Low masonry wall under 900mm in brick matching dwelling. Masonry base with wrought iron steel top rail. Timber paling with timber top rail not exceeding 1m high. Some substantial hedging.
Setting, landscaping, streetscape and public realm features	Tree lined streets. Buildings square to and on street alignments. Established vegetated gardens.
Representative Buildings	Identified - refer to SA planning database.

Summary of applicable TNVs (pursuant to Established Neighbourhood Zone)

- Maximum Building Height (Metres)
  Maximum building height is 6.5m
- Minimum Frontage
  Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 9m; group dwelling is 18m

- Minimum Frontage
  Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 10m
- Minimum Site Area
  Minimum site area for a detached dwelling is 400 sqm; semi-detached dwelling is 400 sqm; group dwelling is 400 sqm
- Minimum Site Area
  Minimum site area for a detached dwelling is 750 sqm; semi-detached dwelling is 550 sqm
- Maximum Building Height (Levels)
  Maximum building height is 1 level
- Maximum Building Height (Levels)
  Maximum building height is 2 levels
- Minimum Side Boundary Setback
  Minimum side boundary setback is 1.5m for the first building level; 3m for any second building level or higher
- Minimum Side Boundary Setback
  Minimum side boundary setback is 1.5m for the first building level; 4m for any second building level or higher
- Site Coverage
  Maximum site coverage is 40 per cent
- Site Coverage
  Maximum site coverage is 50 per cent

Emily McLuskey Post-Consultation Feedback

From: Eagle Chu [redacted]
Sent: Friday, 30 May 2025 1:02 PM
To: Emily McLuskey
Cc: Geoff Parsons; Eleanor Walters; David Brown; Andy Xing
Subject: Re: Enquiry Regarding Property Development – 7 Rothbury Avenue, Heathpool

Dear Emily,

Thank you for the opportunity to provide feedback regarding the proposed heritage changes affecting our property at 7 Rothbury Avenue, Heathpool.

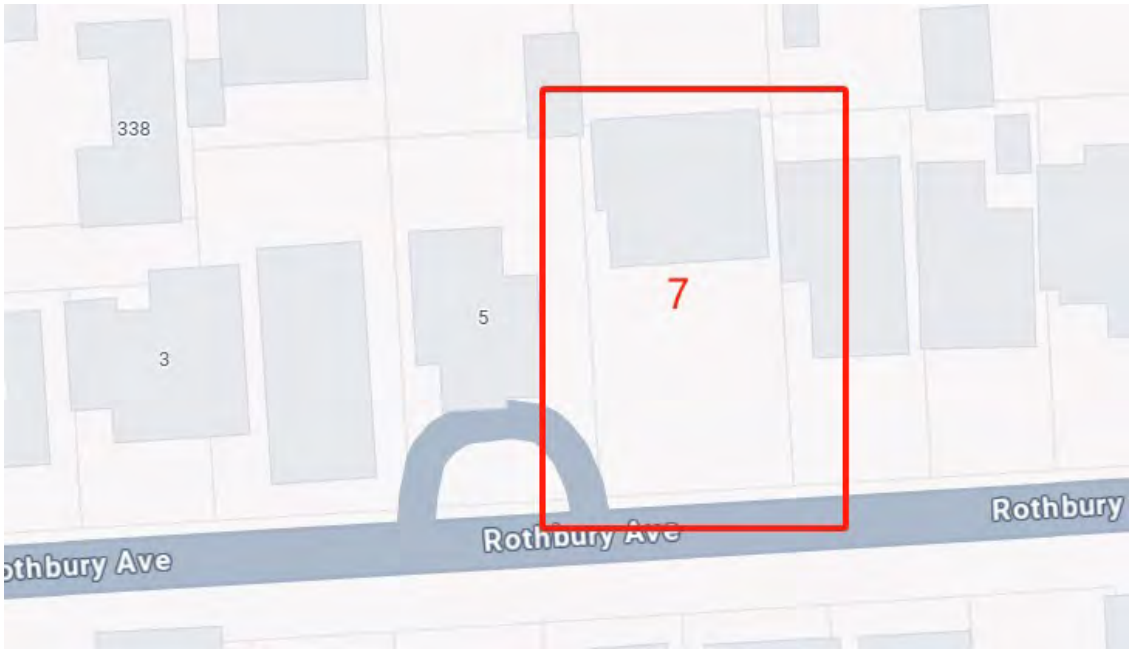
We completely understand and respect the intent behind preserving buildings with historical character, and we support the importance of maintaining the area's heritage identity.

However, we would like to share some concerns specific to our property. **The existing house is positioned very far back on the land, occupying almost the entire rear half of the block. This layout leaves very limited space for any meaningful extension or renovation.** In contrast, there is a substantial amount of open space at the front of the property, which we believe could be better utilised. We've attached some photos to illustrate this:

- Front view – showing the large open yard in front of the house



- Aerial view – highlighting how the house sits deep into the rear portion of the land

- 

While we are more than happy to preserve the façade in line with the Inter-war architectural style if the property is indeed from that period, we do have some reservations, as the design and features of the house suggest it may have been constructed later.

In fact, we met with David Brown last Wednesday to discuss the matter, and he also mentioned that the current structure appears to be from a later era rather than the Inter-war period. He is currently helping us confirm this, and for your reference, I've attached a copy of his follow-up email.

Our concern is that if the house is protected under the proposed changes and cannot be moved or demolished, the unique placement of the current structure would significantly restrict any ability to improve or develop the property. This is a large block in a great location, and we believe it holds excellent potential for a modern family lifestyle. Without flexibility, we would not be able to consider additions such as a tennis court, spa, or creating a functional backyard for children to enjoy—features that would be highly desirable for future homeowners seeking quality living.

Allowing practical improvements to the property not only benefits the residents by enhancing their quality of life, but it would also bring greater value to the local area. Improved properties generally lead to increased council rates and better reflect the lifestyle expectations associated with this premium location. We sincerely hope there may be some flexibility or further review of the property's heritage classification, especially in light of the site-specific circumstances. We would also appreciate any recommendation of professionals experienced in heritage matters who could guide us in exploring options that both respect heritage requirements and allow practical improvements.

Thank you again for considering our feedback. We look forward to hearing from you.

Kind regards,

Evelyn and Eagle

Attachment E

Inter-War Housing Heritage Code Amendment

Swanbury Penglase

Inter-war Housing Heritage Code Amendment

Submission Review

May 2025, ref 24261 Rev B



Acknowledgement of Country

We acknowledge the Traditional Custodians of Country upon which we live and work, throughout Australia.

The City of Norwood, Payneham and St Peters is located on the Country of the Kaurna people and our Adelaide workplace is also located on the Country of the Kaurna people.

We acknowledge all Aboriginal and Torres Strait Islanders and we pay our respects to Elders, past, present, and emerging. We recognise and respect their cultural heritage, beliefs, and relationship to the land, water and sky.

We are committed to our reconciliation journey and we proudly support the Uluru Statement from the Heart.

Contents

Introduction 4

Methodology 5

References 6

Review and Recommendations 7

2B Stannington Avenue, Heathpool 7

Heathpool Historic Overlay Extent (NPSP26) and Zone Boundary Realignment 9

3 Stannington Avenue, Heathpool 15

“The Croft” 3 Newcastle Street, Heathpool 17

7 Rothbury Avenue, Heathpool 21

Edition	Issue Date	Written by	Checked & Approved by	Comment/Description
DRAFT	19.05.2025	JN	SS	Issued for Comment
A	28.05.2025	JN	SS	Issue
B	24/06/2025	JN	SS	Issue

Introduction

Background
In late 2021 the City of Norwood, Payneham and St Peters Council resolved to prepare an Inter War Housing Heritage Code Amendment which largely reflected a previously proposed Inter War Code Amendment, which was initiated in 2010 (but was not completed), and was declared in 2019 by the Department as having lapsed.

Council subsequently endorsed the draft Proposal To Initiate (PTI) which was submitted to the Department on 20th December 2021. Following further work undertaken by the Council as a response to comments provided by the State Planning Commission's Heritage Sub-committee, the Minister approved the PTI in March 2024 and subsequently approved early commencement in September 2024, enabling the Council to prepare and release the draft Code Amendment for consultation in October 2024.

The Code Amendment changes include:
- 20 proposed Local Heritage Places (LHPs) with eight being within the proposed Heritage Area Overlay (HAO);
- a proposed Historic Area Overlay in Heathpool;
- 12 proposed representative buildings within the HAO; and
- minor zone changes at the western end of Stannington Avenue.

Public Consultation was conducted over an eight-week period during which time 14 submissions were received with nine being supportive and five opposed to specific aspects of the policy changes. The five submissions received objected to the Local Heritage Listing of three properties (with one objecting to the associated rezoning proposed for that dwelling).

The three properties are:
- 3 Newcastle Street, Heathpool
- 2B Stannington Avenue, Heathpool and
- 3 Stannington Avenue, Heathpool

In addition, while outside the formal consultation period and not considered a formal submission, the owners of 7 Rothbury Avenue in Heathpool have contacted Council to express concerns regarding the proposed amendment and have been invited to submit their feedback.

Scope
This report has been commissioned by the City of Norwood, Payneham and St Peters to review the submissions relating to the three properties proposed as Local Heritage Places and, considering the criteria of Section 67 of the Local Heritage Places Act, to provide a recommendation regarding whether the properties should be listed as Local Heritage Places.

The report is also tasked with examining the proposed boundaries of the Historic Area Overlay at the eastern and western ends of Stannington Avenue and providing a recommendation as to whether the Historic Area Overlay boundary in this location should be adjusted.

Furthermore, the report considers the feedback received from the property owners of 7 Rothbury Avenue and provides an assessment as to whether the property exhibits characteristics of importance to the Heathpool Historic Area and therefore whether it should be identified as a Representative Building.

Methodology

All documents provided by Council have been reviewed. These provide an overview of the historic themes of importance to the area, the historical backgrounds of the proposed Local Heritage Places and the thematic analyses for each of the proposed Local Heritage Places.

Relevant statutory and conservation policy has also been reviewed, including but not limited to:

- Section 67(1) of the Planning, Development and Infrastructure Act, 2016 (SA) which requires a Local Heritage Place to satisfy one or more of the values set out below:

  (1) The Planning and Design Code may designate a place as a place of local heritage value if:

  (a) it displays historical, economic or social themes that are of importance to the local area; or
  (b) it represents customs or ways of life that are characteristic of the local area; or
  (c) it has played an important part in the lives of local residents; or
  (d) it displays aesthetic merit, design characteristics or construction techniques of significance to the local area; or
  (e) it is associated with a notable local personality or event; or
  (f) it is a notable landmark in the area; or
  (g) in the case of a tree (without limiting a preceding paragraph)—it is of special historical or social significance or importance within the local area.

- State Planning Policies including State Planning Policy 7: Cultural Heritage which seeks to protect and conserve heritage places and areas for the benefit of our present and future generations, specifically:

  - *Policy 7.3 Recognise and protect places and areas of acknowledges heritage value for future generations.*
  - *Policy 7.4 The appropriate conservation, continuing use and as appropriate adaptive reuse of our heritage places and heritage areas of value to the community*
  - *Policy 7.7 - Provide certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.*

Site visits to each property have been undertaken, with inspections limited to observations from the street. Broader observations of the surrounding area of Heathpool were also carried out to understand the zoning, local context and surviving historic setting.

It is noted that no new historical research or investigation was undertaken in the preparation of this report. Commentary is based on existing historical accounts and documentation provided which are assumed to be accurate. No detailed analysis of the buildings have been carried out beyond visual observations from the street. Recommendations are provided regarding whether the properties should be listed and the criteria relied upon to support this assessment, however, no commentary is made on the proposed extent of the listing or relevance of the criteria description.

References

This report refers to the following documents:

Reports:	
Interwar Heritage Survey for the City of Norwood Payneham and St Peters by BB Architects	November 2010
Interwar Housing Heritage Survey: Thematic History by Kenan Henderson, Historian	July 2023
Historical Report – History of the Suburb of Heathpool, South Australia (5068) by BB Architects	April 2023
Interwar Code Amendment Document by the City of Norwood Payneham and St Peters	October 2024
Heritage Survey Data Sheets: Proposed Local Heritage Places	2023
Public Consultation Submissions for: > 3 Newcastle Street (Botten Levinson and Herriman Lawyers) > 2B Stannington Avenue (APDS and Botten Levinson) > 3 Stannington Avenue (David and Amanda Turvey) > Inter-War Housing Heritage Code Amendment (Kensington Residents Association)	2024
Feedback for: > 7 Rothbury Avenue (owners of 7 Rothbury Avenue)	2025

Review and Recommendations

2B Stannington Avenue, Heathpool
(Title Volume 6175 Folio 952)



Aerial photograph – 2B Stannington Avenue, Heathpool (MetroMap 2025)

Description:
Located at the western end of Stannington Avenue and one block east of Portrush Road, the site at 2B Stannington Avenue has been cleared and is currently vacant.



Site of 2B Stannington Avenue, Heathpool (Swanbury Penglase 2025)



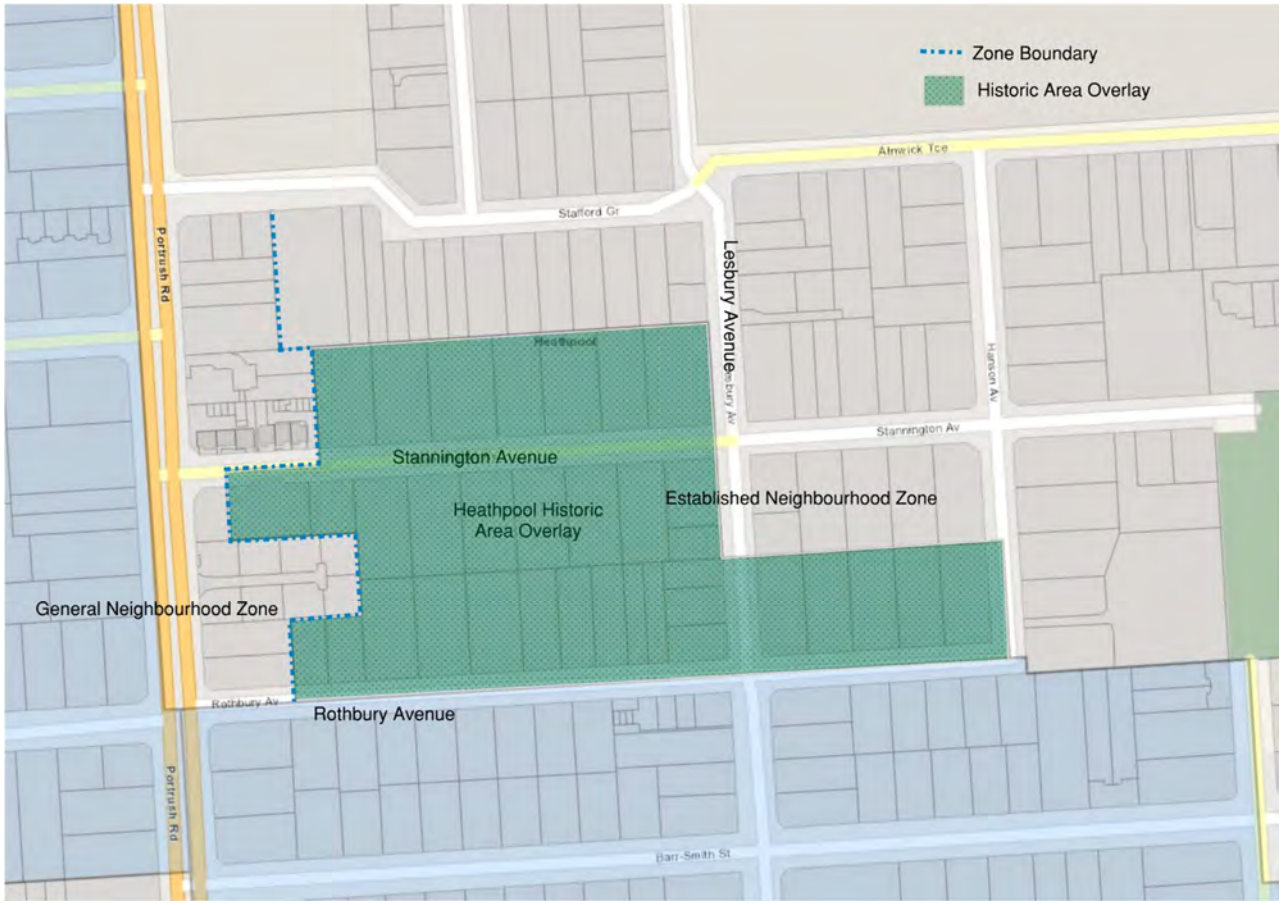
Site of 2B Stannington Avenue, Heathpool (Swanbury Penglase 2025)

Discussion:
Development Approval was granted for land division and the construction of three two storey dwellings on the site prior to the interim operation of the Code Amendment (Planning Application ID: 23022831). Noting that the dwelling which formerly occupied the site and which was proposed for Listing has been demolished and the historic setting substantially altered, it is suggested that any Local Heritage Place listing on the property serves no useful purpose.

Recommendation:
It is recommended that 2B Stannington Avenue, Heathpool not be considered for Local Heritage Listing.

Heathpool Historic Overlay Extent (NPSP26) and Zone Boundary Realignment

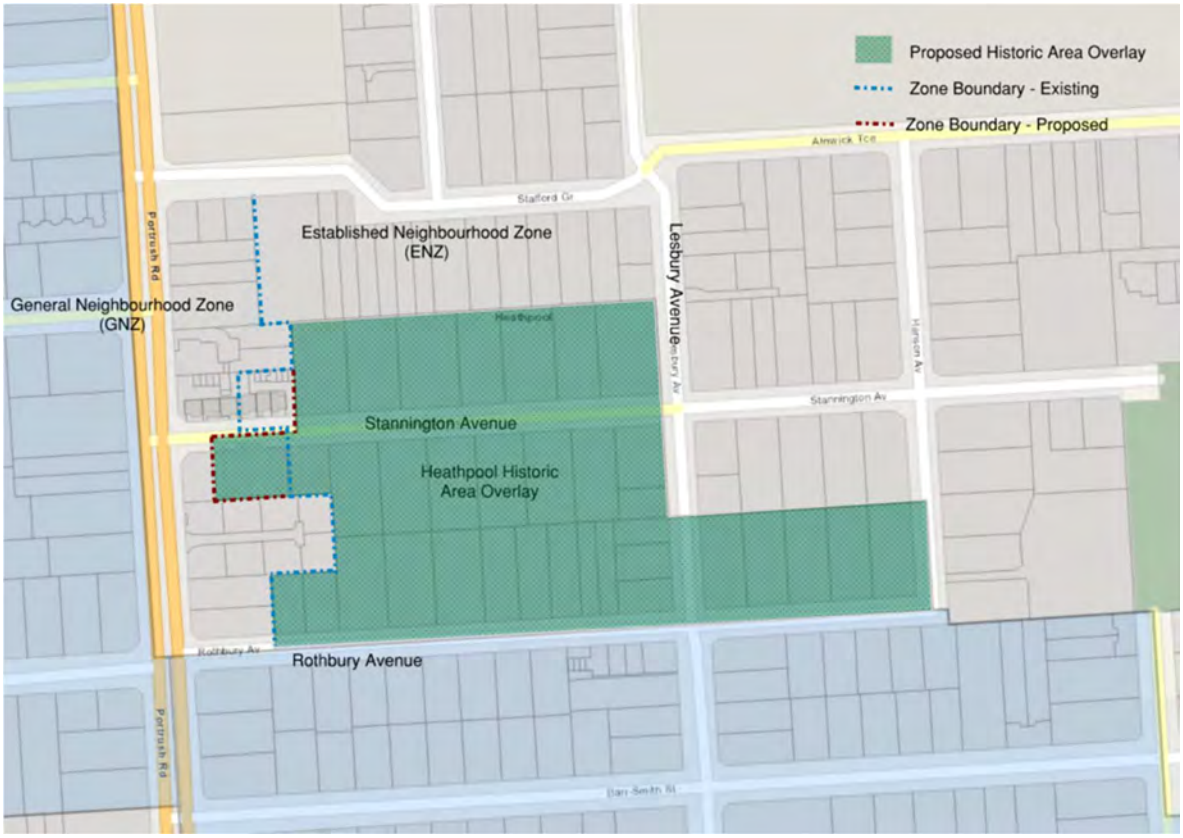
Description:
The proposed Heathpool Historic Area Overlay (NPSP26) encompasses allotments fronting Stannington Avenue between Portrush Road and Lesbury Avenue as well as the properties along Rothbury Avenue between Portrush Road and Hanson Avenue in the east. The area includes a number of representative buildings and several local heritage listed properties and at the western end of Stannington Avenue the Overlay is proposed to incorporate both allotments 2A and 2B Stannington Avenue.



Proposed Heathpool Historic Area Overlay – Zone Extent shown in green

The properties in the proposed Historic Area Overlay are zoned, Established Neighbourhood, and are located east of Portrush Road where the General Neighbourhood Zone applies. Rothbury Avenue forms the boundary between Norwood, Payneham and St Peters' Council area and the City of Burnside.

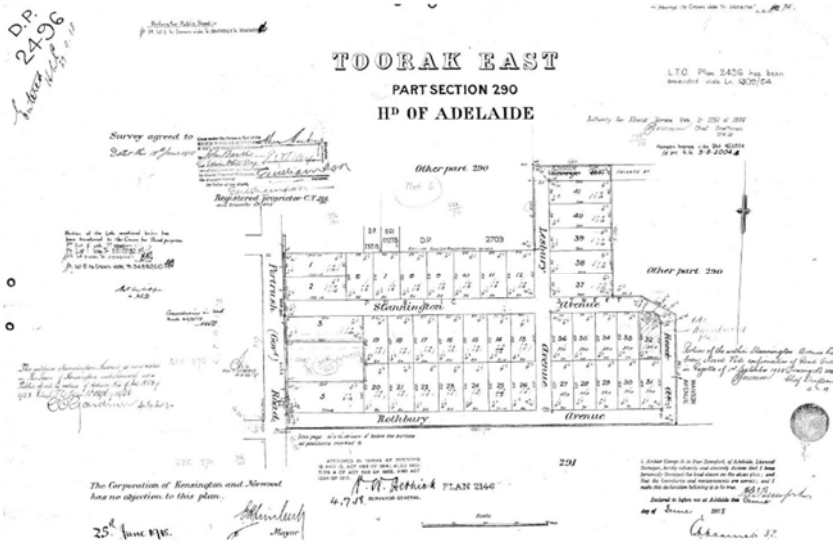
As part of the Code Amendment it is proposed that the boundary between the General Neighbourhood Zone and Established Neighbourhood Zone is also realigned to reflect the boundary of the Historical Area Overlay.



Proposed Heathpool Historic Area Overlay and Planning Zone Boundary Changes with the blue dashed line showing the existing zone boundary and the dark red dashed line showing the proposed zone boundary changes – to align with the proposed Historic Area Overlay extent.

Discussion:

The evidence presented indicates that the area was subdivided and developed as part of a significant land division in the area which occurred in 1917 and which, at the time was known as "Toorak East" (later to become Heathpool). Toorak East was marketed as, "…*one of the most desirable and select suburbs*…"[1] and was developed during the Inter-War period with large high quality homes set on allotments allowing for substantial landscaped garden settings.[2] [3]



Toorak East Subdivision (Source: SAILIS)

[1] Historical Report – History of the Suburb of Heathpool, South Australia (5068) BBArchitects – Article June 1918 The Mail Advertiser
[2] Historical Report – History of the Suburb of Heathpool, South Australia (5068) BBArchitects
[3] Interwar Housing Heritage Survey: Thematic History July 2023

The Historic Area Overlay aims to preserve the original subdivision pattern and the established character of buildings in the area and while much of the zone reflects these qualities, the western end of the street does not.

The demolition of the dwelling at 2B Stannington Avenue has left this portion of the street without a strong sense of established character or well-defined streetscape and the presence of later built two-storey flats opposite at 1B and 1A Stannington Avenue further undermines the immediate area's historic character. Similarly, the property at number 2A Stannington Avenue is situated on a smaller allotment that does not align with the prevailing subdivision pattern and the modern two-storey group dwellings located at 338 Portrush Road which are located in the adjacent General Neighbourhood Zone, dilute the character further.



View along Stannington Avenue looking west to Portrush Road (Swanbury Penglase 2025)



View towards 1A and 1B Stannington Avenue (Swanbury Penglase 2025)

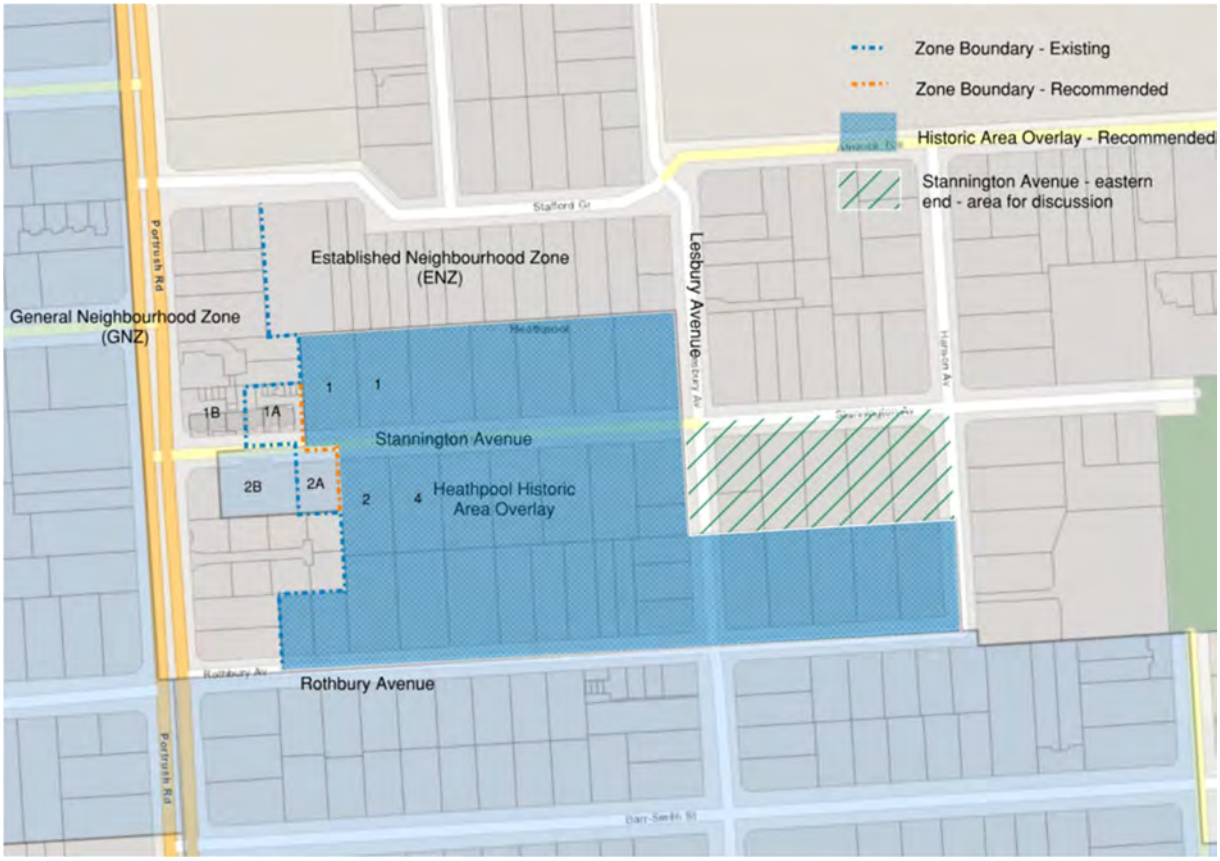


View towards 2B Stannington Avenue – currently vacant and cleared (Swanbury Penglase 2025)



View towards 2A Stannington Avenue (Swanbury Penglase 2025)

It is therefore proposed that the Historic Area Overlay and Zone boundaries between the General Neighbourhood Zone and Established Neighbourhood Zones are realigned to exclude 1A Stannington Avenue on the northern side of Stannington Avenue and, noting the recommendation above in this report, exclude both 2A and 2B Stannington Avenue on the south of the street as indicated below.



Recommended Proposed Heathpool Historic Area Overlay – Zone Extent shown in blue with recommended proposed realigned zone boundaries shown in dashed orange. The eastern end of Stannington Avenue hatched in green – considered but recommended to be excluded from the future Historic Area Overlay.

In addition to considering the Historic Area Overlay extent at the western end of Stannington Avenue, the Council also requested a review of the extent towards the eastern end (shown hatched in green on the figure above) between Lesbury Avenue and Hanson Avenue, including 16 – 24 Stannington Avenue.



View towards the eastern end of Stannington Avenue (Swanbury Penglase 2025)



View of the southern side of the street at the east end of Stannington Avenue (Swanbury Penglase 2025)



View of the northern side of the street at the east end of Stannington Avenue (Swanbury Penglase 2025)

The historic character of this end of the street is diminished by the presence of later two-storey built form on the northern side and a diverse mix of architectural styles, periods and materials on both sides. While number 13 on the north and number 18 on the south are heritage-listed, and number 24 demonstrates valued historic features, collectively they do not establish a strong sense of historic continuity or character in this portion of Stannington Avenue.

A number of the dwellings on the north side lack the established historic qualities of the area including the traditional allotment subdivision and development pattern, further diluting this part of the street's overall historic identity and, as noted above, those on the southern side do not present a consistent historic frontage. Whilst limiting heritage consideration to the southern side alone could be an option, it is problematic, as the streetscape character relies on the visual and contextual relationship between both sides of the street. It is therefore recommended that the eastern end of the street (hatched in green) is not included in the Historic Area Overlay.

Recommendation:
It is recommended that properties 1A, 2A and 2B Stannington Avenue are excluded from the proposed Heathpool Historic Area Overlay and that the boundaries between the General Neighbourhood Zone and Established Neighbourhood Zone are realigned to match. It is not recommended that the Historic Area overlay boundary is extended to include the properties proposed towards the eastern end of Stannington Avenue.

3 Stannington Avenue, Heathpool

(Title Volume 5515 Folio 747)

Description:

Located on the northern side of Stannington Avenue and approximately half way along between Portrush Road and Lesbury Avenue, 3 Stannington Avenue is a large-scale Interwar Bungalow with painted render and brick finish and is proposed by the Council for Local Heritage Listing.



Aerial photograph (MetroMap 2025)



3 Stannington Avenue, Heathpool (Swanbury Penglase 2025)

Discussion:
The allotment proportions and characteristics of 3 Stannington Avenue exemplify the "Toorak East" subdivision with the dwelling itself one of the earlier buildings constructed in the street. The character and setting are intact, and the materials and detailing are complementary and likely original.[4]

The relevant criteria for Local Heritage Listing are nominated as a) and d):

a) *It displays historical, economic or social themes that are of importance to the area – being a significant early dwelling for the former "Toorak East" subdivision and an early residence of Stannington Avenue, the subdivision's initial street.* [5]

d) *It displays aesthetic merit, design characteristics or construction techniques of significance to the local area – the 1921 dwelling being an important local example of a large-scale Inter-War Bungalow retaining a high degree of original fabric and exhibiting all of the principal characteristics of this style.* [6]

The history and background documentation provided indicates a demonstrated link between the property and historic and economic themes of the area with the allotment size and dimensions reflective of the original subdivision and creation of "Toorak East" (now Heathpool) which was, "…*the local government area's most significant subdivision during this (inter-war) period…"*[7] Such a subdivision reflects the economic development of the local area and holds historical significance as the origin of the suburb of Heathpool relating to the settlement of South Australian suburbs as identified in themes 4.1 and 4.3 of the Historic Themes for South Australia provided by the South Australian Heritage Council.[8]

The dwelling is an early residence within "Toorak East's" subdivision and serves as a good example of a large scale Inter-war Bungalow house. Its attribution to "Toorak East" developers Wilkinson, Sando and Wyles' in-house designers further strengthens its association with the development of the area, social themes and housing design of the period.[9] Notably, the emergence of Bungalow and American-style dwellings at this time marked a significant shift in domestic architectural design, as new influences began to arrive from the United States rather than Britain and thus, "…the beginning of a new era in Australian design."[10]

Recommendation:
It is recommended that 3 Stannington Avenue, Heathpool be included on the list of proposed Local Heritage Places with relevant criteria for listing, a) and d).

[4] Norwood Payneham and St Peters, *Local Heritage Survey Sheet – 3 Stannington Avenue, Heathpool*
[5] Ibid
[6] Ibid
[7] Henderson, Kenan, *Interwar Housing Heritage Survey: Thematic History* (July 2023)
[8] South Australian Heritage Council for the Government of South Australia, *Historic Themes for South Australia*, (2023)
[9] Norwood Payneham and St Peters, *Local Heritage Survey Sheet – 3 Stannington Avenue, Heathpool*
[10] Bell, Peter; Cosgrove, Carol; Marsden, Susan; McCarthy, Justin: Historical research Pty Ltd, *Twentieth Century Heritage Survey, Stage Two 1928 – 1945 Volume One* (2008)

"The Croft" 3 Newcastle Street, Heathpool

(Title Volume 5976 Folio 716 and 718)



3 Newcastle Street, Heathpool (Swanbury Penglase 2025)

Description:
Located on the southern side of Newcastle Street adjacent to Tusmore Park and on the corner of Newcastle Street and Heathpool Road, 3 Newcastle Street is a large Inter-war single storey masonry rendered home and is proposed for Local Heritage Listing by the Council. It sits on an extensive well landscaped allotment and the evidence provided suggests that the home was built in 1924-1925 with substantial alterations made between 1926 and 1929. [11]

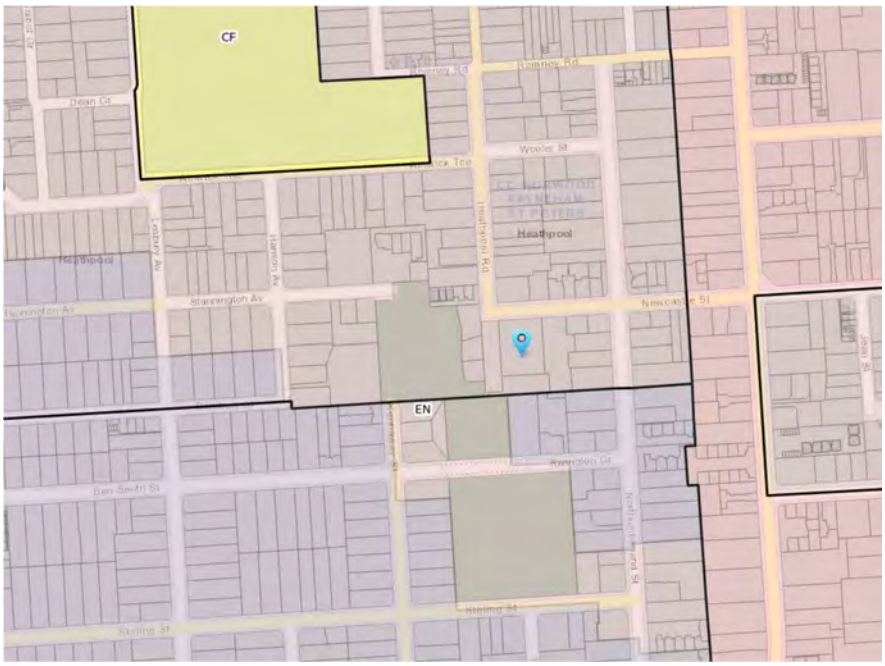
The relevant criteria for listing are nominated as a) d) and e):

a) *It displays historical, economic or social themes that are of importance to the area – being an important local example of an Inter-war Georgian Revival residential building, an important revivalist style of Inter-War period. The dwelling was architecturally designed and retains a high degree of original fabric.* [12]

d) *It displays aesthetic merit, design characteristics or construction techniques of significance to the local area – "The Croft", 3 Newcastle Street, Heathpool has been identified as an outstanding example of an architecturally designed Inter-War Georgian Revival dwelling, retaining an example of an architecturally designed Inter-War Georgian Revival dwelling, retaining a high degree of original fabric and exhibiting all of the principal characteristics of this important Inter-War style.* [13]

e) *It is associated with a notable local personality or event: "The Croft" 3 Newcastle Street, Heathpool has been identified as the work of a leading South Australia architect Lionel Gregory Bruer (1895-1972), a specialist in Georgian Revival residential architecture. The dwelling is now one of few identified intact residential designs by this architect. Bruer was also a prominent local Heathpool resident.* [14]

[11] Norwood Payneham and St Peters, *Local Heritage Survey Sheet – 3 Newcastle Street, Heathpool*
[12] Ibid
[13] Ibid
[14] Ibid



Aerial view (SAPPA April 2025)



Aerial view (SAPPA April 2025)



Aerial photograph (MetroMap 2025)

Discussion:
The Local Heritage Survey Sheet suggests the dwelling at 3 Newcastle Street was constructed in 1924-25 (with additions and alternations made between 1926 and 1929)[15], a significant period of development in the suburb's history. This inter-war era marked a phase of redevelopment in the local area including the development of "Toorak East" (Heathpool's West) in the 1920s as well as the establishment of Heathpool's East which included the formalisation of Heathpool Road (by 1922) and Newcastle Street (by 1924)[16] noting that during this time other Council areas and suburbs were either still slow to develop or had largely completed development. Dwellings from this period hold particular significance for the locality as it was during this period that the suburb's allotments and roads were initially formalised and the first dwellings constructed.

Furthermore the Thematic History describes 3 Newcastle Street as being in the Inter-War Georgian Revival style[17] and, whilst acknowledging that the style is not commonly found in isolation within the Council area, recognises it as part of a broader group of a number of other popular and diverse Inter-war revivalist styles including Old English and Mediterranean. It is this variety and diversity of style evident in the area which reflects the changing approach to domestic architecture in the area which in turn reflects the social attitudes of the time in the locality.

After the First World War, there was a sudden influx of diverse residential architectural styles in the area and while the Californian Bungalow remained the dominant style throughout much of the inter-war period, a broader variety of styles began to emerge towards its later years. The shift reflected a changing source of architectural inspiration—moving away from traditional English influences towards American pattern books, designs and trends. Even references to Tudor England which became popular at this time had been fashionable in the United States a number of years earlier.[18] This broader influence likely explains why, in the, "History of Heathpool," the reference in the Sands and McDougall Directory's description of 3 Newcastle Street, describes the home as an "Inter-War American Colonial" dwelling, with the term reflecting its modern roots and association with these newer international styles.[19] With the evolving domestic architecture drawing from a variety of revival styles—often selected from the American pattern books—terminology and style descriptors reflecting their route to popularity in Adelaide also varied, with both "American" and "Georgian" used to describe these changing styles.

The new diverse styles were important to the development of these suburbs as they defined a new source of influence in residential architectural history as styles moved away from English-inspired styles to trends

[15] Norwood Payneham and St Peters, *Local Heritage Survey Sheet – 3 Newcastle Street, Heathpool*
[16] BBArchitects *Historical Report – History of the Suburb of Heathpool, South Australia (5068)* (April 2023)
[17] Henderson, Kenan, *Interwar Housing Heritage Survey: Thematic History* (July 2023)
[18] Bell, Peter; Cosgrove, Carol; Marsden, Susan; McCarthy, Justin: Historical research Pty Ltd, *Twentieth Century Heritage Survey, Stage Two 1928 – 1945 Volume One* (2008)
[19] BBArchitects *Historical Report – History of the Suburb of Heathpool, South Australia (5068)* (April 2023)

emerging from the USA. Even English styles which referenced medieval times were in fact referencing the American interpretation of them, where a revival there was occurring. This marked the beginning of a new era in domestic design—one increasingly influenced by American pattern books and cultural trends, where stylistic variety was common. [20] Beyond façade expression, this diversity extended to internal planning, embracing more open and flexible layouts that reflected a freer, more modern way of living with the adoption of these styles often led by architect-designed homes, which were more likely to embrace and experiment with emerging international influences.

The dwelling at 3 Newcastle Street is seen to represent the stylistic diversity which was emerging in the suburb, reflecting the social and historical influences of the time. The evidence provided also suggests the dwelling held some prominence in the community in its early years, having been featured in advertising material produced by local developers, Wilkinson, Sando and Wyles,[21] further reflecting the social aspirations of the period.

There is also agreement in the documentation provided that the dwelling is recognised as a fine example of an Inter-War housing style. The intact nature of its character, its setting and the simplicity of its form support this. Additionally the 1936 aerial photograph provided[22] suggests the allotment width and presentation to the street remain unchanged from the original subdivision.

The fact that the building may have been altered or modified since its original construction—including substantial changes within the first few years— illustrates the evolving social attitudes and living standards of the time. Any early alteration, in particular, is likely to enhance the building's ability to tell a layered story of adaptation and reflect the broader cultural and architectural shifts occurring during that period.

With regards the association with a notable local personality or event (criterion e), it is suggested in the Local Heritage Survey Sheet that the design is attributed to the Architect Lionel Gregory Bruer, a well-known Architect in Adelaide at the time, and that 3 Newcastle Street is one of the few intact residential designs by him. However, it is questionable whether a building's association with a prominent architect alone is sufficient to meet this criterion. Although there is some commentary suggesting he lived locally for a period of time, the evidence does not clearly establish the duration of his residency or the strength of his local connection. As such, it remains unclear whether Bruer can be considered a local notable person in a way that substantiates this association.

In conclusion whilst there is evidence to support the listing of the property under criteria a) and d), it is considered that insufficient evidence has been provided to support its inclusion under criterion e).

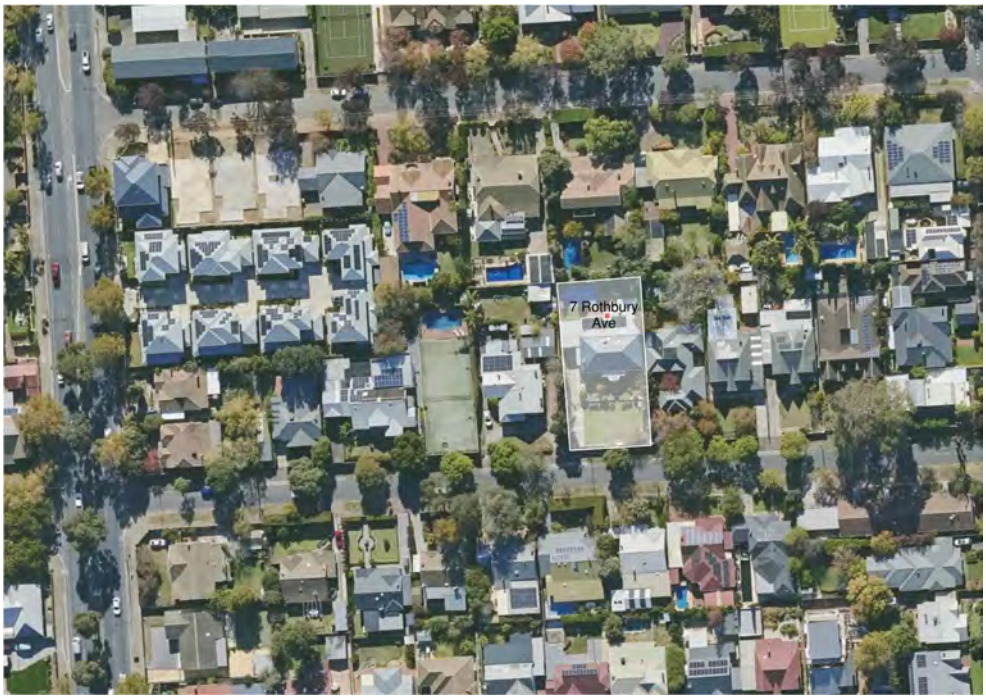
Recommendation:
It is recommended that 3 Newcastle Street, Heathpool be included on the list of proposed Local Heritage Places with relevant criteria for listing, a) and d), subject to a revision of the Relevant Criteria descriptions based on the assessment and discussion above.

[20] Twentieth Century Heritage Survey, Stage Two 1928 – 1945 by Peter Bell, Carol Cosgrove, Susan Marsden & Justin McCarthy Historical research Pty Ltd
[21] Norwood Payneham and St Peters, *Local Heritage Survey Sheet – 3 Newcastle Street, Heathpool*
[22] BBArchitects *Historical Report – History of the Suburb of Heathpool, South Australia (5068)* (April 2023)

7 Rothbury Avenue, Heathpool
(CT 5084 / 525)

Description:
Located on the northern side of Rothbury Avenue and approximately half way along between Portrush Road and Lesbury Avenue, 7 Rothbury Avenue is a large Interwar dwelling set well back from the street with painted rendered masonry walls and tiled roof and is proposed by Council as a Representative Building under the Code Amendment.

Recent investigations undertaken by Council have identified that it was constructed in 1933.[23]



Aerial photograph (MetroMap 2025)



Aerial plan showing existing and proposed LHPs (green) and RBs (red dot) and the extent of the Historic Area Overlay (blue). (SAPPA 2025)

[23] Council Briefing Document – *Review of Rothbury Avenue Heathpool (May 2025) Appendix A*



7 Rothbury Avenue, Heathpool (Swanbury Penglase 2025)



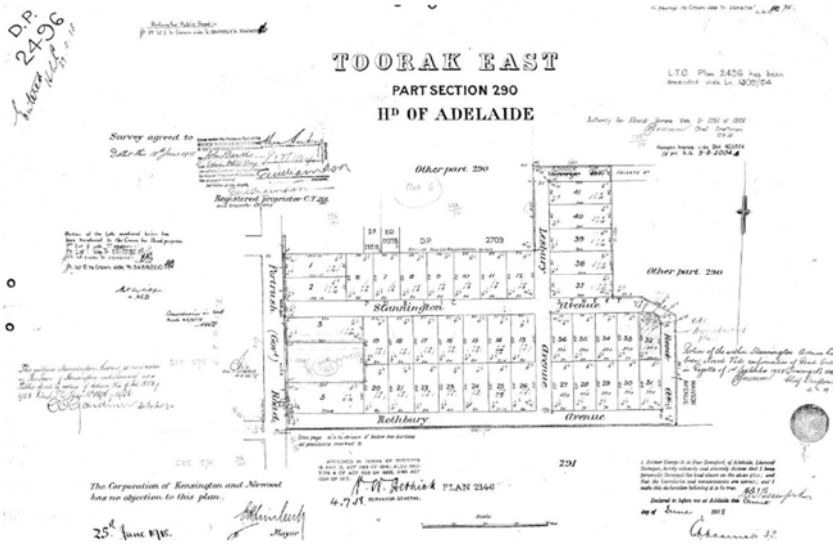
7 Rothbury Avenue, Heathpool (Swanbury Penglase 2025)

Whilst not originally identified by Council as a Representative Building in the first Proposal to Initiate, the property at 7 Rothbury Avenue was included following a review in 2023 and is proposed as a Representative Building within the Historic Area Overlay in the current Code Amendment.

The Planning and Design Code describes Representative Buildings as follows:

> *Representative buildings referenced in Historic Area Statements and Character Area Statements and mapped in the South Australian Planning and Property Atlas are buildings which display characteristics of importance in a particular area. The identification of representative buildings in a particular area is not intended to imply that other buildings in an historic area are not of importance.*

The evidence provided by Council as part of the review process and as noted above in this report, indicates that the area was subdivided and developed as part of a significant land division in the area which occurred in 1917 and which, at the time was known as "Toorak East" (later to become Heathpool). Toorak East was marketed as, "…*one of the most desirable and select suburbs*…"[24] and was developed during the Inter-War period with large high quality homes set on allotments allowing for substantial landscaped garden settings.[25] [26]



Toorak East Subdivision (Source: SAILIS)

It was significant not only in its timing but also in its coordinated development, which was repeated on the southern side of Rothbury Avenue in the neighbouring Council area of the City of Burnside.[27]

Generally the nominated Representative Buildings in the immediate area form a cohesive group, characterised by large dwellings on orthogonally arranged, regularly shaped allotments. These homes are typically surrounded by landscaped front gardens with relatively consistent and generous side and front setbacks, contributing to a consistent and spacious suburban character. This pattern reflects the original intentions of the subdivision.



Plan showing Local Heritage Places, Representative Buildings and dates of construction (based on Council information provided) SAPPA (June 2025)

[24] Historical Report – History of the Suburb of Heathpool, South Australia (5068) BBArchitects – Article June 1918 The Mail Advertiser
[25] Historical Report – History of the Suburb of Heathpool, South Australia (5068) BBArchitects
[26] Interwar Housing Heritage Survey: Thematic History July 2023
[27] Council Briefing Document – *Review of Rothbury Avenue Heathpool (May 2025)*

7 Rothbury Avenue retains key features of the original land division—namely, its allotment pattern, subdivision characteristics and landscaped setting. However, while the allotment form and land division remain consistent with the broader subdivision pattern and other allotments in the area, the placement of the built form on the block does not. In particular, the dwelling is set substantially further back from the street than most others in the street.

Despite likely being the original siting for the dwelling, this departure from the prevailing building alignment combined with its position between 5 and 9 Rothbury Avenue, which (while both are not proposed for designation as Representative Buildings) are both sited closer to the street than most other dwellings, emphasises the increased setback of number 7. This creates a noticeable gap in the streetscape and disrupts the visual cohesion and contextual integrity of the area.



Aerial view indicating approximate alignment of built form (including high and dense hedging and fencing) in relation to the street frontage (MetroMap base layer - June 2025)

Although generous front setbacks are a feature of Rothbury Avenue generally, the extent of the setback on this particular property is greater than those of the surrounding dwellings. As a result, the building appears disconnected from the rhythm and scale of the established streetscape.

In terms of architectural style, while Interwar bungalows are prevalent, particularly on Stannington Avenue, Rothbury Avenue displays greater stylistic variation, with Tudor Revival and Interwar Old English forms present. Nonetheless, many dwellings in the area share common features such as gabled façades, steeply pitched roofs and complex roof forms. By contrast, 7 Rothbury adopts a relatively simple hipped roof and includes a curved portico. However while the form is visually different within the immediate context, it may be interpreted as representing a later stylistic evolution of the period, reflecting the growing individualism and social optimism of the time. In this sense, it contributes to the broader narrative of architectural diversity that was emerging during this time.

In summary, although the property's allotment size, side setbacks and open landscaped setting are consistent with the important characteristics of the area and the original land division, and while the architectural style can be seen to be representative of the time, the dwelling's siting undermines the contribution of these elements to the street and area. Its large front setback, emphasised by the dwelling's hipped roof, disrupts the established rhythm of the streetscape and diminishes the importance of the historic characteristics of the property in the context.

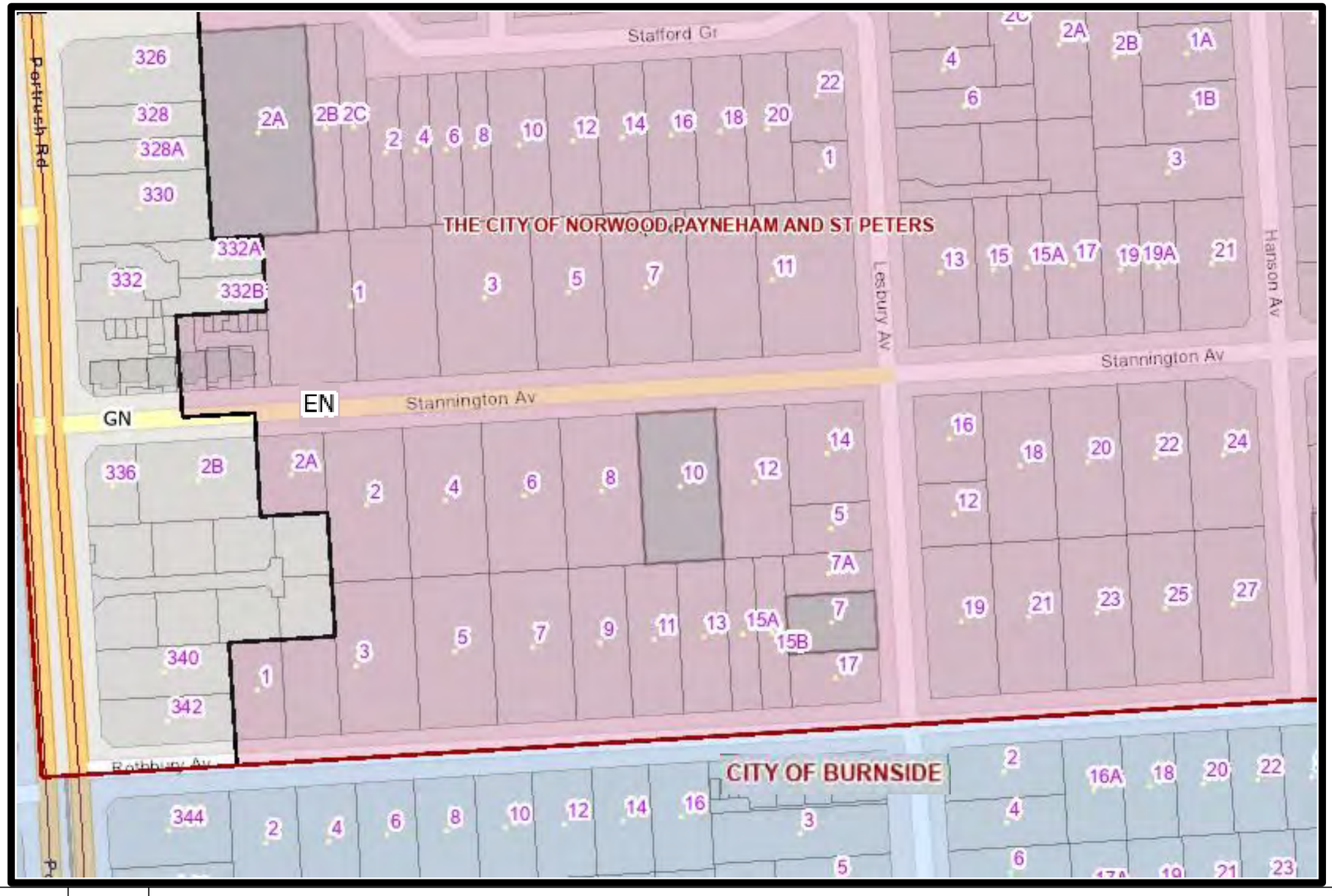
It is therefore recommended that the property at 7 Rothbury Avenue in Heathpool is not identified as a Representative Building in the Proposed Code Amendment.

Attachment F

Inter-War Housing Heritage Code Amendment

HEATHPOOL

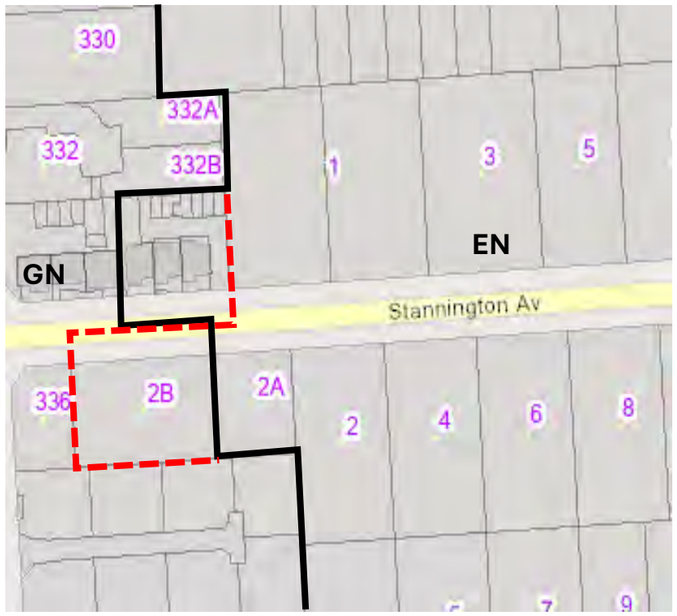
Planning and Design Code Pre-Code Amendment – Existing Zoning, Overlays and Local Heritage Places



Zones in the Affected Area:	**GN**	General Neighbourhood
	EN	Established Neighbourhood
Overlays in the Affected Area:		Character Area Overlay - Heathpool / Marryatville Character Area
		Historic Area Overlay
Existing Heritage Places:		Existing Local Heritage Place

HEATHPOOL

Draft Code Amendment released for Consultation - Proposed Zone, Overlay and Heritage Listing Changes

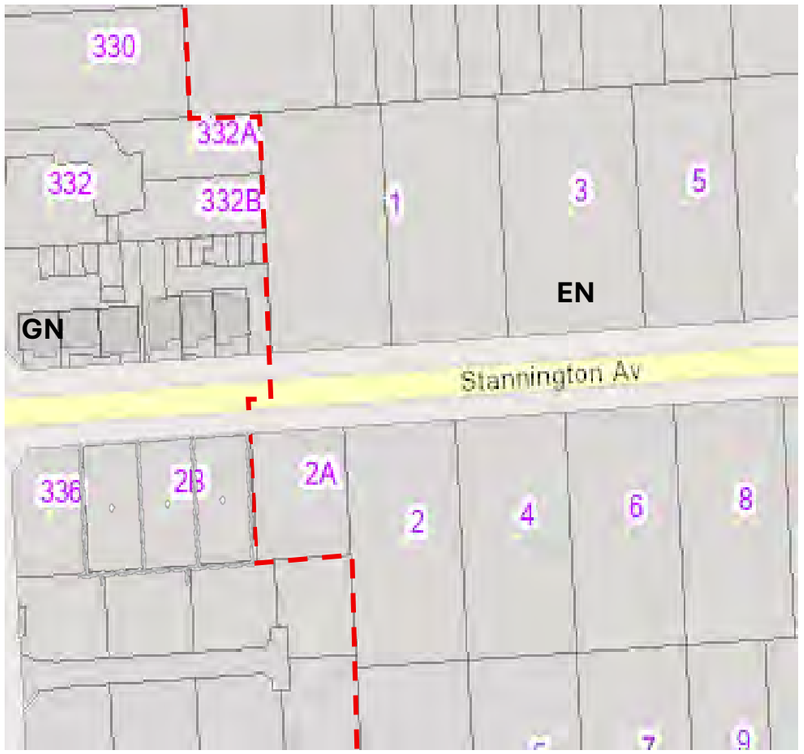




Zones in the Affected Area:	Proposed Historic Area Overlay
GN General Neighbourhood	Character Area Overlay (retained)
EN Established Neighbourhood	Proposed Local Heritage Place
Existing Zone Boundary	Proposed Representative Building
Proposed Zone Boundary	Existing Local Heritage Place (no change)

HEATHPOOL

Post Consultation - Proposed Zone, Overlay and Heritage Listing Changes





Zones in the Affected Area:	Proposed Historic Area Overlay
GN General Neighbourhood	Character Area Overlay (retained)
EN Established Neighbourhood	Proposed Local Heritage Place
Existing Zone Boundary	Proposed Representative Building
Proposed Zone Boundary	Existing Local Heritage Place (no change)

Section 2 – Corporate & Finance

Reports

13.2 LONG-TERM FINANCIAL PLAN, RESIDENTIAL RATES AND ONGOING FINANCIAL SUSTAINABILITY

REPORT AUTHOR: Chief Financial Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4548
FILE REFERENCE:
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to provide information to the Council regarding strategies to address certain elements of the Council's Long-Term Financial Plan and residential rates, as requested by the Council at its Special Meeting held on 10 June 2025.

BACKGROUND

At its meeting held on 10 June 2025, the Council resolved the following:

That the Chief Executive Officer provide the Council at its meeting to be held on 4 August 2025, a report providing any strategies available to the Council regarding the following elements of the Long-Term Financial Plan, to be considered after the adoption of the 2025-2026 Budget:

(a) reducing the anticipated level of residential rate increases over the next ten years;

(b) increasing the Differential Rate for commercial properties above the existing 20 percent and the impact this would have on residential rates as a percentage of total rate revenue;

(c) reducing the level of the Net Financial Liabilities Ratio, taking into account the role that interest rates play in affecting this Ratio; and

(d) the impact a reduction of the Budget Surplus Ratio would have on projected revenue increases over the course of the Long-Term Financial Plan.

This report addresses the issues that are set out in the above Council resolution.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Changes to the Council's rating structure may have impacts on the City's economy. This and other associated issues are required to be addressed, should the Council prepare and seek to adopt a new rating structure.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The various strategies contained in this report will be co-ordinated and prepared by staff with the use of external consultants as required. The volume of work is significant and will be a priority for both the Council and staff.

RISK MANAGEMENT

Any changes to the rating structure will be required to be undertaken in accordance with Section 151 of the *Local Government Act 1999*. It should be noted that any change carries with it risks in terms of implementation and these will be identified as part of each strategy as these are developed.

CONSULTATION

- **Elected Members**
  This matter was considered by the Council at the Special Council meeting held on 10 June 2025.

- **Community**
  Not Applicable.

- **Staff**
  Chief Executive Officer
  Chief Financial Officer

- **Other Agencies**
  Not Applicable.

DISCUSSION

Before addressing the issues that are contained in the Council's resolution and setting out the various strategies that are available to the Council to address the issues set out in the Council's resolution, the current situation in respect to Council rates and the Net Financial Liabilities Ratio, based on the 2025-2026 Budget, is set out in Diagram 1 and Diagram 2 below.

In respect to Rate Revenue at this point in time and based upon current assumptions, the expected trendline demonstrates a reduction in the Rate Revenue increase from 8.5% in 2025-2026 to 4% in 2034-2035.

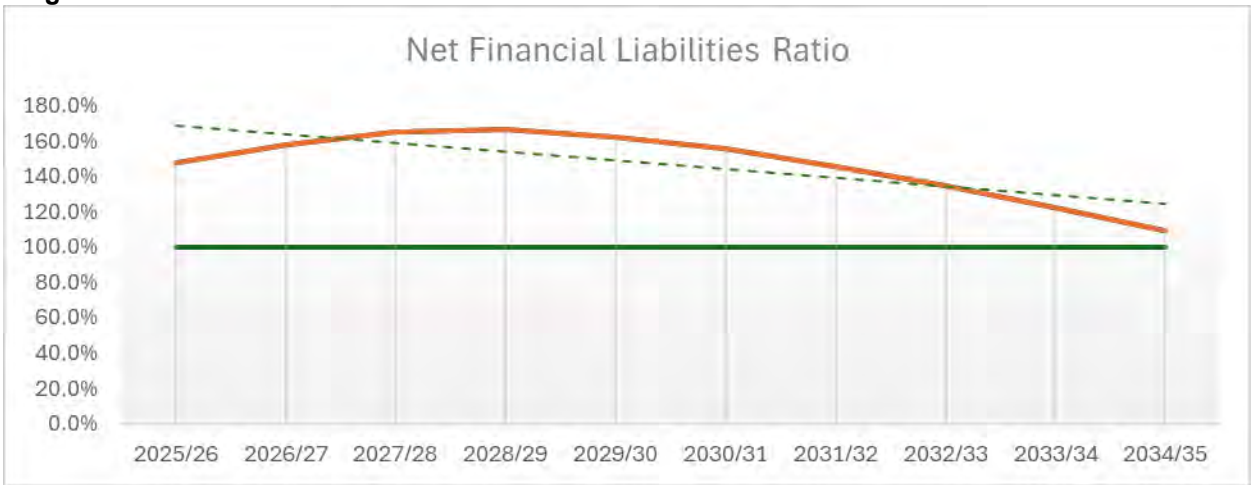
Diagram 1: Rates

2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35
8.5%	7.0%	6.5%	6.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%



In respect to the Net Financial Liabilities Ratio, the Ratio remains above the target line of 100%, however, over the term of the Long-Term Financial Plan, the trendline demonstrates a reduction towards 100%, as previously advised as part of the 2025-2026 Budget.

Diagram 2



In respect to the Net Liabilities Ratio, it should also be noted that the Ratio has taken into account all of the Major Projects which the Council has approved to undertake during the term of the Long-Term Financial Plan (2025-2026 to 2034-2035) – namely the Payneham Memorial Swimming Centre, implementation of The Parade Masterplan and redevelopment of the Norwood Library, based on current cost estimates and on the basis that the implementation of The Parade Masterplan and redevelopment of the Norwood Library will be fully funded by the Council. That is, no grant funding has been taken into account and any grant funding that is obtained by the Council, will be used to offset the cost of the Projects and not added to the Project Budget.

1. Potential strategies to reduce residential rate increases over the next 10 years

Over the last couple of months, a desktop review of the Council's residential rates as part of the 2025-2026 Budget, including how these compare with other Councils, has been undertaken and was provided to the Council at its meeting held on 7 July 2025, when the Council adopted the 2025-2026 Budget.

As part of this desktop review, it was identified that across the benchmarked Councils (ie. Burnside, Unley, Prospect, Walkerville and Campbelltown), there is clearly a large divergence in respect to the methodology for rating of the commercial properties.

In this respect, the Campbelltown City Council and the City of Burnside do not have a Differential Rate for commercial properties (that is, these Councils have the same rate-in-the-dollar for residential and commercial properties).

This Council and the Town of Walkerville, set their respective Differential Rates as a percentage above the residential rate-in-the dollar, which means that any changes to the residential rate-in-the-dollar will have a proportionally larger impact on commercial rates (assuming property valuations for both categories change in proportion).

Of the remaining benchmarked Councils, the Cities of Prospect and Unley, set their commercial rate-in-the-dollar to recover a static percentage of the total rate revenue. Or, put another way, these Councils seek to increase total rate revenue from each rating category on an annual basis, by an equal percentage – irrespective of proportional changes in properties values across the two (2) land uses.

For example, this Council's methodology was adopted by the Council many years ago as part of introducing the Differential Rate. The adopted method for calculating its Differential Rate, has at times over the years, created unintended outcomes in situations where commercial property values (as assessed by the Valuer-General of SA) change at a different rate to residential property values. As such, the percentage changes to average residential rates may not align with the percentage changes to the average commercial differential rate.

As an illustration, for the 2025-2026 Budget, at its meeting held on 7 July 2025, the following information was provided to the Council, based on a total Rate Revenue increase of 8.5% for 2025-2026, compared to a total Rate Revenue increase of 8.5% in 2024-2025. Whilst the Rate Revenue increase of 8.5% resulted in an average increase of 9.39% for Residential properties, for Commercial properties the increase was only 0.85%.

As set out in Table 1 below in 'dollar terms', for the 2025-2026 financial year, Commercial properties had an average increase in rates of $29 from the 2024-2025 financial year, whilst the average Residential Rate increased by $192 from the 2024-2025 financial year

TABLE 1: RATING STRATEGY – RATE REVENUE IMPACTS

	2024-2025	**2025-2026**
Proposed Rate Revenue Increase	**8.50%**	**8.50%**
	$'000	$'000
Gross General Rate Revenue	$46,589	$50,548
Net Increase on Previous Year	$3,650	$3,959
Operating Surplus/(Deficit) ***after rate revenue increases***	$229	$754
Residential Rate		
Rate Payable per Average Residential Property	**$2,044**	**$2,236**
Average Rate Difference	$149	$192
Increase from previous year	7.01%	9.39%
Rate-in-the-Dollar	**0.0018746**	**0.0018297**
Increase/(Decrease) from previous year	2.52%	-2.39%
Commercial Rate		
Rate payable per Average Commercial Property	$3,430	$3,459
Average Rate Difference	$267	$29
Increase/(Decrease) from previous year	7.21%	0.85%
Rate-in-the-Dollar	**0.0022495**	**0.0021956**
Increase/(Decrease) from previous year	2.52%	-2.39%
Minimum Rate	**$1,277**	**$1,386**
Percentage of Assessment on Minimum Rate	**32.82%**	**31.94%**

In respect to the benchmarked Councils:

- *City of Unley* – there are two (2) Commercial Differential Rates adopted by the City of Unley – one for Commercial Shops and one for other Commercial Properties.

  The rate-in-the dollar is then adopted each financial year to keep the change in rates percentage consistent across each rating category (ie. removing the impact of proportional changes to valuations across the various land-use categories).

  For Commercial shops, the rate-in-the-dollar is approximately 2.15 times the residential rate-in-the-dollar (for the financial year 2024-2025).

  For other Commercial properties, the rate-in-the-dollar is approximately 2.56 times the residential rate-in-the-dollar (for the financial year 2024-2025).

- *City of Prospect* – the Commercial rate-in-the-dollar is approximately 2.46 times the residential rate-in-the-dollar (for the financial year 2024-2025) with the Commercial Differential Rate set to recover a percentage of the total rate revenue.

- *Town of Walkerville* – the Commercial rate-in-the-dollar set at 65% above the residential rate-in-the-dollar.

In order to address the issue in terms of the way in which the Differential Rate is calculated and the quantum (ie. the percentage) of the Differential Rate, it is recommended that a Rating Review be undertaken as provided for in Section 151(5) of the *Local Government Act 1999* (the Act). Undertaking such a review is the best way of exploring the appropriateness and equity of the Council's existing rating structure with a view to lessening the burden on residential property owners, noting that Commercial property owners have been the beneficiaries of the current methodology for a number of years. Similarly, depending on changes to valuations, the average commercial rate has increased more than the average residential rate. This Council's Differential Rate has been set at 20%, whilst Council's such as Unley and Prospect are set at 2.56 times and 2.46 times respectively above the residential rate.

In respect to the legislative process, Section 151(5) of the Act provides as follows:

(5) Before a council –

(a) changes the basis of the rating of any land (including by imposing Differential Rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing Differential Rates on land that has been differentially rated in the preceding financial year); or

(b) changes the basis on which land is valued for the purposes of rating; or

(c) changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land,

the council must –

(d) prepare a report on the proposed change; and

(e) follow the relevant steps set out in its public consultation policy

(6) A report prepared for the purposes of subsection (5)(d) must address the following:

(a) The reasons for the proposed change;

(b) The relationship of the proposed change to the Council's overall rates structure and policies;

(d) In so far as may be reasonably practicable, the likely impact of the proposed change on ratepayers (using such assumptions, rate modelling and levels of detail as the council thinks fit);

(d) Issues concerning equity within the community,

and may address other issues considered relevant by the council.

In addition to the preparation of a report addressing the issues contained in Section 151(5), the Council is required to undertake consultation on any proposed changes as provided in the Council's Consultation Policy.

In order to ensure that a new Rating Strategy is in place before preparation of the draft 2026-2027 Budget in early 2026, it is proposed and indeed recommended, that preparation of the new Rating Strategy commence immediately and that a draft Rating Strategy be provided to the Council for consideration in October 2025. This will allow sufficient time to undertake consultation and determine a final position in early 2026.

2. Other strategies

In addition to the preparation of a new Rating Strategy and Rating Policy, there are a number of strategies that can be and/or are in the process of being implemented to improve the Council's overall financial position. These strategies are aimed at improving both the Council's revenue sources (ie reducing dependence on rate revenue) as well as ensure that is expenditure is prudent.

A summary of these strategies is set out below

a. Optimisation of existing and potential revenue streams

The overall aim of this strategy is to reduce dependency on rates (in particular residential rates) by identifying alternate revenue streams.

Examples of this include:

(i) A review of commercial and user fees

There is the potential to increase cost recovery (ie. user pays) on discretionary services such as swimming centres, hall/venue hire, parking, child care centre) through better alignment of fees with market rates, where possible or, at the very least, re-couping the cost of providing the service.

Whilst the Council sets its fees and charges annually, it is proposed to undertake a comprehensive review of all fees and charges, rather than simply adjusting fees annually by CPI or simple rounding, as part of the annual Budget process.

(ii) Review of assets and commercialisation

This involves a review of the Council's leasing and licensing policy to ensure that the use of facilities such as sporting facilities, are being appropriately charged. This will involve the development of a City-wide Leasing & Licensing Policy, as well as how the Council deals with the redevelopment or building of new facilities that are leased to sporting and recreational users. Currently, it has been the Council's practice to fully fund new development or redevelopment of facilities and whilst this is admirable, it is not the practice of most Councils and brings into consideration equity issues and is no longer a sustainable practice.

As an example of what can be done, some time ago, when faced with deteriorating tennis court facilities, the Council adopted the Tennis Facilities Strategy and Policy, which has resulted in tennis courts being upgraded and the costs being shared on a 50-50 basis between the Council and the respective Club.

In respect to facilities, it is also appropriate to ensure that all consumables such as power, water and gas are recovered from the users.

This work is currently in progress.

(iii) Grants

Whilst the Council has a good track record of securing grants, there will need to be an increased effort to ensure that every avenue is explored. This work has already commenced with the preparation of a draft Advocacy Strategy that will be presented to the Council in September.

In particular, grants that are secured for the two (2) current major projects in the Council's Long-Term Financial Plan (implementation of The Parade Masterplan and the Norwood Library) will ensure that the net cost to the Council of these projects and hence the total borrowings, are reduced.

It should be noted that this strategy will involve significant staff time but is required.

(iv) Review of Building Assets

A review of the Council's building assets is currently in progress with Stage 1 being a reconnaissance of all buildings that are owned by the Council, the current state of affairs and the potential future use of these assets. This work will identify potential opportunities such as disposal and re-purposing of assets to either reduce maintenance and insurance costs and/or to generate income (ie. commercial) which will be used to reduce debt.

b. Expenditure

Whilst increasing revenue is important, prudent expenditure is just as important.

Some of these strategies are currently in place and ongoing and are summarised below:

(i) Review of Operational Expenditure

Review of expenditure is ongoing and as these savings are made, they will be identified in Budget Reviews.

(ii) Energy Usage

As Elected Members are aware, ongoing increases in power costs is beyond the Council's control, however the sourcing of energy is in the Council's control.

Several years ago, the Council approved the change-over of sodium vapour street lights to LED and more recently, entered into a group procurement exercise with ERA Councils for power. Both of these initiatives have reduced overall costs, however, considerably more work can be done in the area of renewable energy.

Currently, work is being undertaken to assess the viability of solar and battery use on all Council owned facilities with the cost of infrastructure being funded by a third party and both the Council and the third party benefitting from the initiative. This initiative has been implemented by a couple of metropolitan Councils and is reaping significant savings for those Councils.

The results of this work will be presented to the Council over the next few months.

(iii) Asset Lifecycle

As part of its renewal program, the Council could adopt a revised whole-of-life asset planning model which ensures long-term maintenance and renewals are more cost effective than replacement of new capital investment (ie. extending the life of assets).

This would involve regular monitoring and updates of the Council's Asset Management Plan and condition review of assets.

(iv) Debt and Treasury Management

The ultimate aim of debt and treasury management, is to reduce liabilities and borrowing costs in order to improve the Council's Net Financial Liability Ratio.

Possible strategies to address debt levels include:

- Debt re-structuring and re-financing

  As part of this strategy, it is proposed to explore the re-financing of existing debt (at lower interest rates) or extending existing loan terms, to improve cash flow and reduce immediate liabilities.

While re-financing existing debt or extending current term of current loans, can assist in improving short-term cash flow and lower the Net Financial Liabilities Ratio, current economic conditions require a cautious and strategic approach. With market interest rates anticipated to fall in the near future locking in fixed interest rates at this point in time, could lead to a higher long-term cost of borrowing. As such, it is not proposed to fix additional borrowings at current interest rates, until there is greater certainty that interest rates have stablised at or near the forecast low. This approach will be discussed with the Local Government Finance Authority to ensure that an informed decision is made.

The current assumptions that have been factored into the Council's Long-Term Financial Plan already include the conversion of a portion of cash rate linked debt to fixed rate borrowings of $45 million. This approach balances the need for certainty to our community and debt serviceability with prudent financial risk management.

At a time when the decision to lock in a fixed-term loan arrangement is made, consideration will need to be given to a structured approach to new borrowings by assessing the optimal mix between short-term and long-term debt, including the term of the borrowing period. Such a strategy aims to reduce financial pressure (and hence impact on ratepayers) not only in the immediate years but across the term of the Councils Long-Term Financial Plan.

This approach will be regularly reviewed in line with updated interest rate forecast and reported to the Council's Audit & Risk Committee to ensure the best possible decision-making and outcome.

- Use of internal cash reserves

  Currently, where appropriate, use of internal cash reserves is used to fund capital projects instead of internal borrowings loan.

  This approach is used on an ongoing basis. In this respect, the 'bank balance' is used in the first instance for any investment requirements. Any un-used cash is then transferred against the Cash Advance Borrowings (CAB) drawdowns on a weekly basis to reduce finance costs.

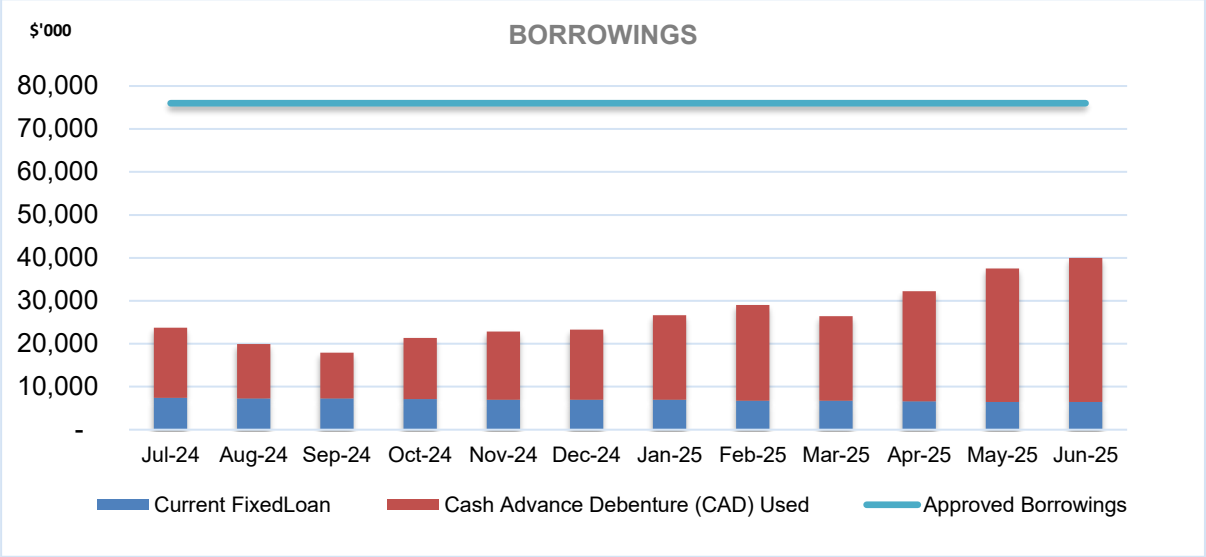
(v) Capping of Annual Borrowings

The loan borrowings that are approved by the Council on an annual basis as part of a Budget, represent the required cash amount to deliver all of the approved projects that are contained in the approved Annual Business Plan. These amounts are verified and checked against the total level of approved borrowings, the Net Financial Liability Ratio Target contained in the Council's Long-Term Financial Plan.

While each year new additional loan amounts as approved by the Council, for the drawdown of the loan facility occurs on an 'as needed' basis.

As at 30 June 2025, due to changes in the delivery schedule of Major Capital Projects (ie. Payneham Memorial Swimming Centre, Trinity Valley Stormwater Drainage Project and George Street Upgrade Project), has resulted in borrowings being at approximately 50% of the total approved loan amount. As a result, the reduction in finance costs, has delivered cash savings which were re-allocated to other approved projects and therefore, reduced the level of the total borrowings that were required. This is illustrated in Diagram 3 below.

Diagram 3



The impact of the various strategies as outlined in this report on Residential Rates and the Council's Net Financial Liabilities Ratio, is set out in Table 2 below.

TABLE 2: IMPACT OF ABOVE STRATEGIES ON RATES AND NET FINANCIAL LIABILITY RATIO (NFLR)

Action	Impact on Rates	Impact on NFLR
Revenue Streams and Optimisation	High	High
Expenditure Control and Efficiency Gains	Moderate	High
Council Assets Review	Low to Moderate	Moderate
Cost-effective utilisation of Council Assets	High	High
Grant Funding Strategy	Moderate	Moderate
Debt Refinancing Plan	Low	Moderate to High

The above strategies will, once executed, provide the Council with a balance and a mix of revenue, expenditure and financial management solutions to support the attainment of sustainable residential rates and a reduced/lower Net Financial Liabilities Ratio.

Notwithstanding the above, ultimately and importantly, the Council must continue to exercise '**budget discipline**' by not over-committing beyond its agreed service levels, new initiatives (large or small) and new projects or strategic long-term decisions, without understanding or taking into consideration the long-term financial impacts of any decision.

3. Budget Surplus Ratio

In respect to the impact of reducing the Council's Budget Surplus Ratio, reducing this Ratio would limit/reduce the Council's capacity to generate and retain sufficient surpluses to repay debt, fund asset renewal, service levels and future strategic initiatives without relying on external funding or debt. Over the course of the Council's Long-Term Financial Plan, this is likely to have the following consequential impacts on projected revenue increases:

- with a lower Budget Surplus, short-term pressure to raise rates or user fees may be eased, but this can result in larger increases being required in future years to maintain financial sustainability;

- a low Budget Surplus Ratio reduces internally-generated funding, thereby increasing reliance on borrowings or asset sales, which may in turn affect long-term affordability and financial sustainability;

- a Low Budget Surplus Ratio reduces the 'financial buffer' that is available to the Council to respond to unexpected cost increases, revenue shortfalls and/or unforeseen situations such as emergencies, which could then force reactive revenue increase in the later years of the Council's Long-Term Financial Plan; and

- a lower Budget Surplus Ratio, available to apply to existing debt, repayment timelines may need to be extended, thereby increasing interest costs and reducing the capacity to fund future projects.

In summary, while a reduction in the Budget Surplus Ratio may provide short-term relief to ratepayers, it can have consequent impacts by compromising long-term financial resilience and may necessitate 'sharper' revenue increases in future years, in order to maintain service levels and the integrity of the City's assets.

OPTIONS

The Council can move to progress all, none or none of the strategies that are outlined in this report.

The most important strategy to progress, is the preparation of a new Rating Strategy and Policy to address the specific issue requested in the Council's resolution, that is reduction in the level of residential rate increases

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council notes and endorses the review of the Council's rating structure and Rating Policy, including the method of applying a Differential Rate to Commercial - Shop, Commercial – Office, Commercial – Other, Industrial – Light, Industrial – Other, Primary Production, Vacant Land and other land uses, and notes that a draft report will be provided to the Council for consideration in October 2025.

2. The Council notes the following strategies as outlined in this report are being progressed:

    - a review of commercial and user fees;

    - a review of assets and commercialisation of assets;

    - sourcing and attaining grant funding;

    - a review of building assets to determine potential for disposal and/or better usage;

    - ongoing review of expenditure;

    - energy usage and infrastructure, including utilisation of the Council's building assets for installation of solar panels and batteries;

    - review of the lifecycle of the Council's assets; and

    - ongoing debt and treasury management.

13.3 NORWOOD CONCERT HALL 2024-2025 OPERATING REPORT

REPORT AUTHOR:	Manager, Arts, Culture & Community Connections
GENERAL MANAGER:	General Manager, Community Development
CONTACT NUMBER:	8366 4550
FILE REFERENCE:	A1199972
ATTACHMENTS:	Nil

PURPOSE OF REPORT

The purpose of this report is to provide a summary of the Norwood Concert Hall operations for the 2024-2025 financial year.

BACKGROUND

The Council operates the Norwood Concert Hall as a venue for hire for commercial, not-for-profit and community hirers. With a capacity of 800 people (seated) in the Main Hall and 80 people seated in the Don Pyatt Hall, the venue hosts a range of arts and cultural events.

The Norwood Concert Hall represents a fine example of late Edwardian architecture and has been a focal point on George Street and in the eastern suburbs since 1918, serving as a significant contributor to cultural and social capital and local economic development.

Importantly, the Norwood Concert Hall plays an active role in supporting the arts, culture and creativity sector, which contributes more than $1.8 billion to the South Australian economy.

To support the achievement and growth in this sector, in 2023 the Australian Government released *Revive*, a five (5) year strategy aimed at strengthening the sector.

Similarly, in 2024 the South Australian Government released their State Cultural Policy, a ten (10) year policy purposed with strengthening our communities, enlivening our places, and connecting us through arts, culture and creativity. Further it aims to strengthen a sustainable arts ecosystem, supported by accessible, high-quality infrastructure that enables collaboration and innovation.

The Norwood Concert Hall is an important asset that underpins these policies, acting as an integral enabler to the sustainability of the arts, culture and creativity industry, whilst simultaneously providing the important connection and access to the community.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

For the 2024-2025 financial year, the Norwood Concert Hall (comprising the Main Concert Hall and Don Pyatt Hall) reported a total income of $728,936 and total expenses of $675,738, resulting in an Operating Surplus of $53,198 against an adopted Operating Surplus of $74,060. (excluding depreciation and internal costs such as human resource management, finance, management, etc).

EXTERNAL ECONOMIC IMPLICATIONS

Venue reputation and activation

The formation of the Council's Arts, Culture & Community Connections Unit has enabled a renewed focus on activating the Norwood Concert Hall.

This has included attracting international and high-quality shows. These types of shows offer considerable reputational value, achieve improved community impact and offer greater economic potential. High calibre shows/events are often sold out, attract higher ticket prices and at times, include VIP pre or post show ticketed events, costing up to $300 per person, and/or immersive and interactive elements as part of the experience package.

Higher levels of activation at the Norwood Concert Hall bring increased visitation to the City and The Parade and serve as an important economic contributor.

Thebarton Theatre temporary closure

In mid-2023, the Thebarton Theatre was temporarily closed for renovation. The venue is scheduled to re-open on 1 October 2025.

Negotiation with the Thebarton Theatre management resulted in partnering with six (6) promoters, that historically have scheduled shows at Thebarton Theatre, who subsequently delivered shows at the Norwood Concert Hall during the 2024-2025 financial year, with an average spend of $7,500 per show.

To date, two (2) of the six (6) promoters have moved three (3) shows to be held in 2025-2026 back to Thebarton Theatre. It is anticipated that three (3) promoters will continue to schedule bookings at the Norwood Concert Hall during the 2025-2026 financial year. The Council's Norwood Concert Hall Coordinator will continue to cultivate strong relationships with promoters to support consistent bookings and the positive reputation of the venue within the event industry.

SOCIAL ISSUES

The Norwood Concert Hall provides a unique central location for active participation and connection for our citizens through an engaging, diverse, and inspiring, all year-round arts and cultural program.

During 2024-2025, the Norwood Concert Hall hosted a diverse range of events that appeal to a broad demographic, from live music performances, dance, children's concerts to body building competitions.

The Don Pyatt Hall is often booked together with the Concert Hall, providing a flexible and additional space for hirers to use as an additional green room, rehearsal space, a VIP area or for merchandise sales.

The Don Pyatt Hall is also regularly utilised by a range of community groups to support a diversity of community interests, including the Norwood Combined Probus Club Incorporated, Kensington & Norwood Writer's Group, Allegria Choir and the Norwood Symphony Orchestra.

CULTURAL ISSUES

The Norwood Concert Hall plays an important role in strengthening cultural practices and experiences within the City. The venue enables creative expression and elevation of artists and performers at all stages of their careers, from school shows which build the confidence of young people, to professional acts that designate the venue as an entertainment and cultural centrepiece of our City.

The diversity of program delivered through the Norwood Concert Hall supports the City to educate, celebrate and participate in a variety of societal culture.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The Norwood Concert Hall is supported by the Norwood Concert Hall Co-ordinator who manages the operations and a casual workforce comprising employees and where required, additional short-term external agency staff (e.g. from WESLO Staff and Security, who support event delivery including ushering and bar services).

A consultancy is also underway to review the existing operations for the purposes of developing a forward business plan for the Concert Hall. This will be completed in 2025.

CONSULTATION

- **Elected Members**
  Not Applicable.

- **Community**
  Not Applicable.

- **Staff**
  Not Applicable.

- **Other Agencies**
  Not Applicable.

DISCUSSION

Financial Performance

The Norwood Concert Hall (comprising the Main Concert Hall and Don Pyatt Hall) reported a total income of $728,936 and total expenses of $675,738, resulting in an Operating Surplus of $53,198 (excluding depreciation and internal costs such as human resource management, finance, management etc).

The Operating Surplus, was achieved as a result of:

- a 3% increase in event bookings compared to the 2023-2024 financial year (108 events in 2024-2025 compared to 105 events in 2023-2024);

- a continued focus on building collaborative partnerships with entertainment production companies, such as Bohm Presents (9 events), TEG Dainty (6), Jeff Carter Entertainment (5), Live Nation (4), Abstract Touring (2), Persian Entertainment Group (2), Prestige Presents (1) and Token Events (1) who booked thirty (30) international and Australian shows at the Norwood Concert Hall, including international artists David Sedaris, Romesh Ranganathan, Atsuko Okatsuka, Adam Kay and Alok;

- a continued collaboration with Thebarton Theatre, during their ongoing renovations across the 2024-2025 financial year, to provide alternative venue options for some of their own established commercial presenters; and

- Improved returns on bar operations, with a greater emphasis on stock supply and enhanced offerings.

For the 2024-2025 financial year, a full Profit and Loss Statement was adopted (for the second year running), recognising expenses and revenue associated with the operation of the Concert Hall and reflecting the enterprise's commerciality.

When considering the time adjusted financial performance for operations delivered during the 2024-2025 financial year, the Concert Hall achieved an operating surplus. In future years, the need to illustrate the time adjusted financial performance will not be required. This will be due to consecutive operating years utilising a Profit and Loss Statement where the impact of the timing of expenditure and revenue is negated as it becomes normalised across financial years.

Operational Performance

One hundred and eight (108) events were hosted at the Norwood Concert Hall in 2024-2025, representing a 3% increase when compared to 2023-2024.

An overview of the type of events held in 2024-2025 are illustrated in Table 1 below.

TABLE 1: EVENT TYPE

Event/Performance Type	Amount*
Music / Cultural Performances	32
Comedy Shows/Podcast	18
Dance Performances	13
NPSP led events	9
Author/ community talks	9
School performances	8
Community activity/ workshop	7
Children's Concerts	5
Theatre	3
Body Building Competitions	2
Choir Performances	2
Total	**108**

** Please note events may be delivered across multiple days and these are recorded as a single event.*

Catering to a range of community interests, the Norwood Concert Hall enjoys a diverse program. A sample of the events/performances delivered during 2024-2025 included:

- Wakakirri, Australia's largest performing arts event for schools

  Previously held at the Adelaide Entertainment Centre, the Norwood Concert Hall is now Adelaide's base for this annual nationwide festival for Australian schools. The Concert Hall hosts approximately 30 schools each year during the week-long festival which involve more than 1000+ children in 2025.

- An Evening with Sir Bob Geldof

  The icon of Live Aid, which is approaching the 40th anniversary of the global event, Sir Bob Geldof presented an intimate evening with approximately 600 guests, showcasing a unique blend of live storytelling and intimate acoustic performance in his only South Australian performance.

- ICN SA Australian Muscle Competition

  Celebrating twenty-five years of the ICN SA Australian Muscle Competition, hundreds of competitors and audiences participate in a full day of competition. Holding two (2) events per year, ICN SA also benefits The Parade more broadly, with hundreds of hungry competitors frequenting nearby eateries. The event has a proud history at the Concert Hall of over 20 years.

- No Such Thing As A Fish (NSTAAF)

  An increasingly popular genre at the Concert Hall, the podcast industry is finding the Concert Hall an excellent venue option for this emerging live event experience. presented a sold out event, presenting a live experience of a podcast with over 500 episodes and 500 million listens to date.

Family Friendly Events

The Norwood Concert Hall is the preferred venue of ARIA award winning children's musical performer, Emma Memma as well as Play School and Sesame Street shows, such as Elmo, and headline act The Wiggles.

Family friendly events are typically highly sought after by entertainment venues and often attract a purchase fee in the proximity of $20,000. However, as the Concert Hall is the venue of choice for these aforementioned shows, the events are managed via a venue for hire contract and fee. This provides a more affordable and long-standing relationship for both parties.

Management

The new Norwood Concert Hall Co-ordinator commenced duties on 16 June 2025. With a career spanning over 20 years in the arts sector, the new Co-ordinator brings extensive experience in venue production and management, including working with companies and venues such as Novatech Creative Event Technology, Thebarton Theatre and Adelaide Entertainment Centre.

Business Planning

A Consultant has been engaged to conduct a review of the Concert Hall operations and develop a business plan which supports growth, improved community and economic impact, and delivers a financially sustainable outcome. The business planning is scheduled for completion in 2025 and a draft Plan will be presented to the Council.

Infrastructure

As an ageing asset, a number of the features/elements of the Concert Hall are considered below commercial and industry standards.

In 2022, the Council commissioned an '*Options for future use study'* which was undertaken by The Maytrix Group. The purpose of the report was to better understand the opportunities that the Norwood Concert Hall has as a venue and to identify high-level options to protect and preserve the Concert Hall for future generations.

Whilst these options remain in consideration, interim assessments of the less substantial elements (i.e. which do not involve significant building works) have been undertaken to ensure routine maintenance, safety and necessary amenity are responded to. Many of the issues identified through this process have been scheduled to be undertaken over the next two (2) financial years.

Some of the improvements completed in the 2024-2025 financial year include:

- painting of the upstairs foyer, due to water damage/staining on the western wall;
- upgrade to LED lighting in the Norwood Concert Hall dressing rooms, kitchen, bar, Don Pyatt Hall and partial upgrade to public foyer spaces;
- replacement of vinyl flooring in the Don Pyatt Hall kitchen and communal toilet areas;
- upgrade to Chasis Switchboard adjacent to the Concert Hall stage;
- structural assessment completed of the flooring in the George Street foyer, in preparation for potential future upgrades;
- bar fridges upgraded; and
- replacement of George Street Foyer glass entry doors.

Some of the potential improvements being considered for the 2025-2026 financial year include:

- engineering calculations received as part of lighting rig upgrades to the Concert Hall stage amenity;
- upgrading of existing trestle and cabaret tables;
- refurbishment of heritage chairs in the Concert Hall Gallery (upstairs level);
- replacement of the Concert Hall Stalls patron chairs, which are beyond useful life and do not meet consumer requirements;
- replacement of dressing room vinyl flooring and associated painting of walls;
- replacement of Don Pyatt Hall HVAC unit.

An additional improvement worthy of consideration for the 2025-2026 financial year relates to the absence of a goods lift which currently necessitates all goods, staging, band equipment etc to be brought in the main entrance and carried upstairs etc. It is a highly inefficient and timely process and unnecessarily exacerbates wear on floor coverings etc. Preliminary work has been completed to ensure that a future goods lift can be accommodated in the future.

OPTIONS

This report is presented for information purposes only.

CONCLUSION

During the 2024-2025 financial year, the Norwood Concert Hall:

- realised an Operating Surplus of $53,198;
- attracted 108 events in the 2024-2025 financial year, a 3% increase in comparison to 2023-2024;
- attracted predominantly live music performances (including cultural performances), followed by comedy/podcast and dance competition events as the principal event types;
- continued a focus on building collaborative partnerships with entertainment production companies, such as Bohm Presents, TEG Dainty, Jeff Carter Entertainment, Live Nation, Abstract Touring, Persian Entertainment Group, Prestige Presents and Token Events who booked thirty (30) international and Australian shows, including international artists David Sedaris, Romesh Ranganathan, Atsuko Okatsuka, Adam Kay and Alok.

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

13.4 NORWOOD SWIMMING CENTRE - 2024-2025 OPERATING REPORT

REPORT AUTHOR: General Manager, Community Development
CONTACT NUMBER: 0403 002 732
FILE REFERENCE: A1150704
ATTACHMENTS: Nil

PURPOSE OF REPORT

To provide an overview of the Norwood Swimming Centre 2024-2025 operating season.

BACKGROUND

The Norwood Swimming Centre (NSC) was opened in the swimming season of 1956-57 comprising an asset mix reflective of the era, providing a 6-lane outdoor 50 metre pool to principally service recreation and lap swimmers, and a smaller outdoor pool mainly utilised for learners and toddlers. The Centre currently operates as a seasonal aquatic facility with the 2024-2025 swimming season running from 12 October 2024 to 16 April 2025.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council owns and operates both the Norwood Swimming Centre and the Payneham Memorial Swimming Centre.

The Payneham Memorial Swimming Centre is currently undergoing a major redevelopment which is expected to be completed in 2026. During its construction, the Norwood Swimming Centre offers an alternate swimming location for previous patrons of the Payneham Memorial Swimming Centre.

Given the age of many publicly owned aquatic facilities, there continues to be significant investment in upgrading and redeveloping facilities such as the new Salisbury Aquatic Centre, Mount Barker Aquatic Centre and renovated Thebarton Aquatic Centre, which have now open to the public, along with the Adelaide Aquatic Centre that are currently under construction.

The NSC is over 60 years old. For comparison, modern concrete pools are considered to have a useful life of approximately 30 years (excluding supporting infrastructure which has varying and different periods of useful life). Naturally, due to the age of the facility, it is to be expected that the mixture of assets will have an increasing level of failure and that their design continues to become further inadequate when compared to modern standards e.g. accessibility, aesthetic, compliance, financial sustainability and responsiveness to current consumer demand/community impact.

It is anticipated that the construction of the new Payneham Memorial Swimming Centre, as well as the upgrade and construction of other aquatic facilities in Adelaide will result in a decline in participation at the NSC over the coming seasons due to their more compelling consumer offering.

FINANCIAL AND BUDGET IMPLICATIONS

For the 2024-2025 swimming season, the NSC is reporting a total income of $359,048 and total expenses of $672,380 resulting in an Operating Deficit of $313,332, against an adopted Operating Deficit of $468,285 (excluding depreciation and internal costs such as human resource management, finance, management, etc).

A range of external temporary influences positively impacted on the NSC operations in 2024-2025, which included:

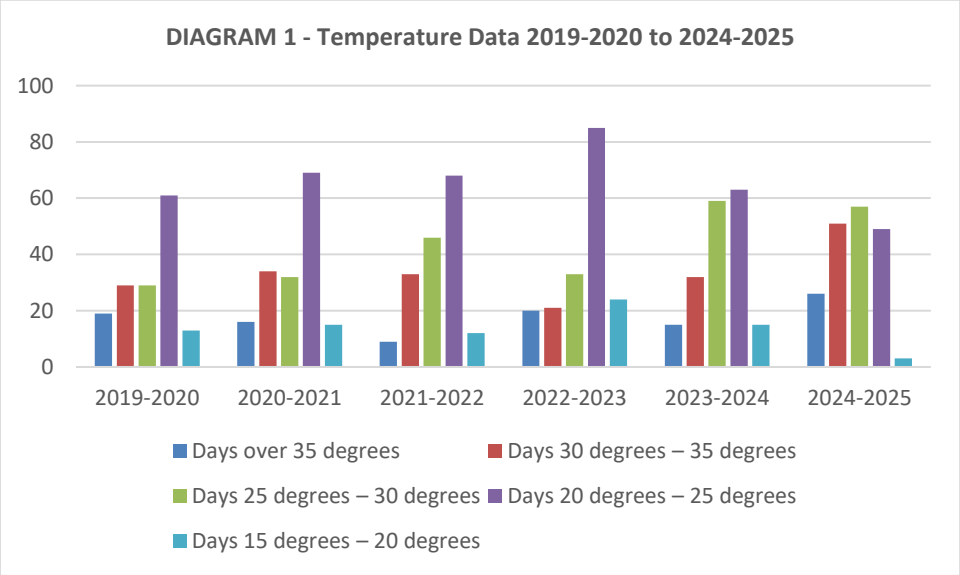
- the closure of the Payneham Memorial Swimming Centre and the Adelaide Aquatic Centre in North Adelaide;
- the delayed opening of the George Bolton Swimming Centre until December 2024, which dramatically increased patronage at the NSC in October and November; and
- in comparison to previous years, high temperatures throughout the season, including a significant increase in the number of days above 30 degrees.

EXTERNAL ECONOMIC IMPLICATIONS

Aquatic centres are historically expensive enterprises which typically require governments to subsidise the operations. This is particularly true of older facilities as these lack the necessary mixture of asset types to create more sustainable sources of income, employ inefficient plant and require more significant and regular maintenance.

In addition, for the NSC, the cost of operations is likely to continue to grow as it faces new competition from a range of new facilities that are being built and/or redeveloped being built. This includes the Payneham Memorial Swimming Pool and the Adelaide Aquatic Centre, once these become operational.

Patronage levels are also heavily influenced by climatic conditions, especially for outdoor pools. The highest patronage days are typically when the maximum temperature exceeds 30 degrees. The 2024-2025 swimming season saw the highest average temperature since the 2012-2013 season as well as a significant increase in the number of days above 30 and 35 degrees compared to previous seasons. Compared to the previous swimming season, there were 77 days above 30 degrees in 2024-2025 versus 47 days above 30 degrees in 2023-2024. The number of days over 30 degrees in 2024-2025 is the highest recorded since before 2008. In addition, there were 26 days over 35 degrees in 2024-2025 compared to 15 days over 35 degrees in 2023-2024. These higher temperatures generally have a significant effect on patronage levels as seen by the attendance numbers for this season compared to previous seasons illustrated in Diagram 1 – Temperature Data 2019-2020 to 2024-2025 below:



CULTURAL ISSUES

Not Applicable.

SOCIAL ISSUES

Events

The NSC hosted a number of events including:

- an Australia Day event which was held on Sunday 26 January 2025 between 12.30pm and 3.30pm. The event was well attended, with 357 patrons enjoying the inflatable obstacle course, live music and a sausage sizzle; and

- two (2) movie nights. The first event was held on 7 December 2024 and enjoyed an attendance of 120 people. The second event enjoyed an attendance of 121 people. Attendees were able to view the movie either in the water or from the grassed area. Free popcorn was provided and large inflatable tubes were available for participants to float in the pool whilst enjoying the movie.

Entry to each of the events was five (5) dollars per person. In total, these events cost $9,104 and generated approximately $2,615 in revenue.

Two (2) learn-to-swim holiday programs were run with Royal Life Saving South Australia as part of their Holiday Swim Program from 17 December 2024 to 20 December 2024 and Surf Lifesaving South Australia running VACSWIM from 13 January 2025 to 17 January 2025. These programs focus on teaching children aged three (3) and over basic to advanced survival skills and aim to promote water safety to reduce the number of drowning deaths in Australia. Collectively, 205 children attended the programs.

ENVIRONMENTAL ISSUES

As Elected Members may recall, in mid-2023, repairs were completed on the 50-metre pool to address a significant leak in the pool structure. In the 2023-24 season, these repairs reduced the water loss from in excess of 100,000 litres per day to approximately 20,000 litres per day. In the 2024-25 season the water loss increased to approximately 25,000 litres per day. This includes water loss from evaporation, usage and backwashing the filters which is part of normal operations.

Due to the warmer weather this summer, NSC utilised a 35% reduction in gas to heat the pool.

RESOURCE ISSUES

The temporary closure of the Payneham Memorial Swimming Centre has necessitated the housing of both the Norwood and Payneham Swimming Clubs at the NSC, in addition to accommodating some of the users who historically attended the Payneham Memorial Swimming Centre. Additionally, the George Bolton Swimming Centre (Burnside) delayed opening to their season until 2 December 2024, with many of their patrons utilising the NSC as an alternate venue. Where possible, at least three lanes were made available to the public for a combination of lap and recreational swimmers.

At the start of the season, the Norwood and Payneham Swimming Clubs both utilised lanes for training in the morning and evenings. On 4 December 2024, the Payneham Swimming Club notified the Council that due to financial constraints and continued decline in membership, that the Club would be dissolved. The Club officially ceased its operation on 13 December 2024. Norwood Swimming Club was able to utilise the lane space previously utilised by the Payneham Swimming Club in addition to the Adelaide University Swimming Club who became a regular hirer in the later part of the season.

The learners/toddlers pool, whilst lacking the necessary design to properly support a full program of ‘learn to swim’ activity, provided one swimming class at a time. Swimming lessons in the 50-metre pool were also impacted as a result of the increased club activity each weekday afternoon and Saturday mornings, leaving only one (1) lane available for swimming lessons.

DISCUSSION

Prior to the 2024-2025 swimming season the Council approved an extension to the NSC season from the 13 April 2025 to 16 April 2025, in response to community interest to accommodate user groups that had been displaced due to the closure of other swimming centres in Adelaide.

Innovation and Technology

The Council’s Swimming Centres are featured on the Councils website and experienced a similar number of visitations compared to the previous season (32,395 vs 29,877 visitations). This level of visitation was significantly less than the 2020-21 and 2021-22 seasons when the Payneham Memorial Swimming Centre was open.

Due to the increased Club usage of the NSC, the online ‘lap lane availability’ served as an important tool in communicating with swimming centre users. This allowed users to choose less busy times when visiting the facility.

Revenue

For the 2024-25 swimming season, the NSC recorded a total income of $359,048 being $97,410 more than the adopted budgeted income of $261,638. The improved revenue performance in 2024-2025 can be attributed to the:

- higher temperatures experienced throughout the season;
- continued closure of the Payneham Memorial Swimming Centres and the Adelaide Aquatic Centre; and
- delayed opening of the George Bolton Swimming Centre.

The increased attendance rates and revenue are likely to be an outlier due to the aforementioned factors and, in the absence of similar external influences, it is anticipated that over the long term, participation at the NSC will continue to significantly decline.

The highest sources of revenue for the 2024-25 swimming season came from:

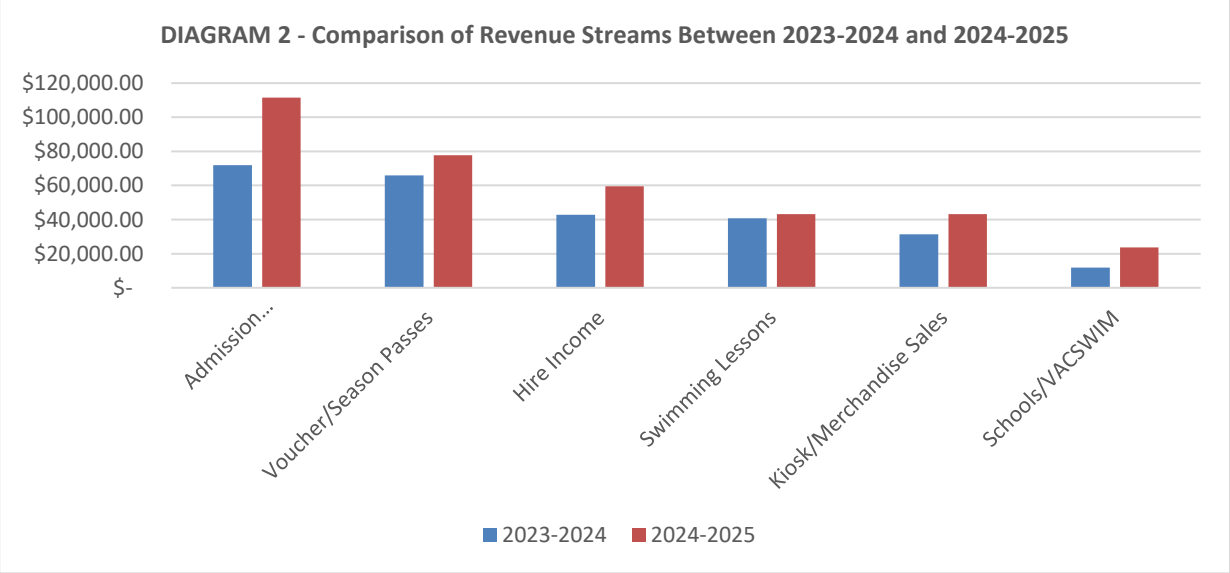
- Admissions/Ticket Sales – 30.6%
- Voucher/Season Passes – 21.8%
- Hire Income – 16.7%
- Swimming Lessons – 12.1%
- Kiosk/Merchandise Sales – 12.1%.

An overview of revenue streams for 2024-2025 are illustrated in Table 1 – Overview of Revenue Streams below:

TABLE 1: OVERVIEW OF REVENUE STREAMS

Sales Category	Income
Admission Charges	$109,153
Voucher/Season Passes	$77,693
Hire Income	$59,602
Swimming Lessons	$43,224
Kiosk/Merchandise Sales	$43,267
Schools/VACSWIM	$23,731
Ticket Sales	$2,378
Total	**$359,048**

In comparison to the previous season, the increased participation experienced in the 2024-2025 swimming season, resulted in higher levels of revenue across all revenue category types as illustrated in Diagram 2 – Comparison of Revenue Streams Between 2023-2024 and 2024-2025 below:



Participation

The NSC opened for a period of 26 weeks on 12 October 2024 to 16 April 2025. Overall attendance numbers were higher across all categories, with the higher temperatures experienced throughout the summer and the closure of the Adelaide Aquatic Centre deemed to be significant influencing factors. Additionally, November attendance was unusually high due to the delayed opening of the George Bolton Swimming Centre, which did not open until December 2025. In November there were 11,513 attendances compared to 4,750 in the 2023-2024 season and 6,322 in the 2022-2023 season.

52,213 attendances were recorded for the entire 2024-2025 season, an increase of 12,640 attendances compared to the 2023-24 season. When compared to the Centre's reported financial performance, in 2024-2025, the Council subsidy was an average of $5.55 per attendance (i.e. $6.87 revenue per attendance less $12.42 expense per attendance). This is a significant improvement compared to 2023-2024, where the Council subsidised an average of $11.65 per attendance. This improvement in the 2024-2025 season is likely to be an outlier due to external influencing factors and is expected to decrease in future seasons.

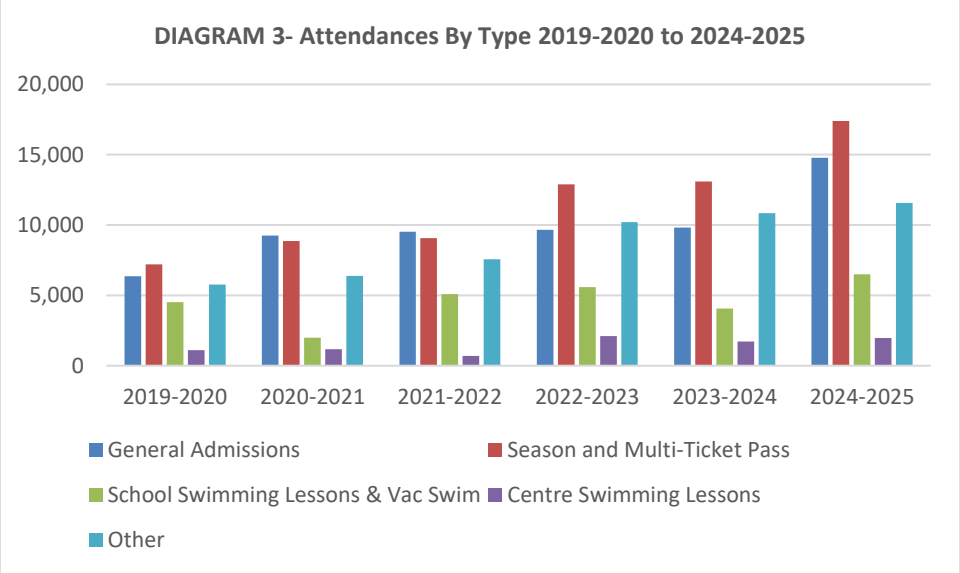
An increase of 4,693 general admission attendances (casual entries) were recorded in the 2024-2025 season compared to the previous season.

School water safety swimming lessons, conducted by the Department of Education and Royal Life Saving South Australia, increased significantly from 4,072 entries in 2023-2024 to 6,493 entries in 2023-2024. This was due to the continued closure of the Payneham Memorial Swimming Centre and the Adelaide Aquatic Centre.

Swimming lessons (Learn To Swim) experienced an increase from 1,731 lessons provided in 2023-2024 to 1,959 in 2024-2025.

Season and Multi-Ticket pass-holder admissions increased from 13,106 admissions in 2023-2024 to 17,398 admissions in 2024-2025, representing an increase of 4,292 admissions.

A comparison of attendance at the NSC from 2019-2020 to 2024-25 is illustrated in Diagram 3 – Attendances by Type 2019-2020 to 2024-2025 below:



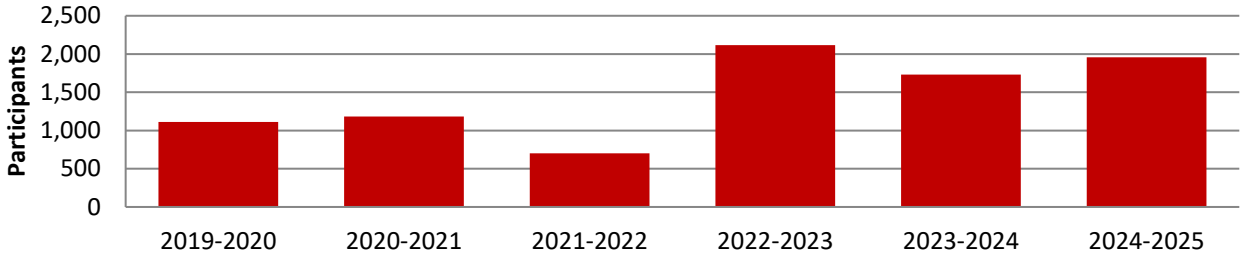
It is anticipated that once the Payneham Memorial Swimming Centre and the Adelaide Aquatic Centre open that this will have a significant negative impact on participation at the NSC, particularly across the categories relating to Club members who typically hold Season and Multi-Ticket Passes, school water safety swimming lessons and Swim School.

Swimming Lessons

Over recent years, the emphasis has been on providing high quality, accessible and affordable swimming lessons at the NSC. Swim School revenue was $43,267 for the 2024-2025 swimming season, an increase from $40,785 during the 2023-2024 season. Revenue from swimming lessons remains higher since the closure of the Payneham Memorial Swimming Centre. There was an average of 98 lesson attendances during the 20 weeks of lessons at the Norwood Swimming Centre.

Historic swimming lesson attendances at the NSC are illustrated in Diagram 4 – Norwood Swimming Lessons 2019-2020 to 2024-2025 below:

DIAGRAM 4 - Norwood Swimming Lessons 2019-2020 to 2024-2025



Asset Condition

At the conclusion of the 2022-2023 swimming season, repairs were undertaken at the NSC.

These repairs included:

- concrete patching the structure of the pool;
- recaulking construction joints;
- installation of puddle flange bandage to fresh water return inlets;
- resealing of light well pit penetrations;
- fixing and replacing loose and damaged tiles;
- cleaning and removing roots from soiled water return valve;
- patching and bandaging of cracks; and
- removal of the concrete dive platform.

These repairs to the pool structure have an expected three (3) to five (5) year life.

A report prepared at that time by MLEI Consulting Engineers noted that:

- there are significant tree roots on both sides of the 50-metre pool which are exacerbating cracks in the pool walls as well as coming through leaking joints between the soiled water return trough and the pool shell;
- movement joints are past their serviceable life and are leaking;
- the soiled water return troughs are no longer within their serviceable design life and the size of the troughs are likely no longer capable of allowing for compliant rates of water turn-over;
- the existing tiled finish is at the end of its serviceable life; and
- the cementitious grout has deteriorated exposing the sharp edges of tiles.

Access and Compliance

Prior to the 2024-2025 swimming season, an access report was completed on the NSC to identify key issues regarding access for people with a disability and/or mobility restrictions.

Key findings from this report include;

- the NSC is lacking in access and facilities for people with disabilities to both the facility and swimming pool;
- no designated accessible parking spaces are provided on the street adjacent to the facility entrance;
- the entry path has a gradient reported as twice as steep as the maximum gradient allowed;
- a step exists at the entrance door as well as the entrance to the first aid room;
- no accessible unisex toilets are available;
- external access to the female changeroom is via stairs without handrails;
- entrance to the female changeroom incorporates floor drainage and has a narrow path of travel;
- sanitary facilities are outdated with no cubicles or showers for the ambulant disabled;
- hoist access to the pool is broken; and
- no ramp access to the pool.

To address some of the access issues identified, a new hoist and pool steps were purchased and installed at the end of the 2024-2025 season and will be available to be utilised by the public from the 2025-2026 swimming season.

Whilst remedies are being investigated to identify cost effective solutions to the other issues that have been identified, a majority would require changes to the buildings and/or swimming pool. This would trigger a requirement for the asset to be complaint with the Australian Building Code and *Disability (Access to Premises – Buildings) Standards 2010*. On this basis, it is likely that the remedial works would be cost-prohibitive, and that re-development would be required (noting that the NSC complex is also listed as a Local Heritage Place, adding to the complexity of any re-development of the facility) and is not contained in the list of projects in the current Long-Term Financial Plan.

OPTIONS

Consistent with historic practice, the NSC will provide a 26-week (6 month) swimming season in 2025-2026. The Norwood Swimming Centre will open on Saturday 11 October 2025 and close on Sunday 12 April 2026.

CONCLUSION

The NSC:

- Realised an Operating Deficit (excluding depreciation and internal costs such as human resource management, finance, management etc) of $313,332.
- Attracted 52,213 attendances during the 2024-2025 season, representing an increase of 12,640 attendances compared to the 2023-2024 season.
- Increases in revenue and attendances are likely due to the closure of other facilities and the increased temperatures experienced across the 2024-2025 season and is likely not be indicative of future performance.
- Swim School revenue was $43,267 for the 2024-2025 swimming season, an increase from $40,785 during the 2023-2024 season.
- A new hoist and steps were purchased and installed at the end of the 2024-2025 season to improve access to the 50 metre swimming pool.
- Housed both the Payneham and Norwood Swimming Clubs due to the temporary closure of the Payneham Memorial Swimming Centre. The Payneham Swimming Club dissolved on 13 December 2024.

RECOMMENDATION

It is recommended that the Council notes that the Norwood Swimming Centre will open from Saturday 11 October 2025 and close on Sunday 12 April 2026.

Section 3 – Governance & General Reports

13.5 CASUAL VACANCY – WEST NORWOOD/KENT TOWN WARD

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA182322
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to formally advise the Council of the vacancy in the West Norwood/Kent Town Ward as a result of Cr Sue Whitington's resignation from her position as Councillor of the West Norwood/Kent Town Ward.

BACKGROUND

On 15 July 2025, Cr Sue Whitington resigned from her position as a Councillor for the West Norwood/Kent Town. Cr Whitington's last day with the Council in an official capacity was Friday, 18 July 2025.

In respect to a Casual Vacancy as a result of a resignation by an Elected Member, Section 54 (6) of the *Local Government Act 1999* (the Act), stipulates the following:

"If the office of a member of a council becomes vacant under subsection (1) or (1b), the chief executive officer must notify the members of the council at the next meeting of the council and give notice of the occurrence of the vacancy in the Gazette (but the members of the council need not be notified if the member is removed from office by the council)".

This report is presented to the Council in accordance with the requirements of Section 54 of the Act which requires the Council to be advised of the vacancy "*at the next meeting of the Council*".

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

FINANCIAL IMPLICATIONS

Funds have not been allocated as part of the 2025-2026 Budgets for the conduct of a Supplementary Election.

As the costs associated with Supplementary Elections are not known and the need to be expended as part of the 2025-2026 Budget, an adjustment will be made to 2025-2026 Budget as part of the First Quarter Budget review.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The Supplementary Election will be managed by the General Manager, Governance & Civic Affairs in conjunction with the Electoral Commission of South Australia (ECSA).

RISK MANAGEMENT

A Supplementary Election must be held to ensure the Council meets its legislative responsibilities.

CONSULTATION

- **Elected Members**
  Elected Members were advised of Cr Whitington's resignation via an email from the General Manager, Governance & Civic Affairs on 16 July 2025.

- **Community**
  Not Applicable.

- **Staff**
  Not Applicable.

- **Other Agencies**
  Not Applicable.

DISCUSSION

In addition to the requirements of the Act in respect to casual vacancies, Section 6 of the *Local Government (Elections) Act 1999* (the Act), stipulates the following:

> *"(5) Subject to this Act, a supplementary election must be held as soon as practicable after the occasion for the election arises."*

In accordance with the Act, a letter was forwarded to the Electoral Commissioner of South Australia on 18 July 2025, to advise of Cr Whitington's resignation and to request that the Electoral Commissioner SA commence the process for the Supplementary Election for the West Norwood/Kent Town Ward.

A Notice of the Vacancy has been placed in the Government Gazette.

OPTIONS

Not Applicable.

CONCLUSION

The Supplementary Election will ensure the casual vacancy for the West Norwood/Kent Town Ward will be filled for the remainder of the current term of the Council (ie until November 2026).

COMMENTS

Nil.

RECOMMENDATION

That the report be received and noted.

13.6 LOCAL GOVERNMENT ASSOCIATION (LGA) 2025 ANNUAL GENERAL MEETING – ITEMS OF BUSINESS

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

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the Local Government Association of South Australia's (LGA) 2025 Annual General Meeting and the invitation from the LGA to submit *Items of Business* for consideration at the Annual General Meeting.

BACKGROUND

The Local Government Association (LGA) 2025 Annual General Meeting, will be held on Friday, 21 November 2025.

The purpose of the AGM is to consider items of strategic importance to Local Government and the LGA, as recommended by the Board of Directors, the South Australian Region Organisation of Councils (SAROC) or the Greater Adelaide Region of Councils (GAROC).

Items of Business must be submitted to either the LGA Board of Directors, or in the case of this Council, GAROC, for consideration prior to being referred to the AGM for consideration. It is however at the discretion of the Council to determine if the Notice of Motion is to be submitted to either the Board of Directors or GAROC.

The role of the Board of Directors is to oversee the corporate governance of the LGA and provide strategic direction and leadership. The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the region(s).

Pursuant to the LGA Constitution, Councils are invited to submit Items of Business for consideration at the Annual General Meeting. Items of Business must be received by the by Monday, 18 August 2025, if they are to be considered at the 2025 Annual General Meeting.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

A requirement of the LGA in respect to Items of Business, is that Items of Business submitted by Councils, should highlight a relevant reference to the LGA Strategic Plan.

A memorandum dated 11 June 2025, was forwarded to Elected Members, inviting Members wishing to submit an Item of Business for consideration at the LGA Annual General Meeting, to contact the Council's General Manager, Governance & Civic Affairs, prior to this Council meeting, for advice and assistance in the formulation of an appropriate Notice of Motion.

At the time of writing this report, the General Manager, Governance & Civic Affairs has not been contacted by any Elected Member wishing to submit an Item of Business.

RECOMMENDATION

That the report be received and noted.

13.7 PROPOSED BY-LAWS

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE: qA166868
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of the report is to present the proposed *City of Norwood Payneham & St Peters By-laws* to enable the Council to consider making the By-laws.

BACKGROUND

Section 246 of the *Local Government Act 1999* (the Act) provides the statutory power for the Council to make By-laws. The general power to make By-laws is provided to the Councils for the good rule and government of the area, and for the convenience, comfort and safety of its community. By-laws are designed to address specific issues within a Council's local area or community that are not covered by broader laws, providing Councils with the power to respond to local needs and maintain order.

Pursuant to the Act, the Council is required to review and remove or replace (as necessary) its By-laws every eight (8) years. The current 2018 By-laws have therefore been reviewed to ensure the By-laws can be made and submitted to the South Australian Parliament for consideration by the Legislative Review Committee of Parliament in the required time frame to enable the new By-laws to take effect from January 2026.

Kelledy Jones Lawyers was engaged to commence the process required for the review of the By-laws. In addition to reviewing the current six (6) 2018 By-laws, a proposed Cats By-law has been prepared for the Council's consideration.

At its Meeting on 7 April 2025, the Council endorsed the following seven (7) By-laws for the purposes of community consultation:

- *By-law 1 – Permits and Penalties* provides a By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws;
- *By-law 2 – Moveable Signs* provides a By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety in the Council's area;
- *By-law 3 – Roads* provides a By-law for the management, control and regulation of activities on roads and other land in the Council's area;
- *By-law 4 – Local Government Land* provides a By-law to manage and regulate the access to and use of Local Government land and certain public places;
- *By-law 5 – Dogs* provides a By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area;
- *By-law 6 – Waste Management* provides a By-law to regulate the removal of domestic waste, recyclables and green organic waste from premises in the Council's area; and
- *By-law 7 – Cats* provides a By-law to limit the number of cats that can be kept on premises and for the management and control of cats in the Council's area through managing nuisance cats, a potential registration process and the potential confinement of cats.

A copy of the proposed, certified By-laws is contained within **Attachment A**.

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 proposed By-laws have been prepared and consultation has been undertaken in accordance with the requirements of the *Local Government Act 1999* and the *Dog and Cat Management Act 1995*.

CONSULTATION

- **Elected Members**
  An Elected Member Information Briefing Session on the proposed By-laws was held on Monday, 14 March 2025.

- **Community**
  As required by the legislation, the community has been consulted and provided with the opportunity to comment on the proposed By-laws.

- **Staff**
  Consultation on the proposed By-laws has taken place with relevant staff.

- **Other Agencies**
  The proposed *By-law 5 – Dogs* and *By-law 7 - Cats* were referred to the Dog & Cat Management Board, as required by the *Dog and Cat Management Act 1995*. The proposed *By-law 4 – Local Government Land* and *By-law 5 – Dogs* were also referred to the Department of Infrastructure and Transport as a matter of convention.

DISCUSSION

In addition to the *Local Government Act 1999* (the Act), the *Dog and Cat Management Act 1995* and *Harbors and Navigation Act 1993,* provide powers for the Council in relation to By-laws for certain circumstances.

In accordance with Section 247 of the Act a By-law made by a Council must:

(a) *be consistent with the objectives of the provision that authorises the by-law and accord with the provisions and general intent of the enabling Act; and*
(b) *adopt a means of achieving those objectives that does not—*
  i. unreasonably burden the community; or
  ii. make unusual or unexpected use of the power conferred by the enabling Act (having regard to the general intent of the Act); and
(c) *avoid restricting competition to any significant degree unless the council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the By-law can only be reasonably achieved by the restriction; and*
(d) *avoid unreasonable duplication or overlap with other statutory rules or legislation; and*
(e) *avoid regulating a matter so as to contradict an express policy of the State that provides for the deregulation of the matter; and*
(f) *avoid breaching principles of justice and fairness; and*
(g) *be expressed plainly and in gender neutral language.*

In addition to the above legislative principles, Section 248 of the Act provides the rules that need to be adhered to in relation to By-laws. These are that a By-law made by a Council must not:

(a) exceed the power conferred by the Act under which the by-law purports to be made; or
(b) be inconsistent with this or another Act, or with the general law of the State; or
(c) without clear and express authority in this or another Act—
  (i) have retrospective effect; or
  (ii) impose a tax; or
  (iii) purport to shift the onus of proof to a person accused of an offence; or
  (iv) provide for the further delegation of powers delegated under an Act; or
(d) unreasonably interfere with rights established by law; or
(e) unreasonably make rights dependent on administrative and not judicial decisions.

Making of By-laws

Section 249 of the Act prescribes the process that the Council must follow when making its By-laws, which includes that the Council must have regard to the following:

- the seven (7) By-laws attached to the certificates of validity;
- the response from the Dog and Cat Management Board;
- the outcome of community consultation; and
- the National Competition Policy Report.

Each of these are explained in further detail below.

Certificate of Validity

Before the Council can make the By-laws, a legal practitioner must certify that the By-laws can be made by virtue of the statutory powers available to the Council and that the By-laws are not in conflict with the Act. Certificates of Validity for each of the proposed By-laws are also required under Section 249(4) of the Act for submission to the Legislative Review Committee after the By-laws have been formally made by the Council.

Certification takes the form of the prescribed requirements contained within Form 10 of the *Local Government (General) Regulations 2013* and includes the following:

- the details of the legal practitioner;
- a description of the By-law sufficient to properly identify it;
- the name of the council proposing to make the By-laws;
- a description of the statutory provision under which the Council has the power to make the by-law;
- the date of execution of the certificate; and
- the signature of the legal practitioner.

These Certificates have been prepared and signed by Ms Cimon Burke of Kelledy Jones Lawyers and form part of the By-laws documentation contained in **Attachment A**.

Referrals

In accordance with Section 90(5) of the *Dog & Cat Management Act 1995*, a copy of both the proposed Dog and Cat By-laws were forwarded to the Dog & Cat Management Board (the Board) for its consideration. The Manager, Dog and Cat Management (having been delegated the power of the Board to make recommendations on the draft By-laws) was satisfied that the Council's proposed *By-law 5 – Dogs* and *By-law 7 - Cats* are broadly consistent with those of other Councils and had no recommendations and provided no comment.

A copy of the Board's response is contained in **Attachment B**.

Copies of the proposed Local Government Land and Dogs By-laws were also provided to the Department of Infrastructure and Transport (DIT) for comment. Although not a legal requirement, referral to DIT is still undertaken to provide them with the opportunity to comment on relevant by-laws. No issues were raised by DIT in relation to the proposed By-laws.

Consultation

Community consultation on the draft By-laws commenced on Saturday, 17 May 2025, with the publishing of a Notice in *The Advertiser* and concluded on 13 June 2025. The community consultation process was conducted in accordance with Section 249 of the Act and the Council's *Community Consultation Policy*.

In addition to the Notice in *The Advertiser*, consultation on the By-laws was also promoted via the Council's website (consultation page), an article on the Council's website, an article in *Look East*, Council's Social Media platforms and a poster in the Council's three (3) libraries. For the duration of the consultation period, a copy of each proposed By-law was available to view at the Council's Principal Office.

In total, 19 submissions have been received.

One (1) submission was in response to the proposed *By-law 5 – Dogs* and specifically related to restricting dog ownership in Strata, Community and Torrens Title dwellings.

There were 18 submissions received in relation to the proposed *By-law 7 – Cats*. Of the 18 submissions, 17 were not supportive of the By-law (and other cat management practices e.g. the *Dog and Cat Management Act 1995*) and one (1) was supportive.

A copy of all the submissions that have been received are contained within **Attachment C**.

For those submissions that were not supportive of the *By-law 7 - Cats*, a summary of the primary concerns that have been raised in the submissions is set out below:

- fear of registration, restrictions on cat numbers and/or the confinement of cats may lead to more feral cats;
- the increased compliance resources and costs for the Council; and
- the increased costs for cat owners to manage containment of cats within their property.

In addition, the submission from Cats Assistance to Sterilise (CATS) and others, state that the focus should be on managing overbreeding of cats and not on the management practices set out in the By-law. In general, CATS are not supportive of the *Dog & Cat Management Act 1995*.

In response to the submission from CATS, the objective of the Cats By-law is not to "curb overbreeding". In this regard, CATS has worked with this Council for a number of years to assist with desexing and the management of stray cats in the City. This work undertaken by CATS is acknowledged and valued by the Council and as Elected Members are aware, the Council supports CATS financially to undertake this work.

CATS have stated that CATS will not continue to work with the Council if this Cat By-law is adopted by the Council.

Notwithstanding this, as set out above, the Council values the work of CATS as evidenced by the ongoing support the Council has provided to subsidise the work of CATS.

Efforts to reduce stray cat numbers is an important component of the Council's approach to cat management and the introduction of a Cat By-law provides other supporting strategies for the responsible management of cats.

The submission in support of the Cats By-law, included the following reasons:

- funds raised through cat registration can assist with educating and informing the community about responsible cat ownership including the health benefits of cat confinement for the cat; and
- the reduction in the threat to native vertebrates (mammals, birds, reptiles and frogs) in built environments by restricting the number of roaming cats through confinement.

National Competition Policy Report

Section 247(c) of the Act requires that a By-law made by a Council must avoid restricting competition to any significant degree, unless the Council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the By-law can only be reasonably achieved by the restriction.

Accordingly, any restriction on competition contained in a proposed By-law must be identified before the Council is in a position to make that by-law.

The Council's legal practitioner therefore considered each of the seven (7) proposed By-laws in the context of the *National Competition Policy* and Section 247(c) of the Act, and subsequently prepared the *National Competition Policy Report* which is contained within **Attachment D**.

In summary, the proposed *By-Law 1 – Permits and Penalties*, *By-law 5 – Dogs, By-law 6 – Waste Management* and *By-law 7 – Cats* have been identified as not restricting competition. The proposed *By-law - Moveable Signs*, *By-law 3 – Roads* and *By-law 4 - Local Government Land* have been identified as containing provisions that do restrict, or have the potential to restrict, competition to a degree. However, it was concluded that the benefits to the community of these By-laws outweigh the potential restrictions on competition.

Final steps

For the By-laws to be formally made, Section 249 of the Act requires that a resolution is passed by the Council at a meeting where at least two thirds of the Members of the Council are present and by an absolute majority of all Members of the Council. Since the Council currently comprises 12 Elected Members, at least 8 Elected Members must be present and the resolution must be supported by at least 7 Members.

Once the By-laws are made, the Chief Executive Officer must sign the By-laws. The By-laws are required to be published in the *SA Government Gazette* (the Gazette). The Council must also publish a notice of the making of the By-laws in *The Advertiser*. The By-laws will commence four (4) months after the date they are published in the Gazette.

Referral to Legislative Review Committee

It is a requirement of the *Legislative Instruments Act 1978* that all subordinate legislation is presented to the Legislative Review Committee of the South Australian Parliament (the Committee) to review after being made. This requirement applies to the Council's By-laws and the Council's lawyers will therefore attend to this referral on the Council's behalf.

The Committee has the role of reviewing By-laws to ensure they do not offend the scrutiny principles, which include that the By-laws must not:

- exceed the power conferred by the Act under which the By-law is made;
- be inconsistent with the *Local Government Act 1999* or any other Act, or general law of the State;
- unless authority is conferred by the Act –
  - have retrospective effect,
  - impose a tax,
  - purport to shift the onus of proof to a person accused of an offence, or
  - provide for the further delegation of powers delegated under an Act;
- unreasonably interfere with rights established by law; or
- unreasonably make rights dependent on administrative and not judicial decisions.

The Council's legal practitioner has considered these matters when certifying the proposed By-laws to be made by the Council. In certifying the By-laws, the Council's legal practitioner confirms that they are satisfied the By-laws are consistent with the *Local Government Act 1999* and are within the Council's powers to make.

If the Committee has concerns regarding a by-law, it may propose a motion to Parliament for the By-law to be disallowed. In practice, any concerns that the Committee may have will be raised with the Council in the first instance. The Council will not hear from the Committee unless it has concerns regarding the By-laws as made or any of them.

OPTIONS

The Council's current 2018 By-laws expire on 1 January 2026 and it is recommended that new By-laws are in effect before this date. This is to ensure a smooth transition and to avoid having a period where no By-laws are in operation.

Whilst the decision to make By-laws is at the discretion of the Council, it is recommended that the Council makes new By-laws to assist in managing public spaces in the interests of the wider community. Indeed, in the absence of By-laws the Council would have limited ability to resolve and address unauthorised conduct on its land.

By-laws 1 – 6 have been in place for many years and only minimal changes have been made following the review process. These changes are not material and ostensibly relate to consistency in language between the By-laws and updated legislative requirements.

The Council may choose not to introduce a Cats By-law, however, it is recommended that the Council make the proposed Cats By-law to assist in promoting and encouraging responsible cat ownership by limiting the number of cats that can be kept on premises, and by requiring cat owners to manage cats so they do not create a nuisance.

In addition, the Council can also give consideration to, at a later date, adopting a cat registration scheme under the By-law and, to activating Clause 9 of the By-law, which would require cat owners to contain cats on their premises at all times. Should the Council resolve to activate this Clause (which would require a resolution of the Council at a later date), it will not apply to any cat born before 1 January 2026 (which limitation takes into account the legal principles that a by-law cannot operate to unreasonably interfere with rights at law and cannot operate retrospectively).

In short, the cat registration and containment components are not activated with the making of the Cats By-law at this time. The Council may, at their discretion activate the cat registration and containment clauses at a future time.

CONCLUSION

The review of the Council's By-laws ensures compliance with the *Local Government Act 1999* and ensures that the Council's By-laws are still relevant and required.

As such, it is recommended that each of the By-laws be made by the Council as drafted.

COMMENTS

Nil.

RECOMMENDATION

1. In exercise of the powers contained in section 246 of the *Local Government Act 1999* (the Act), having satisfied the consultation requirements of the Act and having had regard to the outcome of the comments from the Dog and Cat Management Board in relation to By-Laws 5 and 7 (as contained in Attachment B), the community consultation process and submissions received and contained in Attachment C, the National Competition Policy Report contained in Attachment D and the Certificates of Validity provided by the Council's legal practitioner, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as contained in Attachment A:

   - By-law 1 - Permits and Penalties;
   - By-law 2 - Moveable Signs;
   - By-law 3 - Roads;
   - By-law 4 - Local Government Land;
   - By-law 5 - Dogs;
   - By-law 6 - Waste Management; and
   - By-law 7 – Cats.

2. That the Chief Executive Officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly made By-laws, including making any minor editorial or grammatical changes that may be necessary prior to publication of the By-laws in the *SA Government Gazette*.

Attachments – Item 13.7

Attachment A

Proposed By-Laws

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF NORWOOD PAYNEHAM & ST PETERS

By-law No 1 – Permits and Penalties By-law 2025

This By-law is to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

and do certify that in my opinion:

CITY OF NORWOOD PAYNEHAM & ST PETERS

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(g) and 246(3)(h)(iii);

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 18 day of July 2025

.....

Cimon Burke, Legal Practitioner

City of Norwood Payneham & St Peters

CITY OF NORWOOD PAYNEHAM & ST PETERS

PERMITS AND PENALTIES BY-LAW 2025

By-law No. 1 of 2025

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

Contents

PART 1 – PRELIMINARY 2
1. Title 2
2. Authorising Law 2
3. Purpose 2
4. Commencement, Revocation and Expiry 2
5. Application 2
6. Interpretation 2
7. Construction of By-laws Generally 3

PART 2 – PERMITS AND PENALTIES 3
8. Permits 3
9. Offences and Penalties 4
10. Liability of Vehicles Owners and Expiation of Certain Offences 4
11. Evidence 5

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Permits and Penalties By-law 2025* and is By-law No. 1 of the City of Norwood Payneham & St Peters.

2. Authorising Law

This By-law is made under section 246 of the Act.

3. Purpose

The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

3.1 creating a permit system for Council By-laws;

3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and

3.3 clarifying the construction of Council By-laws.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation[1]:

By-law No. 1 – Permits and Penalties 2018.[2]

4.2 This By-law will expire on 1 January 2033.[3]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

This By-law applies throughout the Council's area.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 ***Council*** means the City of Norwood Payneham & St Peters; and

6.3 ***person*** includes a natural person or a body corporate; and

6.4 ***prescribed offence*** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles;

6.5 ***road*** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.5.1 a bridge, viaduct or subway; or

6.5.2 an alley, laneway or walkway; and

6.6 ***vehicle*** has the same meaning as in the *Road Traffic Act 1961* and includes:

6.6.1 a motor vehicle trailer and a tram;

6.6.2 a bicycle;

6.6.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;

6.6.4 a combination; and

6.6.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

7. Construction of By-laws Generally

7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.

7.2 In any By-law of the Council and unless the contrary intention appears, permission means permission granted by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:

7.2.1 permission granted specifically to an applicant; or

7.2.2 permission of general application granted by way of the Council adopting a policy of general application for that purpose.

PART 2 – PERMITS AND PENALTIES

8. Permits

8.1 Where a By-law requires that permission be obtained**,** any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.

8.2 The Council (or such other person as may be authorised by the Council) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.

8.3 A person granted permission under a By-law must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).

8.4 The Council (or a person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.

9. Offences and Penalties

9.1 A person who acts in contravention of any By-law of the Council is guilty of an offence and may be liable to pay:

9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or

9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.

9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act.

Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against By-laws either by a By-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

10. Liability of Vehicles Owners and Expiation of Certain Offences

10.1 Without derogating from the liability of any other person, but subject to this clause 10, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty or expiation fee as is prescribed for the principal offence.

10.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely, conviction of the driver exonerates the owner.

10.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council, within the period specified in the notice, with a statutory declaration:

10.3.1 setting out the name and address of the driver; or

10.3.2 if the owner had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).

10.4 Before proceedings are commenced against the owner of a vehicle for a prescribed offence, the Informant must send the owner a notice:

10.4.1 setting out particulars of the alleged prescribed offence; and

10.4.2 inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subclause 10.3.

10.5 Subclause 10.4 does not apply to:

10.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or

10.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.

10.6 Subject to subclause 10.7, in proceedings against the owner of a vehicle for an offence against this subclause, it is a defence to prove:

10.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or

10.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation given pursuant to this clause 10.

10.7 The defence in subclause 10.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

10.8 If:

10.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this clause 10; or

10.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

10.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.

11. Evidence

In proceedings for a prescribed offence, an allegation in an Information that:

11.1 a specified place was a road or local government land; or

11.2 a specified vehicle was driven, parked or left standing in a specified place; or

11.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or

11.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or

11.5 a specified person was an authorised person; or

11.6 a specified provision was a condition of a specified permit granted under clause 8 of this by-law; or

11.7 a specified person was the owner or driver of a specified vehicle; or

11.8 a person named in a statutory declaration under clause 10 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or

11.9 an owner or driver of a vehicle for a prescribed offence was given notice under clause10 of this by-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

…….
MARIO BARONE
Chief Executive Office

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF NORWOOD PAYNEHAM & ST PETERS

By-law No 2 – Moveable Signs By-law 2025

This By-law is to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.

and do certify that in my opinion:

CITY OF NORWOOD PAYNEHAM & ST PETERS

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 226, 238, 239, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(h)(iii);

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 18 day of July 2025

.....

Cimon Burke, Legal Practitioner

City of Norwood Payneham & St Peters

CITY OF NORWOOD PAYNEHAM & ST PETERS

MOVEABLE SIGNS BY-LAW 2025

By-law No. 2 of 2025

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety in the Council's area.

Contents

PART 1 – PRELIMINARY 2
1. Title 2
2. Authorising Law 2
3. Purpose 2
4. Commencement, Revocation and Expiry 2
5. Application 2
6. Interpretation 2
PART 2 – MOVEABLE SIGNS 4
7. Construction and Design 4
8. Placement 5
9. Appearance 6
10. Banners 6
11. Restrictions 6
12. Exemptions 7
PART 3 – ENFORCEMENT 7
13. Removal of Moveable Signs 7

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2025* and is By-law No. 2 of the City of Norwood Payneham & St Peters.

2. Authorising Law

This By-law is made under sections 226, 238, 239 and 246 of the Act.

3. Purpose

The objectives of this By-law are to set standards for moveable signs on roads:

3.1 to protect the comfort and safety of road users and members of the public;

3.2 to enhance the amenity of roads and surrounding parts of the Council area;

3.3 to prevent nuisances occurring on roads;

3.4 to prevent unreasonable interference with the use of a road; and

3.5 for the good rule and government of the Council area.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation[1]:

By-Law No. 2 – Moveable Signs 2018.[2]

4.2 This By-law will expire on 1 January 2033.[3]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 12.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 ***authorised person*** means a person appointed as an authorised person pursuant to section 260 of the Act;

6.3 ***banner*** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;

6.4 ***business premises*** means premises from which a business is being conducted;

6.5 ***Council*** means the City of Norwood Payneham & St Peters;

6.6 ***footpath*** area means:

6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or

6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

6.7 ***Local Government land*** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;

6.8 ***moveable sign*** has the same meaning as in the Act, being a moveable advertisement or sign but excludes a banner;

6.9 ***road*** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.9.1 a bridge, viaduct or subway;

6.9.2 an alley, laneway or walkway; and

6.9.3 the footpath area.

6.10 ***vehicle*** has the same meaning as in the *Road Traffic Act 1961* and includes:

6.10.1 a motor vehicle trailer and a tram;

6.10.2 a bicycle;

6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;

6.10.4 a combination; and

6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – MOVEABLE SIGNS

7. Construction and Design

A moveable sign must:

7.1 be of a kind known as:

7.1.1 an ‘A’ frame or sandwich board sign;

7.1.2 an ‘inverted 'T' sign;

7.1.3 a ‘tear drop’ sign;

7.1.4 a flat sign; or

7.1.5 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;

7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;

7.3 be of strong construction and sufficiently stable or, subject to this By-law, securely fixed in position so as to keep its position in any weather conditions;

7.4 not contain any sharp or jagged edges or corners;

7.5 not, in the reasonable opinion of an authorised person, be unsightly or offensive in appearance or content;

7.6 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;

7.7 not exceed 1 metre in height or 0.6 metres in depth and width;

7.8 in the case of a ‘tear drop’ sign, not exceed 2.4 metres in height or 0.6 metres in depth and width;

7.9 in the case of an ‘A’ frame or sandwich board sign:

7.9.1 be hinged or joined at the top; or

7.9.2 be of such construction that its sides are securely fixed or locked in position when erected; and

7.9.3 not have a base area in excess of 0.6 square metres; and

7.10 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

8. Placement

A moveable sign must not be:

8.1 placed on any part of a road other than the footpath area;

8.2 placed on a footpath that is less than 2.5 metres wide;

8.3 placed on the sealed part of a footpath unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare (of sealed footpath area) of:

8.3.1 in the case of moveable signs placed on The Parade, Norwood, at least 2 metres between the sign and the building line or, where there is no building, the adjoining property boundary; and

8.3.2 in all other cases, at least 1.5 metres between the sign and the building line or, where there is no building, the adjoining property boundary;

8.4 placed other than on the kerb side of the footpath area (or, if there is no kerb, on the side closest to the carriageway) but must not be placed closer than 0.5 metres to the kerb;

8.5 tied, fixed, leaned against or attached to, or placed closer than 1 metre from another structure, object (including another moveable sign, bus shelter, or business merchandise display), tree, bush or plant;

8.6 placed on the sealed part of a footpath if there is an unsealed part on which the sign can be placed in accordance with this By-law;

8.7 placed on a footpath adjacent a loading zone, bus stop or taxi rank;

8.8 placed on a landscaped area, other than landscaping that comprises only lawn;

8.9 placed within 10 metres of an intersection of two or more roads;

8.10 placed on a designated parking area;

8.11 displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; or

8.12 placed on a median strip, traffic island, roundabout or any other traffic control device on a road;

8.13 be placed in such a position or in such circumstances that, in the reasonable opinion of an authorised person:

8.13.1 it compromises the safety of any person or places a person at risk of harm; or

8.13.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a road; or

8.13.3 otherwise interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed.

9. Appearance

A moveable sign placed on the footpath area of a road must, in the reasonable opinion of an authorised person:

9.1 be painted or otherwise detailed at a competent and professional manner;

9.2 be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the town scope and overall amenity of the locality in which it is situated;

9.3 not have balloons, flags, streamers or other things attached to it; and

9.4 not rotate or contain flashing parts.

10. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

Note-

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.

11. Restrictions

11.1 A person must not, without the Council's permission:

11.1.1 cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time;

11.1.2 display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates; or

11.1.3 cause or allow a moveable sign to be placed on a road unless:

11.1.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and

11.1.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.

11.2 If in the opinion of the Council a road is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign on that road on such conditions as the Council thinks fit.

12. Exemptions

12.1 Subclauses 7.6, 8.4, 9.1, 9.2 and 11.1 of this By-law do not apply to a moveable sign that:

12.1.1 advertises a garage sale taking place from residential premises but provided that no more than six (6) moveable signs are displayed at any one time in relation to the garage sale taking place at that residential premises; or

12.1.2 is a directional sign to an event run by an Incorporated Association, a community organisation or charitable body.

12.2 Subclause 11.1 of this By-law does not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.

12.3 A requirement of this By-law will not apply where the Council has otherwise granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes:

- a sign placed pursuant to an authorisation under another Act;
- a sign designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- certain signs (as set out in section 226(3) of the Act) related to a State or Commonwealth election; or
- of a prescribed class.

PART 3 – ENFORCEMENT

13. Removal of Moveable Signs

13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.

Note-

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a moveable Sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the Moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.

13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

13.3 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

13.3.1 if, in the reasonable opinion of an authorised person, and not withstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or

13.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

This By-law was duly made and passed at a meeting of the Council of the City of Norwood Payneham & St Peters held on **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
MARIO BARONE
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF NORWOOD PAYNEHAM & ST PETERS

By-law No 3 – Roads By-law 2025

A By-law for the management, control and regulation of activities on roads and other land in the Council's area.

and do certify that in my opinion:

CITY OF NORWOOD PAYNEHAM & ST PETERS

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 239, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e), 246(3)(f) and 246(3)(h)(iii); and
Local Government (General) Regulations 2013: regulation 28.

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 18 day of July 2025

.....

Cimon Burke, Legal Practitioner

City of Norwood Payneham & St Peters

CITY OF NORWOOD PAYNEHAM & ST PETERS

ROADS BY-LAW 2025

By-law No. 3 of 2025

A By-law for the management, control and regulation of activities on roads and other land in the Council's area.

Contents

PART 1– PRELIMINARY 2
1. Title 2
2. Authorising Law 2
3. Purpose 2
4. Commencement and Expiry 2
5. Application 2
6. Interpretation 3
PART 2 – USE OF ROADS 4
7. Activities Requiring Permission 4
PART 3 – ENFORCEMENT 6
8. Directions 6
9. Orders 6
10. Removal of Animals and Objects 6
PART 4 – MISCELLANEOUS 6
11. Exemptions 6

PART 1– PRELIMINARY

1. Title

This By-law may be cited as the *Roads By-law 2025* and is By-law No. 3 of the City of Norwood Payneham & St Peters.

2. Authorising Law

This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.

3. Purpose

The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:

3.1 to protect the convenience, comfort and safety of road users and members of the public;

3.2 to prevent damage to buildings and structures on roads;

3.3 to prevent certain nuisances occurring on roads; and

3.4 for the good rule and government of the Council area.

4. Commencement and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation[1]:

By-law No. 3 – Roads 2018.[2]

4.2 This By-law will expire on 1 January 2033.[2]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025.*

5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.

5.3 Subclause 7.3.1 of this By-law applies throughout the Council's area except in such part or parts of the Council area as the Council may determine by resolution in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 ***animal*** includes birds, insects and poultry but does not include a dog;

6.3 ***authorised person*** is a person appointed by the Council as an authorised person under section 260 of the Act;

6.4 ***Council*** means City of Norwood Payneham & St Peters;

6.5 ***effective control*** means a person exercising effective control of an animal either:

6.5.1 by means of a physical restraint; or

6.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

6.6 ***emergency worker*** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;

6.7 ***moveable sign*** has the same meaning as in the Act*;*

6.8 ***road*** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.8.1 a bridge, viaduct or subway; or

6.8.2 an alley, laneway or walkway; and

6.9 ***vehicle*** has the same meaning as in the *Road Traffic Act 1961* and includes:

6.9.1 a motor vehicle trailer and a tram;

6.9.2 a bicycle;

6.9.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;

6.9.4 a combination; and

6.9.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – USE OF ROADS

7. Activities Requiring Permission

A person must not engage in or undertake any of the following activities on a road (or where otherwise indicated, on other land) without the permission of the Council.

7.1 Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2025*.

Note-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2025*.

Section 226(2a) of the Act prohibits the display of certain electoral advertising posters displayed in connection with a Local Government election.

Section 226A(1)) of the Act prohibits the display of a designated electoral advertising poster on roads and road-related areas (including any structure, fixture or vegetation thereon).

7.2 Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying or magnifying sound, including for broadcasting announcements or advertisements.

7.3 Animals

7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except for on a road to which the Council has determined this subclause applies (if any).

7.3.2 Subject to clause 7.3.1:

7.3.2.1 lead, herd, exercise or cause or allow an animal to stray onto or move over any road unless the animal is under effective control; or

7.3.2.2 lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.4 Obstructions

Erect, install, place or maintain or cause to be erected, installed, placed or maintained any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

7.5 Preaching and Canvassing

7.5.1 Preach, harangue, or canvass for religious or charitable purposes.

7.5.2 Convey any religious or other message to any bystander, passerby or other person.

7.6 **Public Exhibitions and Displays**

7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.6.2 Conduct, cause or hold a concert, festival, show, display, public gathering, circus, performance or a similar activity.

7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.6.4 Cause any public exhibition or displays.

7.7 **Soliciting**

Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

7.8 **Shared Transport Devices**

7.8.1 Subject to the *Road Traffic Act 1961*:

7.8.1.1 operate a share transport device scheme; or

7.8.1.2 leave a share transport device on a road other than in accordance with any conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website.

7.8.2 For the purposes of this subclause 7.8:

7.8.2.1 ***share transport device*** means a bike, scooter or other mobility device that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and

7.8.2.2 ***share transport device scheme*** means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) or other mobility devices being made available for hire by any person for a fee or otherwise.

7.9 **Repairs to Vehicles**

Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

7.10 **Rubbish Bins**

Deposit in any Council bin on a road any rubbish:

7.10.1 emanating from a domestic, commercial or trade source; or

7.10.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.

PART 3 – ENFORCEMENT

8. Directions

A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of the road.

9. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

*If a person (the **offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

a) if the conduct is still continuing – to stop the conduct; and

b) whether or not the conduct is still continuing – to take specified action to remedy the contravention

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath; or
- remove advertising displayed on a structure on a road.

10. Removal of Animals and Objects

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if the Council (or its delegate) reasonably believes that no person is in charge of the animal or object.

10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS

11. Exemptions

11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.

11.2 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

11.3 An exemption:

11.3.1 may be granted or refused at the discretion of the Council;

11.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and

11.3.3 is subject to any conditions specified in the instrument of exemption.

11.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

11.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

……
MARIO BARONE
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF NORWOOD PAYNEHAM & ST PETERS

By-law No 4 – Local Government Land By-law 2025

This By-law is to manage and regulate the access to and use of Local Government land and certain public places.

and do certify that in my opinion:

CITY OF NORWOOD PAYNEHAM & ST PETERS

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e), 246(3)(f) and 246(3)(h)(iii); and
Harbors and Navigation Act 1993: section 18A;

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 18 day of July 2025

.....

Cimon Burke, Legal Practitioner

City of Norwood Payneham & St Peters

CITY OF NORWOOD PAYNEHAM & ST PETERS

LOCAL GOVERNMENT LAND BY-LAW 2025

BY-LAW NO. 4 OF 2025

A By-law to manage and regulate the access to and use of Local Government land and certain public places.

PART 1 – PRELIMINARY 2
1. Title 2
2. Authorising Law 2
3. Purpose 2
4. Commencement, Revocation and Expiry 2
5. Application 2
6. Interpretation 3
PART 2 – ACCESS TO LOCAL GOVERNMENT LAND 5
7. Access 5
8. Closed Lands 5
PART 3 – USE OF LOCAL GOVERNMENT LAND 5
9. Activities Requiring Permission 5
10. Prohibited Activities 12
PART 4 – ENFORCEMENT 15
11. Directions 15
12. Orders 15
13. Removal of Animals and Objects 15
PART 5 – MISCELLANEOUS 15
14. Exemptions 15

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Local Government Land By-law 2018* and is By-law No. 4 of the City of Norwood Payneham & St Peters.

2. Authorising Law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999* and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to regulate the access to and use of Local Government land and certain public places:

3.1 to prevent and mitigate nuisances;

3.2 to prevent damage to Local Government land;

3.3 to protect the convenience, comfort and safety of members of the public;

3.4 to enhance the amenity of the Council's area; and

3.5 for the good rule and government of the Council's area.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation[1]:

By-law No. 4 – Local Government Land 2018.[2]

4.2 This By-law will expire on 1 January 2033[3]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.

5.3 Subclauses 9.3, 9.9.1, 9.9.3, 9.23.2, 9.23.3, 9.25.2, 9.34, 10.4 and 10.10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

5.4 Subclauses 9.5.1, 9.13.2.2, and 9.23.1 of this By-law applies throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 ***animal*** includes birds and insects but does not include a dog unless otherwise stated;

6.3 ***authorised person*** is a person appointed by the Council as an authorised person under section 260 of the Act;

6.4 ***boat*** includes a raft, pontoon or personal watercraft or other similar device;

6.5 ***camp*** includes setting up a camp or causing:

6.5.1 a tent or other structure of calico, canvas, plastic or other similar material;

6.5.2 a swag or similar bedding; or

6.5.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle—

to remain on Local Government land or a road for the purpose of staying overnight, whether or not any person is in attendance or stays overnight therein;

Note-

To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.

6.6 ***Council*** means the City of Norwood Payneham & St Peters;

6.7 ***effective control*** means a person exercising effective control of an animal either:

6.7.1 by means of physical restraint; or

6.7.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

6.8 ***electoral matter*** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

6.9 ***emergency worker*** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;

6.10 ***funeral ceremony*** means a ceremony only (i.e. a memorial service) and does not include a burial;

6.11 ***liquor*** has the same meaning as in the *Liquor Licensing Act 1997*;

6.12 ***Local Government land*** means land owned by the Council or under the Council's care, control and management (except roads);

6.13 ***offensive*** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;

6.14 ***open container*** means a container that:

6.14.1 after the contents of the container have been sealed at the time of manufacture:

6.14.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);

6.14.1.2 being a can, it has been opened or punctured;

6.14.1.3 being a cask, it has had its tap placed in a position to allow it to be used;

6.14.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or

6.14.2 is a flask, glass, mug or other container able to contain liquid;

6.15 ***personal watercraft*** means a device that:

6.15.1 is propelled by a motor; and

6.15.2 has a fully enclosed hull; and

6.15.3 is designed not to retain water if capsized; and

6.15.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;

and includes the device commonly referred to as a jet ski;

6.16 ***recreation ground*** means Local Government land commonly used for playing sports or games, or accommodating the spectators at any sport or game, and any area of land contiguous thereto and used in connection with it.

6.17 ***road*** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.17.1 a bridge, viaduct or subway; or

6.17.2 an alley, laneway or walkway; and

6.18 ***special event*** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;

6.19 ***tobacco product*** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;

6.20 ***vehicle*** has the same meaning as in the *Road Traffic Act 1961* and includes:

6.20.1 a motor vehicle trailer and a tram;

6.20.2 a bicycle;

6.20.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;

6.20.4 a combination; and

6.20.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy;

6.21 ***waters*** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and

6.22 ***wheeled recreational device*** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND

7. Access

The Council may:

7.1 close or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and

7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed Lands

A person must not, without permission, enter or remain on any Local Government land:

8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;

8.2 where entry fees or charges are payable, without paying those fees or charges; or

8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at or near the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND

9. Activities Requiring Permission

Note-

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not, without the permission of the Council, do any of the following activities on Local Government land (or where indicated on a road).

9.1 **Advertising**

Display, paint or erect or cause to be displayed, painted or erected, (including on a structure, building or fixture on the land) any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

9.2 **Aircraft**

Subject to the *Civil Aviation Act 1988,* land any aircraft (including a helicopter) on, or take off any aircraft from the land.

9.3 **Alcohol**

Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.

9.4 **Amplification**

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound, including for broadcasting announcements, or advertisements.

9.5 **Animals**

9.5.1 Cause or allow an animal to stray onto, move over, graze or be left unattended on except on any Local Government land to which the Council has resolved this clause appliesand provided that the animal or animals are under effective control.

9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters thereon.

9.6 **Annoyance**

Do anything likely to offend or unreasonably interfere with any other person:

9.6.1 using that land; or

9.6.2 occupying nearby premises;

by making a noise or creating a disturbance.

9.7 **Attachments**

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

9.8 **Bees**

Place a hive of bees on such land, or allow it to remain thereon.

9.9 **Boats**

Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

9.9.1 launch or retrieve a boat to or from any waters to which the Council has resolved that this subclause applies;

9.9.2 hire out a boat or otherwise use a boat for commercial purposes; or

9.9.3 moor a boat on any waters or to Local Government land to which the Council has determined this subclause applies.

9.10 **Bridge Jumping**

Jump or dive from a bridge on Local Government land.

9.11 **Buildings**

Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.

9.12 **Burials and Memorials**

9.12.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.

9.12.2 Erect any memorial.

9.13 **Camping and Tents**

On Local Government land or on a road:

9.13.1 subject to this subclause 9.13, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

9.13.2 camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:

9.13.2.1 in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or

9.13.2.2 on any Local Government land or road to which the Council has resolved this subclause applies (and thereby designates as a camping area) and only then, in accordance with any conditions determined by the Council and displayed on any signage on or near the Local Government land or road.

9.14 **Canvassing**

Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other person.

9.15 **Defacing Property**

Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.

9.16 **Distribution**

Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.

9.17 **Donations**

Ask for or receive or indicate a desire for a donation of money or any other thing.

9.18 **Encroachment**

Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.

9.19 **Entertainment and Busking**

9.19.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

9.20 **Fires**

Subject to the *Fire and Emergency Services Act 2005* light a fire except:

9.20.1 in a place provided by the Council for that purpose; or

9.20.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.

9.21 **Fireworks**

Ignite, explode or use any fireworks.

9.22 **Flora and Fauna**

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

9.22.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;

9.22.2 cause or allow an animal to stand or walk on or drive a vehicle over any flower bed or garden plot;

9.22.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

9.22.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;

9.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;

9.22.6 disturb, interfere with or damage any burrow, nest or habitat of any native animal or bird;

9.22.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or

9.22.8 collect or take any dead wood or timber or burn any timber or dead wood;

with the exception that subclauses 9.22.4 and 9.22.7 do not apply to lawful fishing activities.

9.23 **Games and Sport**

9.23.1 Participate in, promote or organise any organised competition or sports distinct from organised social play except on Local Government land to which the Council has resolved this subclause applies.

9.23.2 On Local Government land to which the Council has resolved this subclause applies, play or practise any game which involves kicking, hitting or throwing a ball or other object.

9.23.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.

9.23.4 Play or practise the game of golf on Local Government Land other than on a properly constructed golf course or practice fairway and in accordance with any conditions determined by the Council (or its delegate).

9.24 **Interference with Land**

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

9.24.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;

9.24.2 erecting or installing a structure in, on, across, under or over the land;

9.24.3 changing or interfering with the construction, arrangement or materials of the land;

9.24.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or

9.24.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

9.25 **Model Aircraft, Boats and Cars**

Subject to the *Civil Aviation Safety Regulations 1998*:

9.25.1 fly or operate a model or drone aircraft, boat or model or remote-control vehicle in a manner which may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or

9.25.2 fly or operate a model or drone aircraft, boat or model or remote-control vehicle on any Local Government land to which the Council has resolved this subclause applies.

9.26 **Overhanging Articles**

Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:

9.26.1 present a nuisance or danger to a person using the land; or

9.26.2 cause an unsightly condition.

9.27 **Preaching**

Preach, harangue or solicit for religious or other purposes.

9.28 **Recreation ground**

Use or occupy a recreation ground:

9.28.1 in such a manner as to damage or be likely to damage the surface of the recreation ground or infrastructure (above and under ground level);

9.28.2 in a manner contrary to the purpose for which the recreation ground was intended to be used or occupied; or

9.28.3 contrary to any directions of the Council made by resolution and indicated on a sign displayed adjacent to the recreation ground.

9.29 **Rubbish Dumps and Rubbish Bins**

9.29.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.

9.29.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin, or placed on Local Government land for collection by the Council (or its agent).

9.30 **Shared Transport Devices**

Subject to the *Road Traffic Act 1961*:

9.30.1 operate a share transport device scheme;

9.30.2 leave a share transport device on Local Government land other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any).

9.30.3 For the purposes of this subclause 9.28:

9.30.3.1 ***share transport device*** means a bike, scooter or similar that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and

9.30.3.2 ***share transport device*** scheme means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) being made available for hire by any person for a fee or otherwise.

9.31 **Trading**

9.31.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.

9.31.2 Carry on any business or promote or advertise the same.

9.31.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.

9.32 **Vehicles**

9.32.1 Drive or propel a vehicle on Local Government land except on land constructed and set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land.

9.32.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on land properly constructed for that purpose as indicated by signage on the land.

9.32.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.

9.33 **Weddings, Functions and Special Events**

9.33.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.

9.33.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.

9.33.3 Hold or conduct any filming where the filming is for a commercial purpose.

9.34 **Wheeled Recreational Devices**

Subject to the *Road Traffic Act 1961*, ride or operate a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.

10. Prohibited Activities

A person must not do any of the following activities on Local Government land:

10.1 **Animals**

10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.

10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.

10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.

10.2 **Annoyances**

10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.

10.2.2 Spit, urinate or defecate other than in toilet provided thereon.

10.3 **Equipment**

10.3.1 Use any item of equipment, facilities or property belonging to the Council:

10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be used;

10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or

10.3.1.3 in such a manner as is likely to damage or destroy it.

10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

10.4 **Fishing**

Fish in any waters to which the Council has resolved this subclause applies.

10.5 **Glass**

Willfully break any glass, china or other brittle material.

10.6 **Interference with Permitted Use**

Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.

10.7 **Nuisance**

Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.

10.8 **Obstruction**

Obstruct:

10.8.1 any path or track;

10.8.2 any door, entrance, stairway or aisle in any building; or

10.8.3 any gate or entrance to or on Local Government land.

10.9 **Playing Games**

Play or practise a game or sport or participate in any form of recreation or amusement:

10.9.1 which is likely, in the reasonable opinion of an authorised person, to:

10.9.1.1 cause damage to the land or anything on it; or

10.9.1.2 to endanger the safety of any person; or

10.9.2 in any area where a sign indicates that the game, sport or amusement is prohibited.

10.10 **Smoking**

Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.

10.11 **Solicitation**

Subject to subclause 9.27, tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.12 **Throwing Objects**

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.

10.13 **Toilets**

In any public convenience on Local Government land (including showers, changerooms, toilets and hand washing facilities):

10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;

10.13.3 use the facilities for a purpose for which it was not designed or constructed; or

10.13.4 enter any gender specific public convenience except:

10.13.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;

10.13.4.2 where the person is:

(a) a vulnerable person; or

(b) a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care; or

10.13.4.3 for the purpose of providing assistance to a person with a disability; or

10.13.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or

10.13.4.5 in the case of a genuine emergency.

10.14 **Waste**

10.14.1 Deposit or leave thereon anything obnoxious or offensive.

10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.

10.14.3 Deposit in any rubbish bin:

10.14.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or

10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT

11. Directions

11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:

11.1.1 that person's use of the land;

11.1.2 that person's conduct and behaviour on the land;

11.1.3 that person's safety on the land; or

11.1.4 the safety and enjoyment of other persons on the land.

11.2 A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of Local Government land.

12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

*If a person (the **offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*
a) if the conduct is still continuing - to stop the conduct; and
b) whether or not the conduct is still continuing- to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of Animals and Objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised officer reasonably believes that no person is in charge of the animal or object.

PART 5 – MISCELLANEOUS

14. Exemptions

14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person’s normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.

14.2 The restrictions in subclauses 9.14 and 9.16 of this By-law do not apply to electoral matter authorised by a candidate and which is:

14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;

14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

14.3 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

14.4 An exemption:

14.4.1 may be granted or refused at the discretion of the Council;

14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and

14.4.3 is subject to any conditions specified in the instrument of exemption.

14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

14.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on the **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

……
MARIO BARONE
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF NORWOOD PAYNEHAM & ST PETERS

By-law No 5 – Dogs By-law 2025

This By-law is to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

and do certify that in my opinion:

CITY OF NORWOOD PAYNEHAM & ST PETERS

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e) and 246(3)(f);
Dog and Cat Management Act 1995: section 90; and
Harbors and Navigation Act 1993: section 18A;

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 18 day of July 2025

.....

Cimon Burke, Legal Practitioner

City of Norwood Payneham & St Peters

CITY OF NORWOOD PAYNEHAM & ST PETERS

DOGS BY-LAW 2025

By-law No. 5 OF 2025

A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

Contents

PART 1 – PRELIMINARY 2
1. Title 2
2. Authorising Law 2
3. Purpose 2
4. Commencement, Revocation and Expiry 2
5. Application 2
6. Interpretation 2
PART 2 – LIMITS ON DOG NUMBERS 4
7. Limits on Dog Numbers in Private Premises 4
PART 3 – DOG CONTROLS 4
8. Dog exercise areas 4
9. Dog on Leash Areas 4
10. Dog Prohibited Areas 5
11. Dog Faeces 5
12. Dog obedience classes 5
PART 4 – EXEMPTIONS 5
13. Council May Grant Exemptions 5
PART 5 – ENFORCEMENT 5
14. Orders 5

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Dogs By-law 2025* and is By-law No. 5 of the City of Norwood Payneham & St Peters.

2. Authorising Law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995,* sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to control and manage dogs in the Council area:

3.1 to reduce the incidence of environmental nuisance caused by dogs;

3.2 to promote responsible dog ownership;

3.3 to protect the convenience, comfort and safety of members of the public; and

3.4 for the good rule and government of the Council's area.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation[1]:

By-law No. 5 – Dogs 2018.[2]

4.2 This By-law will expire on 1 January 2033.[3]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.

5.3 Clauses 9 and 10.3 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 ***approved kennel establishment*** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;

6.3 ***assistance dog*** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;

6.4 ***children's playground*** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);

6.5 ***Council*** means City of Norwood Payneham & St Peters;

6.6 ***dog*** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;

6.7 ***effective control*** means a person exercising effective control of a dog either:

6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or

6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;

6.8 ***keep*** includes the provision of food or shelter;

6.9 ***park*** has the same meaning as in the *Dog and Cat Management Act 1995*;

6.10 ***premises*** includes land, whether used or occupied for domestic or non-domestic purposes;

6.11 ***public picnic or barbeque area*** means an area in a public place at which fixed cooking facilities and/or dining equipment (including chairs and tables) are located.

6.12 ***small dwelling*** means a self-contained residence that is:

6.12.1 a residential flat building;

6.12.2 contained in a separate strata unit or community title;

6.12.3 on an allotment less than 400 square metres in area; or

6.12.4 without a secure yard of at least 100 square metres in area;

6.13 For the purposes of clause 9 of the By-law, a dog is under ***effective control by means of a leash*** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:

6.13.1 the leash, chain or cord is either tethered securely to a fixed object; or

6.13.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS

7. Limits on Dog Numbers in Private Premises

7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep, or cause, suffer or permit to be kept:

7.1.1 more than one dog in a small dwelling; or

7.1.2 more than two dogs on any premises other than a small dwelling; or

7.2 For the purposes of subclause 7.1, ***dog*** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.

7.3 Subclause 7.1 does not apply to:

7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or

7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.

7.4 The Council may require that premises that are the subject of an application for permission to keep additional dogs are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.

7.5 No dog is to be kept on any premises where, in the reasonable opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS

8. Dog exercise areas

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

Note –

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of, or person responsible for, the dog may be liable.

9. Dog on Leash Areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on any Local Government land or public place (including a park) to which the Council has determined this clause applies, unless the dog is under effective control by means of a leash.

10. Dog Prohibited Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain:

10.1 on any children's playground on Local Government land;

10.2 within 15 metres of a public picnic or barbeque area; or

10.3 on any other Local Government land or public place to which the Council has determined this subclause applies.

11. Dog Faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

12. Dog obedience classes

A person must not, without permission of the Council, arrange or conduct dog obedience training classes on Local Government land.

PART 4 – EXEMPTIONS

13. Council May Grant Exemptions

13.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

13.2 An exemption:

13.2.1 may be granted or refused at the discretion of the Council;

13.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and

13.2.3 is subject to any conditions specified in the instrument of exemption.

13.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

13.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT

14. Orders

14.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:

14.1.1 if the conduct is still continuing – to stop the conduct; and

14.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

14.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.

14.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

14.4 An authorised person may not use force against a person.

Note-

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

…….
MARIO BARONE
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF NORWOOD PAYNEHAM & ST PETERS

By-law No 6 – Waste Management By-Law 2025

To regulate the removal of domestic waste from premises within the Council's area.

and do certify that in my opinion:

CITY OF NORWOOD PAYNEHAM & ST PETERS

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 238, 239 and 246; and
Local Government (General) Regulations 2013: regulation 28(b);

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 18 day of July 2025

.....

Cimon Burke, Legal Practitioner

City of Norwood Payneham & St Peters

CITY OF NORWOOD PAYNEHAM & ST PETERS

WASTE MANAGEMENT BY-LAW 2025

By-law No. 6 of 2025

A By-law to regulate the removal of domestic waste, recyclables and green organic waste from premises in the Council's area.

CONTENTS

PART 1 – PRELIMINARY **2**
1. Title **2**
2. Authorising law **2**
3. Purpose **2**
4. Commencement, revocation and expiry **2**
5. Application **2**
6. Interpretation **3**
PART 2 – REGULATION OF WASTE MANAGEMENT ACTIVITIES **4**
7. Rubbish and Waste Collection **4**
8. Provide Containers **4**
9. Waste collection service **4**
10. Obligations of occupiers **4**
11. Unlawful interference with waste **6**
PART 3 – ENFORCEMENT **6**
12. Orders **6**
13. Exemptions **6**

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Waste Management By-law 2025* and is By-law No. 6 of the City of Norwood Payneham & St Peters.

2. Authorising law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999*, and regulation 28(b) of the *Local Government (General) Regulations 2014*.

3. Purpose

The objectives of this By-law are:

3.1 to prevent and suppress nuisances associated with the storage and collection of domestic waste and other waste;

3.2 to prevent damage to Council property and land;

3.3 to outline the requirements for the use of Council's domestic kerbside waste collection service;

3.4 to protect the convenience, comfort and safety of members of the public;

3.5 to enhance the amenity of the Council area; and

3.6 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation[1]:

By-law No. 6 – Waste Management 2018.[2]

4.2 This By-law will expire on 1 January 2033.[3]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).

2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.

3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025.*

5.2 This By-law applies throughout the Council's area.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 ***authorised person*** means a person appointed by the Council as an authorised person pursuant to section 260 of the Act;

6.3 ***Council*** means the City of Norwood Payneham & St Peters;

6.4 ***crossover*** means the portion of a road (usually connected to a driveway on private property) that provides vehicular access to adjoining land;

6.5 ***domestic waste*** means any kind of domestic waste generated from residences including, but not limited to, broken crockery, clothing, material, broken and cooking glass items, hoses, polystyrene, ropes, and soft plastics, but excludes building materials, effluent, liquids, metal, rocks, soil, lead acid batteries, wood and any toxic waste or other waste specified by the Council and noted on its website;

6.6 ***domestic waste container*** means a container for the disposal of domestic waste to be collected by the Council that is approved by the Council;

6.7 ***emergency worker*** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;

6.8 ***green organics*** means compostable waste, and includes food waste, garden organic waste, paper towel or other materials for which permission has been given by the Council;

6.9 ***green organics container*** means a container to be collected by the Council for the disposal of green organics and that is approved by the Council for this purpose;

6.10 ***Hard Waste*** means any internal or external domestic items such as (but not limited to) fridges, and mattresses but excludes any waste or other items as may be specified by the Council and noted on its website;

6.11 ***occupier*** has the same meaning as in the *Local Government Act 1999*;

6.12 ***premises*** means premises to which the Council's domestic waste collection service is made available;

6.13 ***recyclables*** means waste that can be recycled including newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers but excluding any item specified by the Council and noted on its website;

6.14 ***recyclables container*** means a container for the disposal of recyclables to be collected by the Council that is approved by the Council;

6.15 ***road*** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.15.1 a bridge, viaduct or subway; or

6.15.2 an alley, laneway or walkway;

6.16 ***waste*** means domestic waste, recyclables, hard waste, green organics or any other item being disposed of as it is no longer required; and

6.17 ***waste containers*** means domestic waste containers, recyclables containers and green organics containers or any other container used to store waste.

PART 2 – REGULATION OF WASTE MANAGEMENT ACTIVITIES

7. Rubbish and Waste Collection

A person must not leave waste on a road or public place for collection by the Council or its agents except in accordance with this By-law or otherwise with the permission of the Council.

8. Provide Containers

An occupier of premises must keep on his or her premises a domestic waste container and a recyclables container.

9. Waste collection service

An occupier of premises may put domestic waste, green organics and recyclables out for collection by the Council or its contractors provided that:

9.1 the domestic waste, green organics and recyclables are contained within a waste container designated for that type of waste and that is approved by the Council;

9.2 the number of waste containers placed out for collection does not exceed the number permitted by the Council; and

9.3 the domestic waste, green organics and recyclables are placed as required by the Council (including in any location specified by the Council and in accordance with this By-law) and stated on the Council's website or as otherwise notified to the occupier by the Council in writing.

10. Obligations of occupiers

Every occupier of premises must:

10.1 **Domestic waste**

not place, cause, suffer or permit any waste other than domestic waste to be in a domestic waste container;

10.2 **Recyclables**

not place, cause, suffer or permit waste other than recyclables to be in a recyclables container;

10.3 **Green Organics**

not place, cause, suffer or permit waste other than green organics to be in a green organics container; and

10.4 **Damage**

immediately arrange for the replacement or repair of a waste container kept on the premises if the same becomes damaged or worn to the extent that:

10.4.1 it is not robust or watertight;

10.4.2 it is unable to be moved on its wheels efficiently when empty or full;

10.4.3 the lid does not seal the container when closed; or

10.4.4 its efficiency or use is, in the reasonable opinion of an authorised person. otherwise impaired;

10.5 **Keep container clean**

cause each waste container kept on the premises to be kept in a clean and sanitary condition, maintained in good order and repair and kept watertight at all times;

10.6 **Sealing of container**

cause each waste container to be continuously and securely covered or sealed except when waste is being deposited in or removed from the container;

10.7 **Collecting services**

facilitate the collection and removal of waste from the premises by ensuring all waste containers containing waste for collection by the Council or its contractors are placed on the road for collection:

10.7.1 on the day appointed by the Council for the collection of waste from those premises or after 4pm the night before (and not before this time); and

10.7.2 in a position:

10.7.2.1 adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road; and

10.7.2.2 not under the overhanging branches of any trees; and

10.7.2.3 if placed on a crossover, only on the part of a crossover (where it abuts the carriageway) that is closest to the edge of the crossover

and not in the centre of the crossover or in any other place or manner that may reasonably be considered (in the reasonable opinion of an authorised person) to create a restriction or a danger for other pedestrians or vehicular access to the crossover; and

10.7.2.4 as may otherwise be required by the Council (including in any location specified by the Council) and stated on the Council's website or as otherwise notified to the occupier by the Council in writing;

10.8 **Removal of container**

not, without a reasonable excuse (as determined by an auhtoirsed person acting reasonably), fail to remove all waste containers from the road on the same day as the collection of waste has occurred;

10.9 **Waste**

not place any waste container on the road for collection by the Council its agents or contractors unless the waste container contains only the type of waste that is permitted to be disposed of in that waste container; and

10.10 **Hard waste**

not place any hard waste on the road for collection by the Council its agents or contractors other than in accordance with any directions issued by the Council and notified to the occupier in writing or specified on the Council's website.

11. Unlawful interference with waste

A person must not, without the Council's permission, take or interfere with any waste that has been left on a road for collection by the Council, its agents or contractors.

PART 3 – ENFORCEMENT

12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

13. Exemptions

13.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council officer or Council employee acting in the course of and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

13.2 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

13.3 An exemption:

13.3.1 may be granted or refused at the discretion of the Council;

13.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and

13.3.3 is subject to any conditions specified in the instrument of exemption.

13.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

13.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on the **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

……

MARIO BARONE
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF NORWOOD PAYNEHAM & ST PETERS

By-law No 7 – Cats By-Law 2025

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.

and do certify that in my opinion:

CITY OF NORWOOD PAYNEHAM & ST PETERS

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), and 246(3)(f); and
Dog and Cat Management Act 1995: section 90;

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 18 day of July 2025

.....

Cimon Burke, Legal Practitioner

City of Norwood Payneham & St Peters

CITY OF NORWOOD PAYNEHAM & ST PETERS

CATS BY-LAW 2025

By-law No. 7 of 2025

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.

CONTENTS

PART 1 – PRELIMINARY **2**
1. Title **2**
2. Authorising Law **2**
3. Purpose **2**
4. Expiry **2**
5. Application **2**
6. Interpretation **2**
PART 2 – LIMITS ON CAT NUMBERS **3**
7. Limits on Cat Numbers in Private Premises **3**
PART 3 – CAT CONTROLS **4**
8. Cats not to be a nuisance **4**
9. Effective Confinement of Cats **4**
10. Registration of cats **4**
PART 4 – EXEMPTIONS **5**
11. Council May Grant Exemptions **5**
PART 5 – ENFORCEMENT **5**
12. Orders **5**

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Cats By-law 2025* and is By-law No. 7 of the City of Norwood Payneham & St Peters.

2. Authorising Law

This By-law is made under section 90 of the *Dog and Cat Management Act 1995* and section 246 of the Act.

3. Purpose

The objectives of this By-law are to control and manage cats in the Council area:

3.1 to promote responsible cat ownership;

3.2 to reduce the incidence of public and environmental nuisance caused by cats;

3.3 to protect the comfort and safety of members of the public; and

3.4 for the good rule and government of the Council area.

4. Expiry

4.1 This By-law commences in accordance with the Act[1] and will expire on 1 January 2033[2].

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 This By-law applies throughout the Council's area.

6. Interpretation

In this By-law, unless the contrary intention appears;

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 except for the purposes of clause 8, ***cat*** means an animal of the species *felis catus* which is three months of age, or has lost its juvenile canine teeth;

6.3 ***Council*** means the City of Norwood Payneham & St Peters;

6.4 ***effective control by means of physical restraint*** means:

6.4.1 a person is exercising effective control of a cat by means of a cord or leash that is restraining the cat and does not exceed 2 metres in length; or

6.4.2 a person has secured the cat in a cage, vehicle or other object or structure.

6.5 ***keep*** includes the provision of food or shelter;

6.6 for the purposes of clause 8, a cat (or cats) causes a ***nuisance*** if it:

6.6.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to a cat(s) displaying aggressive nature or creating unpleasant noise or odour; or

6.6.2 damages or otherwise has an adverse impact upon native flora or fauna; or

6.6.3 acts in a manner that is injurious to a person's real or personal property; or

6.6.4 wanders onto land without the consent of the owner or occupier of the land; or

6.6.5 defecates or urinates on land without the consent of the owner or occupier of the land;

6.7 ***owner*** of a cat has the same meaning as in section 5 of *the Dog and Cat Management Act 1995*;

6.8 ***premises*** includes any land, (whether used or occupied for domestic or non- domestic purposes), and any part thereof; and

6.9 ***the person responsible for the control of a cat*** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*;

Note-

Section 12 of the Legislation Interpretation Act 2021 provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

PART 2 – LIMITS ON CAT NUMBERS

7. Limits on Cat Numbers in Private Premises

7.1 Subject to this clause 7, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept more than two (2) cats on any premises.

7.2 Subclause 7.1 does not apply to:

7.2.1 premises comprising a business involving the keeping of cats that is approved to operate as such under the *Planning, Development and Infrastructure Act 2016* and provided the business is operating in accordance with all required approvals and consents;

7.2.2 a person who is keeping more than two cats on premises that the person occupies at the time this By-law comes into effect provided that:

7.2.2.1 details as required by the Council of the cats that are kept on the premises at that time are provided to the Council within three (3) months of the commencement of this By-law;

7.2.2.2 all the cats being kept on the premises are desexed in accordance with the *Dog and Cat Management Act 1995*;

7.2.2.3 no insanitary condition is being caused (or, in the reasonable opinion of an authorised person, is likely to be caused) by the cats or the keeping of the cats on the premises;

7.2.2.4 no nuisance is being caused (or, in the reasonable opinion of an authorised person, is likely to be caused) by the cats or by the keeping of the cats on the premises; and

7.2.2.5 no additional cats are acquired or kept on the premises over and above those cats notified to the Council in accordance with subclause 7.2.2.1 after the By-law commences operation.

7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.

7.4 Permission under subclause 7.3 may be given if the Council is satisfied that:

7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and

7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

PART 3 – CAT CONTROLS

8. Cats not to be a nuisance

8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.

8.2 Without limiting liability under subclause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.

8.3 For the purpose of this clause 8, ***cat*** means an animal of the species *felis catus* (of any age).

9. Effective Confinement of Cats

9.1 As and from a date that is resolved by the Council (if any, and which date cannot be within the first twelve months of the commencement of this By-law), and subject to subclause 9.2, the owner of, or person responsible for the control of, a cat must take all reasonable steps to ensure that the cat is confined, at all times, to the premises occupied by that person unless the cat is under effective control by means of physical restraint.

9.2 Subclause 9.1 does not apply to any cat that was born before 1 January 2026 provided that evidence of the cat's age that is satisfactory to an authorised person (acting reasonably) is provided to the Council.

9.3 For the purposes of this subclause 9, ***cat*** means an animal of the species *felis catus* (of any age).

10. Registration of cats

10.1 The Council may resolve to adopt a registration scheme for cats.

10.2 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.

10.3 An application for registration of a cat must:

10.3.1 be made to the Council in the manner and form prescribed by Council (if any); and

10.3.2 be accompanied by the fee (if any) prescribed by the Council; and

10.3.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and

10.3.4 identify with reference to an address the premises at which the cat is kept; and

10.3.5 otherwise comply with any other requirements determined by the Council.

10.4 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.

10.5 Subclause 10.2 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.

Note–

An approved cattery is an example of a business involving the keeping of cats.

10.6 The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 10.1 should it see fit to do so.

PART 4 – EXEMPTIONS

11. Council May Grant Exemptions

11.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

11.2 An exemption:

11.2.1 may be granted or refused at the discretion of the Council;

11.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and

11.2.3 is subject to any conditions specified in the instrument of exemption.

11.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

11.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT

12. Orders

12.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:

12.1.1 if the conduct is still continuing – to stop the conduct; and

12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

12.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.

12.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

12.4 An authorised person may not use force against a person.

Note-

For example, an authorised person may order a person to cease keeping more than the permitted number of cats on that person's premises.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on the **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

……
MARIO BARONE
Chief Executive Officer

Attachment B

Proposed By-Laws

Government of South Australia
Dog and Cat Management Board

Level 9
81-95 Waymouth Street
Adelaide SA 5000

GPO Box 1047
Adelaide SA 5001

Ph: 08 8124 4962
ABN 48100971189

www.dogandcatboard.com.au

19 May 2025

Cimon Burke
Kelledy Jones

E: cburke@kelledyjones.com.au

Dear Cimon,

NORWOOD PAYNEHAM & ST PETERS COUNCIL – DOGS BY-LAW NO. 5 OF 2025 AND CATS BY-LAW NO.7 OF 2025

Thank you for the email dated 9 April 2025 enclosing relevant information for the City of Norwood, Payneham & St Peters draft by-laws for dogs and cats. I apologise for the delay in responding to you.

The Dog and Cat Management Board has delegated its power under section 90(5) of the *Dog and Cat Management 1995 Act* to make recommendations on draft by-laws to the Manager, Dog and Cat Management.

Having reviewed the draft by-laws, I am satisfied they are broadly consistent with those of other councils with similar by-laws, and have no recommendations to make.

Yours sincerely,

Ann Gee
Manager
Dog and Cat Management

Attachment C

Proposed By-Laws

Jenny McFeat

From: City of Norwood Payneham & St Peters <website@npsp.sa.gov.au>
Sent: Tuesday, 27 May 2025 12:35 PM
To: Townhall
Subject: City of Norwood Payneham & St Peters - Form submission: By-law No 5 Dogs 2025

By-law No 5 Dogs 2025 form submission

First and last name Renata Piljic

Email [redacted]

Phone number [redacted]

Your comments Hello, restricting dog ownership to one for strata or community dwellings is not required as Strata and Community dwellings have their own requirements about pet ownership. Also new Torrens Title builds in the area have much smaller outside areas than older Strata/Community builds so it doesn't make sense to basis it on land size or tile type as it's generally having sufficient outdoor space to potty and keep dogs from being a nuisance to other neighbors that really matters.

Upload submission

View the full submission
https://www.npsp.sa.gov.au/admin/edit/form_record__185/1

Mark this submission's uploads ready for deletion

Best Wishes
City of Norwood Payneham & St Peters

Community Well-being is...
Social Equity
Economic Prosperity
Cultural Vitality
Environmental Sustainability

City of Norwood Payneham & St Peters

Jenny McFeat

From:	From The <animalsassistant@outlook.com>
Sent:	Monday, 2 June 2025 2:36 PM
To:	Townhall
Subject:	Submission to the Public Consultation for the By-Law No 7 Cats
Attachments:	Review to DCMA of 1995 and Amend. 2017.pdf; Vice Presient's Letter re Desexing Decline.pdf

The sender has requested a reply to confirm that this Submission has been received and also the 2 attachments. Thankyou.

C.A.T.S. Cats Assistance to Sterilise Incorporated

PO Box 160 Kensington Park SA 5068

2 June 2025

This Submission, formerly sent to the Department of Environment and Water and which covers all information required for the opposition to the Norwood Payneham and St Peters Council proposed By-Law No 7 Cats, is submitted to your public consultation stating clearly why the proposed By-Law No 7 Cats should not be supported.

18/8/2024

Submission to the Dog and Cat Management (Cat Management) Amendment Bill 2024

This email Section precedes our Submission at Attachment 1, but is also part of our full response.

From - C.A.T.S. Cats Assistance To Sterilise Inc

Suburb - All areas in South Australia

Interests - Cat Management and reduction in cat numbers, cat-related problems and impact on Wildlife

Public Viewing - YES and including our name and postal address

C.A.T.S. Assistance To Sterilise Inc is submitting this response to the Public Consultation for two main reasons.

Firstly to address the proposals presented for the public consultation and

Secondly to provide a non-legislative template for successful cat management which is supported by most of the wider-community who have actually done the necessary research.

It is obvious that the introduction of the state-wide cat legislation of 2018, making microchipping mandatory, and threatening fines, fees and seizure of cats has failed. This legislation has caused a catastrophe, as most residents would not have the microchips and therefore many stopped desexing cats, both their owned cats, and even more so, unowned cats which they were feeding.

In addition, making desexing mandatory has not shown any evidence that cat desexing has increased: Indeed it has not increased. On the contrary, desexing has decreased for cats. The only reason desexing has increased for kittens is because there have been tens of thousands more kittens born due to the massive drop in the desexing of their mothers. As stated, this drop in desexing was due to making microchipping mandatory.

"Overbreeding is the root of the problem"

C.A.T.S. Recommendations to address these main reasons for overbreeding can be solved by changing the mandatory microchipping of cats to a matter of choice and ceasing the threats of fines, fees and limitation of numbers of owned cats.

1. This would immediately result in the resumption of mass desexing, particularly the mass desexing of unowned cats that people are feeding. It is obvious that Dogs and Cats Online (DACO) has failed by the low percentage of the estimated 400,000 owned SA cats recoded, and without microchips ownership of cats cannot be proved.

Letters of support for C.A.T.S. mass desexing

"The Advertiser" 29/7/2024
Vets doing good work
Regarding "Deadly bite to rising vet bills", ("The Advertiser", 26/7), thank goodness for Cats Assistance To Sterilise (CATS) and the wonderful vets who donate their time to CATS to help us with getting our cats desexed. Where would we be without them?
John Markham, Henley Beach South

"The Advertiser" 31/7/2024
Keeping cats in check
I agree, a big thank you to CATS (Cats Assistance To Sterilise) and the "Vets doing good work" (Letters, 29/7) to help get the cats desexed at affordable rates, by donating their time.

Over-breeding is the root of the problem and if we desex the cats in large enough numbers we can surmount the over-breeding and reduce the feline population, which reduces the problems and impact of wildlife.
None of the other so-called controls do any good at all.
In fact the laws have made everything far worse – just look at the mass increase in cat numbers since the cat legislation! CATS have got it right.

---

2. Can be almost immediately solved by banning cat breeders and preventing the sale of cats.

"The Advertiser" 30/7/2023

Breeding must stop

I agree with "Collar farms" (Letters, SM, 23/7). It is ludicrous to be deliberately breeding more dogs and cats when the shelters can't cope with the abandoned pets, and cruel people are dumping them.
Why has this not been banned in the so-called review of the Act covering dogs and cats?
At least with felines there is help available as stated, as the Cats Assistance To Sterilise people are also helping residents in my council of Onkaparinga.
Our council/RSPCA ceased desexing them, due to overflowing cat numbers
What upsets me is that while CATS are donating their time and money to preventing thousands of kitten births, the government is selling permits to almost anybody to breed thousands more.
What can we do to stop them?
Albert Peters, Woodcroft

"The Advertiser" 30/8/2023

Curbing kittens

What can we do to stop the government selling permits to breeders, increasing the overflowing cat population with thousands more kittens? (Letters, SM, 30/7).
The only way to reduce cat numbers is to stop the deliberate breeding of cats and promote mass desexing with cats returned to their homes to keep new undesexed cats out.
This desex and return to home method proved a significant success in the early 1990s: Records showing a massive drop in cats received and destroyed when Cats Assistance To Sterilise (CATS) pioneered its program involving tens of thousands of both owned and unowned cats.
We need people like the CATS organisation to solve the cat problems, not bureaucrats who know virtually nothing about cat management.
Kate Clayton, president Cat Protection Society of SA

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3. Can also be solved by repealing Council cat bylaws which, as the RSPCA has stated don't work. RSPCA quote, "Although some councils have introduced cat bylaws, there is no tangible evidence of success".

No cat laws work for cats.

"The Advertiser" 20/5/2023

Cat laws don't work

Responding to "Pet fury" and "Free desexing" (Letters, The Advertiser Wednesday), I have been helping people with sterilising cats for more than 35 years and know that before the cat laws, residents were keen to desex.
Since the legislation was imposed five years ago, and also since some councils have imposed cat bylaws, many residents no longer want to desex the cats because of the threats of fines and registration fees.
In fact, every time another cat law is passed, fewer cats are desexed.
Re-homing is not sustainable, because there are not enough good homes available.

Desexing cats and returning them to their homes is sustainable, efficient and cost effective, with cats fed and cared for by residents.

The 2022 Review of the Dog and Cat Management Act 1995 simply ignores all this evidence-based information, and continues promoting its failed cat policy.
B.B. Foster, Daw Park
"The Sunday Mail" 3/8/2023

Desex your cats

RSPCA and AWL are correct, by refusing to take any more cats and kittens.
Why, you ask? Because until they stop, residents think that there are plenty of homes for kittens and they stop desexing cats.
Ever since the statewide legislation was imposed five years ago, forcing microchipping and registration, numbers of cats at the shelters have been doubling every year.
As the RSPCA says, overbreeding of cats is the root problem. Desexing is the only solution.
This problem will never be solved by re-homing cats through shelters and adoption agencies.
Despite the increasing number of foster carers, there are just not enough good homes to take the kittens.
Killing cats is not the answer either, as evidence shows that new undesexed cats from the estimated 200,000 unowned supply, simply restock the vacated spaces and breed more. Until the government admits that its legislative methods cannot be enforced for cats and rewrites its "Review of the Dog and Cat Management Act 1995" for cats, the catastrophe we now have will double and triple.
Cats cannot be controlled through legislative force. Cats are not dogs.

Christine Pierson, Kensington Park

Some of these diabolical cat bylaws actually place councils at risk of litigation, as C.A.T.S. has campaigned to prove, and has succeeded in preventing councils from using them. Particularly the cat trapping cages.

Positive moves in the public consultation

- This is one positive thing which the government has accepted, as these diabolical weapons of torture in the wrong hands has been acknowledged and now addressed, but it must now legislate for exemption for animal orientated organisations which have proved to be trusted to be used for humane Desex and Return to Home programs (DRH).

Letters of support for C.A.T.S. campaign

"The Advertise" 9/8/2024
Cage fight over
It has taken many years of lobbying but people power has won, so yes, "Cat cage ban welcome", ("Letters" 7/8).
The many comments from CATS Inc and RSPCA I have read in your paper, show the cruelty and death caused by these traps when in the wrong hands.
They must only be used for transportation and return to home for vet desexing and treatment, where cats can't be handled, and must only be with animal orientated organisations like CATS.
Ryan Davies is correct. Desexing is the only solution required for cat management, as legislation does not work for cats and never has. We only have to look at the last 30 years to see that the Dog and Cat Management Act 1995 has failed.

Richard Justice, Unley

"The Advertiser" 8/8/2024

To cage or not to cage

It's great that the illegality of providing cat trapping cages to the public has been exposed ("Pesky cats are free to roam", Letters, 3/8).

I have read many letters to The Advertiser from the CATS Inc organisation, calling on the government to ban these traps.

The RSPCA stopped providing the cages 10 years ago due to the terrible injuries inflicted on animals from incorrect use.

The Dog and Cat Management Act is under review with public consultation for cats now current.

We need to protest against the review document's plan to kill cats. Killing cats has never and will never reduce numbers, as recolonisation and breeding of remaining cats will ensure numbers will be restored.

The only way to reduce numbers is to desex the cats and return them to their homes where they keep other undesexed cats out.

This significantly and humanely decreases cat numbers and problems. This method is the only reason for using these cages, where frightened cats need to be transported to the vet for desexing and treatment and returned to home, where they are loved and cared for – and it must be through animal-orientated organisations like CATS.

Luke Forrester, Burnside.

- Re the chaining of cats to posts as stated in some cat bylaws: A positive result when Parliament voted to disallow the first attempt by the Campbelltown Council to chain cats to fixed objects, eg posts. C.A.T.S. opposition to this appalling cruelty was supplied to Connie Bonaros MP of SA BEST which enabled her to have her Motion to disallow carried.

- By not including state-wide confinement/containment of cats in the legislation this has also been a positive move.

Preventing desexed cats from holding their territories, not necessarily on the owners/carers property restricts these cats from keeping other undesexed cats out. Desexed cats do not cause the problems of undesexed cats, such as spraying tomcat urine, caterwauling all night over mates and being more likely to leave their droppings in gardens as they can stay for days while mating, as well as females having unwanted litters of kittens. The bigger the area held by a desexed cat, the lower the ratio of cats per area is achieved.

- By not including cat registration fees, this is also a positive approach as charging registration fees would have been the last straw and reduced cat desexing to the lowest level for 30 years. Who would want to desex any cat, owned or unowned, if they were to have to pay a registration fee? Some may, but most wouldn't, especially if it were an unowned cat: Verified by the extremely low compliance rate for recording on Dogs and Cats Online (DACO) and for registration under council cat bylaws which have registration fees.

- Not limiting cats to a specified number per household is also a positive move as the more cats that residents can get desexed and care for, from the estimated 200,000 unowned cats the better. Having residents take responsibility for these unowned cats and getting them desexed is the only way the cat population will be reduced, as killing, removing and confining them does not reduce their number, due to the Vacuum Effect.

"The Advertiser"12/8/2024

Cats in the vacuum
Regarding "Control cats, please" (The Advertiser, 9/8), documented scientific evidence proves that trapping cats and removing them from where they are not wanted achieves nothing constructive.
This is due to the phenomenon of nature known as the "vacuum effect", which ensures another lot of new cats will move into the vacated spaces and breed to not only restore but increase original numbers.
If, however, the cats are desexed and returned to home, they will hold the territory and keep other undesexed cats away.
This results in reducing cats to the minimum required and stops further breeding while controlling the rats and mice thus deterring snakes.
Kyle Langdon, Mt Barker

Negative recommendations
Planning to encourage councils to introduce cat bylaws when the state government knows full well that enforcement of this legislation is unenforceable, is deceptive.
Cats cannot be successfully managed or controlled by legislation, already proved by the failure of Dogs and Cats Online (DACO) showing that compliance is minuscule with less than a quarter of the estimated owned SA cats being recorded. This low compliance rate is also reflected in cat bylaws where any council has introduced them.
Without a microchip, ownership cannot be proved and without proof the courts will not convict. So the few cats that are actually recorded and the few registration fees and fines that are actually paid will nowhere near cover costs, leaving the residents and ratepayers' to foot the bill. This is not the way to win votes at the next election.
Stating that cats are considered to be owned if residents provide shelter or food to these cats, also cannot be proved as ownership: Given that cats can't be kept out of a property without a cat-proof fence or barrier, and given that it is legal to feed birds, there is no way to prove that a cat seen on a property is owned by that resident or that the food is provided for the cat and not a bird.
It can be seen the futility of trying to hoodwink cat supporters who do have excellent brains and have had 30 years to outwit and avoid any ridiculous so-called controls specified in the Dog and Cat Management Act.
Furthermore, imposing these cat bylaws can place councils at risk of litigation as forcing cats to be collared creates risk of causing death and serious injuries: Multiple cats have suffered horrendous injuries from collars being caught across the mouth requiring expensive vet treatment including stitches, (*Advertiser* article with photo) eating into the flesh of the neck, caught under the forelegs and cutting into the body resulting in amputation of the leg, and also euthanasia, and death by hanging.
So it is definitely a negative move to pass the buck of cat management to the councils as they cannot enforce unenforceable cat bylaws.

The proposed plan to kill the estimated 200,000 unowned cats is simply fantasy. It has been clearly shown, multiple times, that eradication of cats in an open system will never be accomplished: This is

due to the scientifically proven phenomenon of nature known as the Vacuum Effect, which ensures that new cats will move into the vacated spaces and breed to recolonise the area: Furthermore, it has been noted by scientific studies that culling results in, not only numbers being restored, but increased.

The even more ludicrous plan to kill all cats which are not deemed domesticated, including the much loved, free-living cats which tens of thousands of residents have had desexed through the C.A.T.S. scheme, is not only horrendous but has caused an enormous amount of anger and hatred towards the government which has been made very clear in about 30 or more letters published in "The Advertiser" and "The Sunday Mail" since about the time of the "Review of the Dog and Cat Management Act 1995 was written.

The following include a few of the many letters from those who discovered the contents of the Review of the Dog and Cat Management Act.

First letter in "The Advertiser" 8/1/2024
Scratch cat laws



The state government has conducted a review of the Dog and Cat Management Act and is now acting on its recommendations. Picture: Jason Edwards

The last five years under the Dog and Cat Management Act 1995 and Amendments have proved cats cannot be managed by legislative force with threats of fines, fees and seizure of cats.
The more laws imposed, the fewer cats are desexed, proved by C.A.T.S. Cats Assistance To Sterilise Inc records. C.A.T.S. desexes more cats for the general public than any organisation in SA – currently 135,000. (The main shelters do not desex for the general public.)
After the statewide cat legislation was imposed on July 1, 2018, cat desexing plummeted to half, as residents refused to have mandatory microchips and record on Dogs and Cats Online (DACO).
This was proved by the low percentage of the estimated 400,000 SA cats recorded. As undesexed cat numbers skyrocketed, so did massive problems at shelters, until the current catastrophe when RSPCA and AWL overflowed.
Our government has no idea how to manage cats or cat supporters, and until it learns that working with the people who care for the cats and not against them, nothing desirable will be achieved.
C.A.T.S. was incorporated on November 1, 1989, before any cat laws at all, and proved that co-operation, correct education and assistance with desexing for all moggies, and returning them to

their homes to keep out new, undesexed, intruder cats, halved the numbers of felines received and destroyed at the main shelter, within five years. (Records confirm this.)
And Reark research found in 1992 that SA had the highest rate of desexed cats for any state surveyed: 94 per cent. If C.A.T.S. – on its minuscule budget and run by animal supporters who donate their time and money, with the support of wonderful cooperating vets – halved the cat numbers in five years, while the government, on its billion-dollar budget, has doubled the cat numbers in five years, then why should this failed cat legislation be supported?
And as Mayor Glenn Docherty said, (Playford) Council was not considering a cat curfew. "It is (already) an expiable offence under the Local Nuisance and Litter Control Act for cats to cause local nuisance, including wandering."
So why do we need any more laws specifically for cats?
Christine Pierson, president, C.A.T.S. Cats Assistance To Sterilise Inc

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"The Advertiser" 19/6/2023
Change needed
I agree with "Review catastrophe" (The Advertiser, 14/6). We need to go back to the drawing board, but not the Dog and Cat Management Board, to rectify the catastrophe caused by the 2018 act.
During public consultation, prior to 1995, the numerous submissions sent to the government stating legislation for cats would fail, were ignored.
Managing cats cannot be compared with managing dogs.
We don't have an estimated 200,000 wild dogs living in populated areas as with cats.
The proposed Review of the Dog and Cat Management Act 1995 solution is to confine the domesticated cats and kill all the others.
Removal, confinement and killing of the "others" would result in recolonisation by new undesexed cats and increases in numbers, not decreases.
Before cat laws, SA had the highest percentage of desexed cats in Australia (REARK research survey) and mass desexing of cats, owned and unowned, through the low-priced CATS scheme had reduced cats received and destroyed to half at the main shelter.
As more cat laws were passed, fewer cats were desexed, and numbers gradually rose until the catastrophe since 2018, when RSPCA stated they were "the highest we have held in our memory" (Channel 9 News, 10/6/2019) and then were "double to 5 years ago" and the CEO told The Advertiser that the RSPCA could take no more (11/3).
SA needs to follow the Queensland government which has repealed its cat management legislation, citing it as "ineffective and costly for local government".
James M. Richardson, Waterloo Corner

"The Advertiser" 18/6/2023
Don't cage cats
I refer to veterinarian Mark Reeve's pet advice column "Could our cherished animal friends be making us sick?" (Sunday Mail, June 11).
This is the case if cats are permanently confined in houses and small cat-runs.
Already cats are becoming unhealthy from lack of exercise and unable to fulfil their basic needs of running, jumping, eating grass in the garden.
Cats not able to satisfy their insatiable curiosity are becoming stressed and anxious and hospital reports show a significant increase in attacks on owners from confined cats.
When cats become obese, lack fresh air, sunshine and freedom, they become sick. Isn't it obvious that keeping cats permanently inside with smelly litter trays, fleas that accumulate when cats are confined, and parasites, is not in the best interests of human beings either?
This is simple common sense. We have already seen the spread of avian flu and shocking pandemics from animals which are confined in factory farms.

We should be getting animals out of cages, not passing laws to imprison them. The Review of the Dog and Cat Management Act 1995 needs to be reviewed.
Christine Pierson, Kensington Park

"The Advertiser" 14/6/2023
Review catastrophe
Where is the review in the Review of the Dog and Cat Management Act 1995 regarding cats?
Nothing has been reviewed regarding the massive failure of this Act, and the plummeting of cat desexing, as residents will not comply, have microchips and record on Dog And Cat Online (DACO) and, for fear of fines, fees and seizure of their cats, they don't desex them either.
Nothing has been reviewed to stop the catastrophic skyrocketing of undesexed cats due to this huge drop in desexing, with the RSPCA refusing to accept anymore.
All that the section on cats includes is ridiculous plans that will exacerbate the problem caused by the legislation imposed five years ago.
Hasn't Susan Close got anybody on her Dog and Cat Management Board who knows anything about cats?
Carol Patricia James Kensington Park

"The Advertiser"
Know cat instincts
Cats are not dogs and until the government understands cat behaviour it will never successfully manage cats.
So its aim in "Claws are out for roaming pet cats" is pointless (The Advertiser, 5/1). The letter "Scratch cat laws" (The Advertiser, 8/1) from CATS (Cats Assistance To Sterilise Inc) speaks volumes, all evidence-based on their own 35-year studies, with both hands-on personal involvement with cats and the cat supporters in areas where the cats live, in both rural and urban locations.
Most importantly, cats don't "roam", which means "to move about or travel aimlessly or unsystematically".
Cats travel with a purpose and until this purpose is understood as a basis for a cat management plan, nothing constructive will be achieved.
Cats travel to find mates, solved by desexing; cats travel to find food, solved by correct feeding; and cats travel to find a place to do their business, solved by feeders providing cat toilets at home with clean leaves and freshly dug earth, or a covered, outside litter tray.
Recognising these three reasons why cats leave their homes and addressing them, provides the solution to almost all of the complaints reported to councils.
One of the many examples illustrating this success is my own Council of Norwood Payneham & St Peters, where the partnership between council and CATS has resulted in free desexing for all moggie residents.
While government pushes its counterproductive legislative approach and increases its unenforceable threats of fines and fees, plus plans to kill the cats, it drives the cat supporters underground, and mass desexing of cats, which was so successful before the cat laws, will plummet even further with an even further increase in undesexed cats.
The idea that all cats be confined to home areas and all cats not deemed domesticated killed, ignores the phenomenon of nature, the Vacuum Effect, as the estimated 200,000 unowned cats will restock the vacated spaces.
But even worse, this cruelty has so infuriated the cat-supporting community that no likelihood of any acceptance by the public will be forthcoming to support the government's plans.
Without the support of the people who care for the cats there will be no progress in reducing cat numbers, problems or impact on wildlife.

Jason P. Sanderson, Norwood

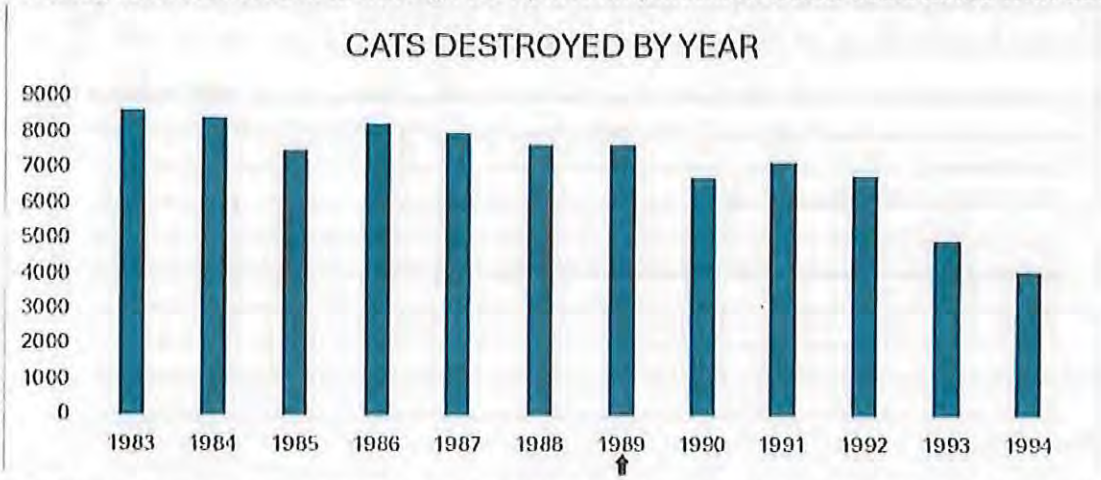
This outpouring of opposition has made it quite clear that the government will never get any help from the genuine cat supporters who have simply gone underground.

Many of these supporters will never send you submissions or respond to surveys as they will not provide their names and addresses, similar to the way they will not record their details on Dogs and Cats Online (DACO).

These one-sided surveys and responses mainly reflect the anti-cat minority who have nothing to lose by including their names and addresses and no doubt there will be many, as the whole public consultation presentation was blatantly aimed at getting such responses by featuring cats as savage, wildlife killers. The cat with its mouth open was a terrified cat caught in cage with the bars photoshopped out. This was a coercive and despicable attempt to sway the public opinion against cats, and not honest. In addition the cat with the bird in its mouth represents possibly 15% of its prey, while a cat with an introduced species; rat, mouse or rabbit, would make up at least 85% of the cat's prey; proved by scientific studies: Another despicable misrepresentation. So this presentation has also caused an huge amount of anger and resentment towards not only your legislation, but your government.

Before the cat legislation of 1995

It needs to be seriously noted that before any cat legislation in SA, C.A.T.S. through mass desexing of all cats, owned and unowned, reduced the numbers of cats being destroyed at the Animal Welfare League, the main shelter for cats at that time (as it was accepting 3 to 4 times as many cats as the RSPCA), to virtually half, within 5 years: This graph below, shows the results that can be achieved by working with the residents through co-operation, education and assistance with desexing.



C.A.T.S. Inc was incorporated in late 1989. Note the significant drop in cats being destroyed after C.A.T.S. began its mass desexing of all cats, owned and unowned in the 5 years after C.A.T.S. was incorporated on 1 November 1989.

The 1992, REARK Research conducted a survey which found that SA had the highest rate of desexed cats for any state surveyed in the country.

This was also due to the mass desexing of all cats, owned and unowned, conducted by C.A.T.S. through wonderful cooperating vets. No cat bylaws were operating at this time.

Using our template, Norwood Payneham and St Peters Council has been so successful in controlling its cats through the partnership with C.A.T.S. that it has now had free cat desexing for all resident moggies, owned and unowned for over 2 years and Council stating that "No expiation notices have been issued for cat related offences".

A simple guide to all that is required in C.A.T.S. state-wide Booklet can also be found in this easy to read publication which is suitable for any age, at the first link below.

catassist.org.au/wp-content/uploads/CATS_A5Booklet_20pg.pdf

The Submission, Attachment 1, therefore addresses all that is required to solve the main overbreeding of cats in South Australia, as the methods used have been tried and tested for over 35 years and, in those areas where this program has been applied en masse, have the proven results: Cat numbers have reduced, as have the cat-related problems and complaints, and also the impact on wildlife: This reduction, although successful, however, has been severely reduced by the legislation of 2018. (please see Attachment 2: Vice President's letter)

We respectfully ask that you read our Submission and seriously reconsider your current legislative approach to Cat Management which has failed to successfully accomplish any of its aims or achieve any of its goals, regarding reducing cat numbers, cat-related problems and impact on native wildlife.

C.A.T.S. template however, has proved that all its aims have been successful and all its goals have been achieved. Our method of Desex and Return to Home of all cats, wherever possible, which rely on food provided directly or indirectly from human sources has been well received by the community. These cats include, friendly, non-friendly, farm, cats in factories and industrial sites, and cats which simply turn up in the gardens begging for food. Over 135,000 cat desexings have been organised through the C.A.T.S. low-priced desexing scheme.

Our goals of reducing cat numbers, cat-related problems and impact on wildlife had also been achieved and were working well before the cat legislation was introduced as the Dog and Cat Management Act 1995. This can be verified by reading the graph on page one of the attachment.

This is the template that needs to be adopted by State government and expanded on a large scale. C.A.T.S. will assist to help in any way we can to achieve this, now our ultimate goal, of making non-legislative cat management a state-wide success.

Our full Submission follows at Attachment 1 which provides a fully proven and successful template for managing cats WITHOUT legislation.

Virus-free.www.avast.com

Submission to the Review of the Dog and Cat Management Act 1995 and Amendments to the Act of 2017

From: C.A.T.S. Cats Assistance to Sterilise Inc.

This Submission compares the successful C.A.T.S. Cats Assistance To Sterilise Inc NON-Legislative approach to cat management which virtually halved the numbers of cats going to the main shelters and tripled the numbers of cats being desexed, in 5 years. With

The failed State-Government state-wide forced Legislative approach to cat management which doubled the numbers of cats going to the main shelters and halved the numbers of cats being desexed, in 5 years.

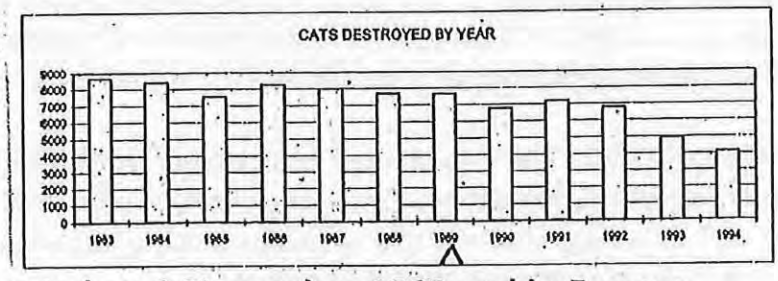
Cats are not dogs and Legislative controls do not work with cat management as they cannot be enforced.

The solution is to work with the residents, not against them, through cooperation, correct education and assistance with mass desexing - not legislative force.

TWELVE YEAR REVIEW OF CATS HANDLED BY THE ANIMAL WELFARE LEAGUE OF SOUTH AUSTRALIA

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
CATTERY:												
Received	10587	10445	9491	10196	10462	10301	9799	9007	9251	9146	7387	6707
Placed	1838	1758	1794	1824	1921	1867	1808	1951	1886	1883	2130	2029
Returned to Owners	19	20	22	16	27	19	28	26	12	29	37	26
Destroyed	8660	8402	7624	8265	7985	7680	7646	6763	7193	6790	4938	4107

Drop to virtually half after 5 years of C.A.T.S. Inc mass desexing



Before cat legislation, SA highest desexing in country REARK 1992

C.A.T.S. was incorporated on 1 November 1989 and in 5 years virtually halved the number of AWL cats received and destroyed

Introduction

Due to the catastrophic failure of the State Government cat legislation by making microchipping mandatory and threatening cat owners and supporters with fines and fees, and plans for compulsory cat confinement, the whole legislative approach for cat management needs to be reviewed and sent back to the drawing board.

Cats are not dogs and cannot be managed like dogs and indeed this has become blatantly obvious over the last nearly 5 years since this legislation was imposed on 1/7/2018, causing a massive drop in desexing and a massive increase in undesexed cats.

Cats cannot be managed by legislation, as has been proved by the minuscule numbers of owned cats, from the estimated 400,000 SA cats, listed on Dog And Cat Online (DACO) as most cat owners and supporters will not comply and there is no way that the legislation can be enforced, as most owners will not microchip and therefore many don't now desex cats either.

This following Submission from C.A.T.S. Cats Assistance To Sterilise Inc provides information which will be valuable when debating the cat issues on the current Parliamentary Agenda.

The Submission also provides the solution to the cat problems as proved by the tangible, substantiated evidence showing that the C.A.T.S. Policy does reduce cat numbers, cat-related problems, and cat impact on native wildlife. C.A.T.S. Policy also complies with the Natural Resources Amendment Act and has been used for the last 32 years with remarkable results.

C.A.T.S. has organised the desexing of nearly 135,000 cats, for the general public, which is more for the general public than the RSPCA and AWL put together as they do not desex for the general public and has reduced cat numbers and cat-related problems. C.A.T.S. methods have therefore reduced the impact on native wildlife more successfully than any other method.

The reason why C.A.T.S. is so successful is because we work with the cat owners and supporters, through cooperation, correct education and assistance with desexing, and not against them by using threats, force and imposition of fines, fees and forced confinement.

Without the support of the residents who care for and manage the cats, nothing constructive will be achieved, and this support will not be forthcoming with threats of fines, fees and compulsory confinement.

We respectfully ask that you read our Submission which follows.

Submission to the Review of the Dog and Cat Management Act 1995 and Amendments to the Act of 2017

From: C.A.T.S. Cats Assistance to Sterilise Inc.

THE OUTCOMES WE ARE LOOKING FOR

Enforcement of the laws against animal cruelty with punishment to fit the crimes and a ban on breeding catteries in the same manner as a ban on puppy farms.

The failed Cat legislation, relating to making microchipping mandatory replaced with microchipping as a matter of choice, all threats of fines, fees and compulsory confinement replaced with cooperation, correct education and assistance with desexing through animal orientated organizations, and for councils to work with their residents, not against, them by removing the counterproductive cat bylaws.

Reasons for failure of the current legislation and recommendations, with substantiating evidence, of methods that will achieve the reductions of cat numbers, the reduction of cat-related problems and the reduction of impact on native wildlife.

The C.A.T.S. Cats Assistance To Sterilise Inc Desex and Return to Home Method, which adheres to the Vacuum Effect, reduced cat numbers and cat related problems, and therefore reduced the impact on native wildlife, and proved to deliver tangible evidence of success within a very short

time. C.A.T.S. Program also complies with the Natural Resources Amendment Act and has been used for the last 32 years with remarkable results.

This is in stark contrast to the failed State-Wide cat legislation which has failed to deliver any tangible evidence of success in reducing cat numbers or cat-related problems and therefore has shown no evidence of success in saving native wildlife. Indeed, it has resulted in a catastrophe, by doubling the numbers of cats in 5 years, due to the massive plummeting of requests for desexing, as most residents will not microchip and record on Dog and Cat Online (DACO) due to the fines and fees and restrictions, so they have stopped desexing as well.

This submission will give detailed evidence to substantiate these facts.

ABOUT C.A.T.S. Cats Assistance to Sterilise Inc.

C.A.T.S. Inc is a PROactive organization who work at grass roots level to prevent cat issues from developing in the first instance, thus avoiding all the negative knee jerk and damaging REactive steps we find wherever we look at cat assisting programs and endeavors.
C.A.T.S. Inc is :

- The developer of a successful Cat Management System operating in Adelaide for over 32 years

- The Provider of Community Education in regard to the science of cats and wildlife

- The provider of a high volume cat desexing service through our co-operating vets with subsidized rates for all Adelaide residents who need help. Over a period of over 32 years, nearly 135, 000 male and female cats have been desexed.

As founder of C.A.T.S. Inc. I have a background in education, have represented the community at Council as an Elected Member, am a former member of the SA Government Cat Consultative Committee to the Dog and Cat Management Board and a former Public Relations Officer for Animal Liberation. This placed me in a good position to see the challenges involving human/animal interaction where animals cohabit with us in the urban environment. Whilst speaking and acting with respect and compassion for many wildlife, farm, domestic, entertainment and other animals, I saw a great need to care for the

cat population and realized it was impossible to care for the domestic pet cat without considering the unowned cats as their fates impact on each other.

The Values C.A.T.S. Inc. uphold are:

- ✓ Animal Equality
- ✓ Providing solutions that encompass compassion and kindness to ALL animals
- ✓ The Five Freedoms
- ✓ **Educating the community to make them part of the solution**
- ✓ Doing the best we can, and doing the morally right and kindest thing when there is no perfect solution.

The evolution of C.A.T.S. saw an organization that fell into place very quickly with results at the same pace.

A letter from the City of Unlev to the then Minister of Environment and Land, the Hon Kym Mayes summarizes this well.

24.08.1993
Dear Kym,

The Unley Council first provided financial support to CA.T.S. Inc. in 1990. At this time, reports regarding problems caused by wandering or straying cats and calls for action to promote responsible cat ownership, were common.

Since C.A.T.S. Inc has operated in Unley complaints have decreased, a result of the considerable activity of the organization's volunteers. The success of C.A.T.S. Inc. is based upon 2 procedures:

1. Desexing which reduces the number of cats and associated complaints etc. and
2. The return of cats to their home environment.

It is this return that provides ecological balance. The destruction of cats, only creates cat free territories which are readily re-occupied by active animals. The Policy of C.A.T.S. Inc. is totally opposed to the killing of cats.

Whist some believe that a cat free suburbia is desirable, a stable cat population which is gradually reducing over time, and ultimately results in only wanted numbers, is considered the next best option.

Control is obtainable with C.A.T.S. Inc. and is achieving the desired result. Records and lack of complaints substantiate this fact. Clearly owners of

colonies are not prepared to surrender unwanted pets for slaughter but are willing to participate in desexing programmes.

Our Administration and community is supportive of the work and efforts of C.A.T.S. Inc.

Yours sincerely,
Michael Keenan
Mayor.

From the Mayor's Office in Norwood Payneham to then Member for Mitcham Colin Caudel

24.11.1994
I write to express my personal support for the work that C.A.T.S. (Cats Assistance to Sterilise) carries out within our council area. .

Since the C.A.T.S. organization has been operating in our Council area the problem with stray and feral cats has been significantly reduced. The service which C.A.T.S. provides by financially aiding sterilization of cats and pick up of strays etc., is a necessary and successful way of controlling unwanted cats.

In recognition of the work done by C.A.T.S. one of their volunteers Anita Wayne received a special commendation from Council in the Australia Day Awards for her significant work in this area in both raising awareness of people to the desexing of cats and also in raising significant funds to help subsidize the project.
Yours faithfully,
V Ciccarello.
(Mayor)

From Eastern Regional Health Authority Inc. 2.03.1999 after C.A.T.S. assistance.

As you are aware, in the mid 1980's this Authority was often called upon to deal with large numbers of feral cats especially in the Burnside area.

We unfortunately had to arrange for the humane destruction of these cats by request of the residents.

However during the nineties, the demand for our services dropped dramatically and in the last few years no concerns about large cat numbers have been brought to our attention.

John Veldhoen
Chief Executive Officer

THE CHALLENGES WE HAVE FOUND

I have learned that there are many in the community, but not all, that value the life of the unowned cat as much as that of a pet - both are sentient creatures and capable of living in the same community with us.

At Council, a call is received with a complaint about a cat or several cats. There is caterwauling going on, sleep is lost, and the complainer is rightly thinking about his own welfare and that of his family, but usually ignoring the needs of the cat/s themselves. "CAN COUNCIL PLEASE DO SOMETHING?" Historically Council responds by sending out the Ranger, the cats are removed and the resident is happy. The cat/s go either to the pound or a shelter where they are assessed for suitability for re-homing. Usually, a frightened unowned cat or kitten will be deemed unsuitable for rehoming because of defensive behavior brought on simply by fear and most cats arriving in trapping cages do not leave alive. Euthanasia follows. The RSPCA shelters euthanize 3 or more cats to every 1 dog. An infiltrator cat/s moves into the vacated space, the caterwauling continues and nothing has been solved despite enormous financial effort.

At the Shelter a new cat is deposited by a kindly person who becomes broken hearted when they follow up to learn that their "rescue" was euthanized. The vet who plunged the needle hangs his head and a few weeks later realizes he/she cannot continue to suffer through this trauma of taking these innocent lives and shelter staff find it hard to go on. Mental trauma of shelter staff has been recognized in round table discussions done by the Animal Justice Party chaired by Emma Hurst MLC NSW. Despite this heartbreak, nothing was solved, despite the best intentions of the rescuer.
Council receives another call and this time there are bird feathers on a back lawn and a cat is blamed. In fact, rarely is any evidence given that a cat was seen and witnessed. "CAN COUNCIL PLEASE DO SOMETHING? WHY ARE THEY NOT PROTECTING OUR WILDLIFE??"
The Ranger is sent out.....the pointless circle is repeated.
Council staff will testify to the fact that they already have more on their hands than they can manage and are NOT cat managers.

All shelter staff will testify to the difficulty of finding <u>suitable good</u> homes in the numbers that would be needed to prevent euthanasia.

Despite the euthanasia, no cat numbers are reduced (see further on "What becomes Counter Intuitive and Why" PG 7) and no wildlife protection has occurred. In short an expensive time consuming and pointless and heartbreaking exercise was engaged in.

HOW THE C.A.T.S. Inc CAT MANAGEMENT SYSTEM WORKS BY CONTRAST

There is recognition that a perfect solution is not achievable and that the best solution must be sought.

Keeping the cat population ceiling low, allowing sufficient numbers of free-living cats to patrol their territories to prevent intruder cats, whilst keeping the mice and rat numbers down, has been proved to be the most effective solution.

The C.A.T.S. system humanely breaks the cycle of endless cat destructions, works in with natural cat behavior and feline needs, reduces predation on wildlife, whilst being efficient and cost- effective, tangible evidence of success is clearly seen in a very short period of time, unlike the failed legislative approach.

1. **Helping Council** to reach out into the community to answer the calls for help, has been the first step.

Council's working in co-operation with the system refer their cat related calls to C.A.T.S. and we reach out to the distressed person and explain the reason for the caterwauling, feathers on the lawn (often a bird strike from a carnivorous bird since feathers are left in the open and cats hide their prey with feathers (a practice known confirmed by the Adelaide Museum and known as caching) and have the whole conversation council simply does not have the time and resources for. Having turned around the animosity of the complainer, we enlist the person's co-operation in becoming part of the solution.

A plan is made, which will vary from case to case, but always the cat is taken to one of our co-operating vets (which now number to over 60) who desexes the cat at a discount rate.

Desexing will eliminate almost all the problems that give rise to complaints. They do not spray tom cat urine, caterwaul over mates all night long, travel long distances in search of mates and are less likely to leave their droppings in other properties. Also, the return of the cats to home, controls the mice and rats and deters snakes by removing the snakes preferred rodent food. Most importantly they will no longer have kittens that will then also breed on for generations.

The cat no longer demonstrates behavior that would normally land them in a shelter only to lose their life.

2. **Helping Residents to help Unowned Cats**

All residents of SA who need help - whether they live within the boundaries of co-operating councils or not, are eligible for assistance from C.A.T.S. Inc. for low cost desexing, provided they attend the clinic of one of our co-operating vets. The need for this low cost service has become clearly apparent as cats are being brought from great distances to reach one of our co-operating vets. Some have booked in for a time when the owner/carer was visiting the city.
Such is the love and compassion of many of our clients towards cats that we find that they save out of their pensions to be able to be of assistance to an unowned cat by desexing at a subsidized rate, which they then allow to continue to live in their gardens where they are fed and cared for. Our telephone staff hear the stories every day.

3. **Helping Cat Owners**

You don't have to be on a pension or low income. Good income earners also struggle to find disposable income or make the money stretch far enough for a cat vet consultation and a desexing procedure which can be hundreds of dollars. Desexing is key to keeping ceiling numbers down and our organization has recognized this from early days. Therefore, we also help those in need who are NOT on a low income, so that they in turn can help their pets and assist with unowned cats.

4. **We do NOT support the deliberate breeding of any cats.**

We do not assist with pedigree cats or those from a Breeder. We do not consider that these people are in need of assistance. Breeding cats does not assist us in

keeping cat numbers down. We would prefer a moratorium on cat breeding until such time as shelter numbers are brought under control. To this end, amendments to the Animal Welfare and Dog and Cat Management Bill being brough forward by Tammy Franks will be useful to get a more complete picture of the Euthanasia numbers from all shelters right across the state.

WHAT IS THE EVIDENCE THAT THE C.A.T.S. INC SYSTEM WORKS?

The continued response from the public and our knowledge that shelter numbers can be reduced, plus knowing that we have prevented the birth of millions of kittens and saved the suffering of mother cats worn down by excessive litters of kittens, is what makes us continue the work.

The graph on the front cover of this Submission indicates that the number of cats taken in and destroyed by the Animal Welfare League dropped to almost half within the first 5 years of the commencement of C.A.T.S. Inc. mass desexing. The numbers on this graph were supplied by the Animal Welfare League who were taking in most of the cats at the time (about 3 to 4 times as many as the RSPCA)

WITHIN 5 YEARS, C.A.T.S. MASS DESEXING OF CATS, OWNED AND UNOWNED, VIRTUALLY HALVED THE NUMBERS OF CATS RECEIVED AND DESTROYED AT THE AWL

Today the numbers of cats desexed by C.A.T.S. is nearly at 135,000. To give you a visualization of what this looks like imagine the Adelaide Oval. It has a seating capacity of 50,000. Imagine 2 and 2/3 Adelaide Ovals filled with cats. Approximately half of these have been former unowned cats.

From 5 months of age, each female can have 4 litters a year of up to 8 kittens. If half of these litter numbers are female, half could reproduce in another 5 months, making it 2 generations of mother and daughters that can reproduce inside of a year. We know we have prevented millions of kittens in ongoing generations from being born, and saved the suffering of unowned mother cats, worn down by excessive litters of kittens.

WHAT ARE THE THINGS THAT BECOME COUNTER PRODUCTIVE AND WHY

The first thing to remember is that nearly all Legislative Acts towards making the lives of cats better are counter intuitive. Whatever legislation you may

have been thinking about passing, it is that legislation which will become obstructive.

"Legislation is obstructive?" " Why?" I can hear you asking. Here is what the evidence shows.
Before cat bylaws South Australia had the highest rate of desexing for any capital in Australia (REARK Research Survey) and an excellent record of good cat management. Mass desexing was being achieved through the C.A.T.S. low priced desexing scheme.

On May 31, 2021, Dog and Cat Online (DACO) showed 66,596 listed cats. This is just approximately 16.5% of the RSPCA estimate of 400,000 owned cats, and this comes just 1 month short of 3 years after the 2018 change to State laws requiring all cats to be desexed, microchipped and recorded on Dog And Cat Online (DACO) Why so few listings? Why such little compliance within nearly 3 years? Especially in view of the fact that our figures show a great willingness of the public not only to desex their own cats but also unowned cats.

Why suddenly in a single day post the new legislation did our telephone staff receive less than half of the normal rate of calls? The numbers fell so dramatically and so quickly that it left no doubt as to the reason, so let me shine the light on the problem.

- **REGISTRATIONS AND MICROCHIPPING – counter intuitive Effect No 1**

Registering and/or microchipping a cat is not the same thing as registering/microchipping a dog. If I was speaking to you face to face I would allow a moment for that to sink in as I am sure it is a completely new thought to you.

The reason this is so, is because of the **estimated** 200,000 number of cats in the urban area,(Paul Stevenson CEO RSPCA interviewed by Miles Kemp – Advertiser 12.12.2022) are free living unowned cats and whilst this is the RSPCA estimate, the number could be higher. To be really clear, these are not strays that have wandered away from home. These cats have never had an owner and have been born of many generations of unowned cats. This is why the term "rehomed" is not accurate. These cats have never had a domestic home and their territories are their home.

When there is a need for cats to be registered and microchipped what do you think it does to these unowned cats who are neither registered or microchipped? It makes them "Illegal" and subject to a Ranger round up and being destroyed. What do you think it does to people who have willingly put their hand up to assist unowned cats but do not want to take ownership of them? It criminalizes them for not microchipping these cats. But here's the important point. We have clients who have helped many unowned cats get desexed and thereby keep the ceiling population down, but now suddenly, they need to register and microchip them as well and take ownership. Well how many cats can one person own as a matter of practicality let alone legally? It also opens the door to be seen as a criminal for the number of cats they would need to OWN, if they wanted to continue assisting these unowned cats.

The 2018 Legislation is what has brought the referral writing of our organization to half capacity.

And we could be helping so many more cats. Over a 32 period we have managed to refer nearly 135,000 cats to be desexed preventing the birth of millions of kittens and many ongoing generations and now we are at half pace because the community is being forced to microchip and register, which they simply won't do and so they are not desexing either to avoid fines for deviating from the new law. We need to get the mass desexing numbers back up and unless microchipping is changed to a matter of choice instead of mandatory, there will be no mass desexing particularly of unowned cats, so there will never be any reduction in cat numbers or cat related problems.

Quoting from Paul Stevenson again in the same article shows that cat numbers in shelters have gone up 50% in 5 years. Yes that coincides with the new State law coming into effect in July 2018, after being announced a little earlier. This is an increase **not** a decrease, just as the science known to us, led us to believe would be the case.

The reasons that often come to mind supporting mandatory microchipping are for a safe return to home for the cat, but don't forget the reason they are in the shelter is because they have no human owner so that reasoning is not valid. Loved owned cats that are well treated rarely stray from the food bowel. If a ranger has picked them up in between meal times, it needs to be noted that a Ranger should not be doing so. This is where we need to

remember that a cat is not a dog and should not be treated the same way. A dog can, and sometimes does, present a danger to a member of the public and even a well-trained dog can be triggered. Therefore it is quite right that a ranger removes a wandering dog. A healthy cat however, who poses no danger to the public, and who is minding their own business should simply be left alone unless it is in need of medical attention. Cats have been free living long before some of them were invited into our houses and wherever they are found – that is their territory – their home.

A further misnomer about "a safe return to home" is that a microchip will deter a cat hater. The practice of cat haters is to trap and kill or/and dump these cats in the Adelaide Hills. We have been told by callers that they are going to get traps and dump some cats in Belair. These cats then try and find their way home and arrive back in their home territories only with skin and bones left, or else they just die along the way. Their food source has changed from their own territory, so they need to become resourceful and this makes it a greater problem for wildlife.

This is due to the current legislation which, not only allows, but encourages the use of these cruel diabolical cat trapping cages, which the RSPCA has stated should not be supplied to the public as they have seen' "horrendous conditions" forced upon animals. Allowing these weapons of torture is environmental vandalism as this is the most efficient way of releasing live cats into the bush to kill native fauna in their desperate struggle for survival. These cages should never be sanctioned by government and need to be banned.

CONTAINMENT AND CURFEWS Counter Intuitive Effect No 2

Firstly this indoor living is not healthy for the cat, with vets reporting that cats are showing signs of obesity, hypertension, heart disease, diabetes, arthritis and anxiety and stress.

Keeping a cat contained, is removing it from its territory and the garden is left undefended from infiltrating cats as there is no such thing as a cat free zone in an open system, unless there is something that can keep the cats out 24/7. Cats are not dogs – they can scale fences. The territory still supports life and so others of the same species that need it, find it and take up residence. This is what is called "The Vacuum Effect" and it is the reason that there will be no reduced calls of complaint to the Council. Studies have shown that an increase

can often be expected as younger more virile cats move in and the numbers breed up.
Removal can = additional
This constant removal and influx of new cats destabilises the ecosystem and this is a danger to native animals. We need to keep the ecosystem stable and the best way to do this is to desex as many cats as we can and leave them in their territories whilst fed, managed and cared for through community co-operation.

As this is such a critical point, I have copied in some of the scientific data below taken from Ireland's Cat Care Manual on the subject of the Vacuum Effect.

The Vacuum Effect

Quick Facts

- If cats are removed from their outdoor home, it creates a territorial opening - or vacuum - that will not remain empty.
- Removing cats from an area may cause a temporary decrease in the cat population, but more cats WILL take their place - and it won't take long.
- This phenomenon is known in conservation studies as the Vacuum Effect. The Vacuum Effect has been observed in many species, not just cats.
- Catching and removing (or killing) cats is therefore futile. It is an expensive, deadly cycle which yields no long-term benefits.

You may have heard the expression "nature abhors a vacuum". It refers to the phenomenon that when a space is emptied, nature will fill it. Once you understand this reality, you'll know why killing cats (or otherwise removing them) from a given location is doomed to fail. The idea that removing cats will not lead to a decrease in cat populations across time may feel counter-intuitive, but it is grounded in a well-documented concept in biology known as the **Vacuum Effect**.
Understanding the Vacuum Effect is vital to save lives. Animal control agencies, animal rescues, pounds and local and national government must account for the Vacuum Effect in their laws and policies in order to govern effectively and create the best outcomes for every cat and kitten.
For cats who live outdoors, it is a literal matter of life and death.
So, what is the Vacuum Effect? Let's start with the basics.

What is the Vacuum Effect and What Does It Have To Do with Cats?

The Vacuum Effect occurs when a portion of an animal population is permanently removed from their home range. These animals may have been killed or removed by people, a natural disaster, or any other means. The result is a temporary dip in population levels.
To be clear, any such population dip will only be temporary. The initial population lived in that location because there were resources such as shelter, food and water. Once emptied, this still resource-rich habitat - the vacuum - inevitably attracts other members of the same species from neighbouring areas. They move in to use the same resources that sustained the first group.

Both the new individuals and any remaining members of the original population then reproduce. What's more, they reproduce at higher rates to fill the habitat and take advantage of the available resources.

Before long, the area fills back up to capacity again, as if the animals were never removed at all. The Vacuum Effect occurs across many species, including foxes, mice, voles and badgers. Of course, it also occurs for cats.

The Vacuum Effect Makes or Breaks Public Policy for Cats

Worldwide, vast amounts of money are spent each year rounding up and killing cats through "catch and kill" schemes. The unfounded hope is that the killing will lead to reduced cat population levels.

The Vacuum Effect ensures it will not.

Scientific evidence proves that lethal cat population control schemes don't work. A large body of research confirms what smart observers have long known: new cats will inevitably fill habitats emptied by cat removal schemes. In other words, the Vacuum Effect occurs, and it makes killing outdoor cats pointless.

Not only does the cat population rebound, it rebounds fast. Before you know it, there are the same number of cats outdoors as there were before. The only result is that many cats are needlessly killed ... often over and over again.

What's worse, lethal cat control schemes are as indiscriminate as they are cruel and ineffective. Countless cats, whether unowned or pet cats, are killed in the process. That is part of the reason rounding up and killing cats is massively unpopular with the public. Not only is it morally unsound, catch and kill can also put the animal control organisations at legal risk.

All of this for an inherently flawed policy that provides no long-term cat population control.

We Need to Change the Status Quo for Animal Control and Animal Rescues

For much of the past 100 years, animal control agencies and local governments have attempted to take an "easy route" to reduce or eliminate cat populations through catch and kill schemes.

Yet as you've learned above, there is no way to make these lethal schemes work. The Vacuum Effect will always ensure a new group of cats will move into the emptied environment to take advantage of resources.

Even the strictest feeding bans on cats won't change anything. It is impossible to rid an area of food sources, especially for cats, who are naturally gifted scavengers. Just think of the abundant supply of insects and rodents in most outdoor spaces, plus food waste in and around dumpsters. It quickly becomes apparent how plentiful food is for cats in our towns and cities. (Mahlow)

According to one scientific journal article, "...the presence of feral cats in a place indicates an ecological niche for approximately that number of cats." (Zaunbrecher) Each time cats are removed, the population will rebound to fill that niche.

All of these facts point to one simple conclusion: we have to change the status quo for animal control and animal shelters. Catch and kill does not and has never worked, and it only serves to take lives and drain taxpayer dollars.

Animal control agencies and local governments need to shift their thinking and their approaches to cats outdoors in ways that are based in science, fact, and experience.

Research Citations

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I have never seen a single piece of valid evidence in all my research that confinement of cats saves native wildlife, as new cats simply fill the vacuum and authorities do not have a hope of catching them fast enough to reduce the numbers as the cats breed more kittens than can be trapped and taken to shelters or killed.

WHAT IS THE MOST IMPORTANT FACTOR IN GETTING IT RIGHT?

A change of focus. Until now many councils have tried to silence the noise of the complainer on the phone, by any means, usually at a cost to the cat and with no satisfactory solution.

Redirecting this energy to educating the complainer and making them part of the solution is the answer and the way forward. C.A.T.S. has been doing this for over 32 years and it works.

Cat legislation is costly for residents and is counterproductive. Indeed, the Queensland Government has repealed it's cat management requirements from its *Animal Management (Dogs and Cats) Act* 1998 citing them as ineffective and costly for local government.

RSPCA South Australia chief executive Paul Stevenson states (Advertiser July 24 2020) "Uncontrolled reproduction is the root cause of cat overpopulation in South Australia."

Desexing is the single most important aspect of any cat management plan, but this cat desexing needs to be voluntary.

Mandatory desexing has proved to have backfired with desexing not increased, as was already predicted in many submissions, including one from the Australian Veterinary Association, formerly sent to the public consultation, in 1994.

To reiterate: Desexing solves almost all the problems that give rise to complaints.

Desexing female cats...

- Prevents unwanted kitten births
- Stops female cats from coming into season and attracting many undesexed male cats
- Improves quality of life and stops female cats from becoming weakened by continually having babies
- Stops cats from wandering in search of mates.

Desexing male cats...

- Stops cats from spraying strong smelling tom cat urine
- Stops cats from fighting over mates which leads to loud caterwauling all night
- Stops the injuries from fighting over mates
- Stops cats from wandering in search of mates and reduces cats being killed while crossing roads.

Although only new generation cats born from 1 July 2018 are required to be desexed at age of 6 months, C.A.T.S. Inc encourages the desexing of all cats and C.A.T.S. advises that females can be desexed at 5 months as they can get pregnant and males at about 6 months. We do not promote early age desexing of younger kittens which are already in their homes.

HOME GROWN SUCCESS

Most of the C.A.T.S. Inc Committee have spent a lifetime working with cats as well as constantly researching the best methods of cat control from around the world. It quickly achieved success within the first 6 years as shown earlier.

A Real Life Example of Success from SA Council Norwood, Payneham, St Peters

In the 1980s the Adelaide cat-problem was enormous with cats breeding out of control and problems being so wide-spread that one Council beginning as Kensington and Norwood and later amalgamating as Norwood Payneham and St Peters decided to do something about it. Later in 2015 Council's Animal Management Plan states that "the Council does not experience a significant problem with cats" It could be seen that C.A.T.S. does have proof of success.

At the beginning Mayor Jack Richards stated that at the time the Kensington and Norwood Council were at a loss as to what to do with the massive cat problem and asked if C.A.T.S. Inc would be willing to take on the job of cat management of the City. He offered that the Council would on pay $1,000 per annum to help us.
When Kensington and Norwood amalgamated with Payneham and St Peters former Mayor Vini Ciccarello encouraged Council to expand the $1,000 per annum to $3,000 per annum for the three Councils' share. We greatly appreciated this.

Since C.A.T.S. Cats Assistance To Sterilise was asked by the Kensington and Norwood Council, over 30 years ago, to take over Council's cat management, C.A.T.S. has been responsible for a contribution of hundreds of thousands of dollars to the Norwood Payneham and St Peters community by –

1.Building up goodwill and a good working relationship with cooperating veterinary surgeons to provide desexing for our referrals at about half or even a third of regular desexing rates for the same service as for cats where the full price is paid. This means that nearly all our residents, who need assistance, can afford to desex their cats at this low rate. Where there is no one that can afford to pay for desexing the cats that they are looking after, such as in factory sites or industrial yards, where cats are controlling the mice and rats, C.A.T.S. can pay for the desexing from the Council grant.

2.Providing the Administration staff, facilities and equipment necessary to facilitate the desexing referrals, the negotiation and mediation between residents who have cat-related problems and those who have the cats, reports, paperwork and distribution of leaflets on responsible cat management as well as advice on correct cat care.

3. Being able to obtain advice and information as well as assistance from professional people including scientists, who are happy to donate their services to C.A.T.S. as they know it is for a well-respected organisation.

4.We have built up an excellent relationship with the community and are noted for the diplomatic and amicable way that we solve cat-related problems without causing bad publicity and feuds between neighbours

5.Most of the C.A.T.S. Committee have spent a lifetime working with cats as well as constantly researching the best methods of cat control from around the world.

Just to give a few examples of what our dedicated supporters do, one volunteer has personally caught, desexed, returned and managed nearly 200 cats in the Glynde area, another, who used to work in Mitcham but as we no longer work with Mitcham Council, since it's contentious cat bylaw alienated residents, travelled over to Norwood and organised the desexing of many cats along The Parade and another resident assisted with getting cats in the side streets off The Parade desexed as well. Two other members organised stray cats in the Kent Town area, and this resulted in a very successful outcome.

Numerous cats have been desexed in St Peters and one big colony has been brought completely under control. Plus, of course, all the cats that have been desexed in Kensington where you hardly ever see an undesexed cat or a kitten unless it is with a newly arrived resident.

This C.A.T.S./Council partnership has been so successful in reducing cat numbers and cat-related problems that the Council stated that complaints were so low that there was no need for cat confinement.
The Norwood Payneham and St Peters Council has now progressed to FREE cat desexing for both owned and unowned cats, across the entire City.

IN SUMMARY

We believe that we have demonstrated here that the DRH (Desex and Return to Home) system meets with community expectations when the community is fully informed and educated about all the facts, and that decent minded people will in fact contribute to the success of the scheme when an opportunity presents itself.

This efficient, cost effective, humane and successful, program is offered as a template for your efforts in reducing cat numbers and cat related problems, reducing impact on native wildlife as well as making the lives of cats, their owners and supporters better, as expected by the already engaged community.

C.A.T.S. Secretary recently authored and published a booklet called "from the Cat's Eye View", to illustrate the fact that no cat management plan will be successful if it is not based on the "The Vacuum Effect". This publication was sent to Dr Susan Close and I would like you to all have an opportunity to read it. Please let me know if you would like me to send you a copy.

Yours faithfully
Christine Pierson
President
email animalsassistant@outlook.com
C.A.T.S. Cats Assistance To Sterilise Inc
Cat Behaviourist and Cat Consultant
Former Councillor Norwood Payneham and St Peters Council
Former member State Government Cat Consultative Committee to the Dog and Cat Management Board
Former TAFE instructor in Cat Management to Council staff and the public
Former teacher Dip KTC
Recipient of State Government Award for C.A.T.S. for "Service to Councils"

COPY

ELECTORATE OFFICE

242 THE PARADE
NORWOOD SA 5067

Date:

Hon Susan Lenehan MP
Minister for Environment & Planning
Ground Floor Northern Wing
Treasury Building
144 King William Street
ADELAIDE SA 5000

Dear Minister,

I write on behalf of Cats Assistance to Sterilise Inc. (CATS) who have applied to your Department for a grant.

CATS is performing valuable environmental and social work in the Kensington and Norwood area. There has been a marked improvement in the number of cats around the district. I have had less concerns brought to my attention this year. I believe this to be a result of the work of CATS.

All the work of CATS is performed by volunteers at some personal expense. The volunteers invest a large amount of time in the organisation.

I have been impressed by CATS efforts not only in the desexing area but in achieving publicity and fundraising. CATS are effectively spreading the work about responsible pet ownership.

This year CATS have applied to private sponsor for funding to publish a book for school children about the responsibilities of owning pets. I believe that CATS are providing a long term solution to the problems which currently exist.

I strongly support their application for funding.

Yours faithfully,

Greg Crafter
MEMBER FOR NORWOOD

IN REPLY QUOTE REF: 119/3 (14484)
REFER ENQUIRIES TO: M.Nolan
DIRECT TELEPHONE: 366 4539

Mr Kym Mayes
Minister for Environment and Planning and
Minister for Animal Welfare
Parliament House
ADELAIDE 5000

THE CORPORATION
OF THE CITY OF
KENSINGTON
NORWOOD

175 THE PARADE NORWOOD
SOUTH AUSTRALIA 5067
P.O. BOX 204,
NORWOOD. S.A. 5067
TELEPHONE: (08) 366 4555
FACSIMILE: (08) 332 6338

25 August 1993

Dear Mr Mayes,

Re: Cat Control

I am writing to you in support of the organisation known as C.A.T.S. (Cats Assistance to Sterilise Inc). This Council has been associated with and given support to C.A.T.S. over the past 4 to 5 years and we are extremely pleased with the humane, cost-effective and positive methods in which they approach the problem of cat control.

I believe that at least 2 of our neighbouring Councils, the City of Burnside and the City of Unley, have also had positive dealings with C.A.T.S. and further, that the Town of St. Peters have begun working with the C.A.T.S. Scheme to control a colony of problem cats in their area.

This City has been so impressed with the work done by C.A.T.S and its supporters that it awarded their Fundraising Coordinator an Award on Australia Day for outstanding voluntary service to the district in the area of cat control.

It was recently stated in "The Advertiser" that you would like to meet with the Australian Veterinary Association and the Local Government Association to discuss a state wide cat-management program. As a member of the Local Government Association, we request that you also speak to the C.A.T.S. Organisation and consider their approach, views and ideas to the problem of cat control. As stated above, this Council is extremely pleased with the results achieved to date within our area. C.A.T.S. Inc can be contacted by telephoning Christine Pierson, President on 331 0476 or by writing to P.O. Box 160 Kensington 5068.

We reiterate that the methods adopted by C.A.T.S. are humane, cost-effective and positive – all issues that must be taken into account when considering this matter.

If you wish to discuss this matter, please do not hesitate to contact David Green at our office, phone 366 4555.

Yours sincerely,

EASTERN METROPOLITAN REGIONAL HEALTH AUTHORITY INC.

POSTAL ADDRESS: P.O. Box 480, Magill, S.A. 5072
OFFICES: 558 Magill Road, Magill, S.A. 5072

☎ (08) 33 276 33
Fax (08) 33 292 08

COMPRISING LOCAL GOVERNMENT AREAS

City of Burnside
City of Campbelltown
District of East Torrens
City of Kensington & Norwood
City of Payneham
Town of St. Peters

This was in C.A.T.S. early days when we commenced working with EMRHA Inc. See the following statement proving our remarkable results and success.

JWAV/HZ

19th June, 1991

Ms J Farrelly
Animal Welfare Dept
New Zealand Insurance Building
55 King William Street
ADELAIDE S A 5000

Dear Ms Farrelly,

Re: C A T S Inc - Cat Assistance to sterilise

This Authority on behalf of several of its constituent Councils, most specifically the City of Burnside, has had occasions to use the services of the above organisation.

Several years ago we were involved with extermination of a large group of feral cats in the Glenunga area. This caused a very adverse reaction from various persons and groups resulting in public demonstrations and "unfavourable publicity" for the City of Burnside.

Since then we have supported the C A T S organisation and their activities including some financial support. They have successfully resolved a number of cat related problems for us.

In conclusion officers support the submission from the organisation for State Government financial assistance so that they can continue to put in place a long term solution for reduced numbers of unwanted cats in urban and country areas.

Yours faithfully,

N J Wilson
DIRECTOR/REGIONAL HEALTH SERVICES

EASTERN METROPOLITAN REGIONAL HEALTH AUTHORITY INC

POSTAL ADDRESS: P O Box 275, Stepney S A 5069
OFFICES: 101 Payneham Road, St Peters S A 5069

Phone: (08) 8362 7655
Fax: (08) 8362 7455
E-mail: emrha@emrha.sa.gov.au

COMPRISING LOCAL GOVERNMENT AREAS
City of Burnside City of Campbelltown City of Norwood, Payneham & St Peters
ENVIRONMENTAL HEALTH SERVICE PROVIDER for Corporation of Walkerville

JV/MW

2 March 1999

Ms C Pearson
CATS Inc
P O Box 160
KENSINGTON PARK S A 5068

Dear Christine,

RE: EMRHA'S INVOLVEMENT WITH FERAL CATS

As you are aware in the mid nineteen eighties this Authority was often called upon to deal with large numbers of feral cats especially in the Burnside area.

We unfortunately had to arrange for the humane destruction of these cats by request of the residents.

However, during the nineties the demand for our services dropped dramatically and in the last few years no concerns about large numbers of cats have been brought to our attention.

I hope this is of assistance to you in your speech. Good luck at the conference.

Yours faithfully,

JOHN VELDHOEN
CHIEF EXECUTIVE OFFICER

jv990302.doc

City of Unley

Civic Centre, 181 Unley Road, Unley, S.A.
Telephone: (08) 372 5111 Facsimile: (08) 271 4886

Your Reference: Our Reference: 01/00319

24th August 1993

The Hon Kym Mayes MP
Minister of Environment and Land
Management
G P O Box 667
ADELAIDE SA 5001

Dear Kym,

The Unley Council first provided financial support to C.A.T.S. Inc. in 1990. At the time reports regarding problems caused by wandering or straying cats and calls for action to promote responsible cat ownership, were common. Uncontrolled breeding in colonies saw cat numbers rapidly increasing.

Since C.A.T.S. Inc. has operated in Unley complaints have decreased, a result of the considerable activity by the organisation's volunteers. The success of C.A.T.S. Inc. is based upon two procedures:

1) desexing which reduces numbers of cats and associated complaints etc.; and
2) the return of cats to their home environment.

It is this return that provides ecological balance. The destruction of cats only creates cat-free territories which are readily re-occupied by active animals. The policy of C.A.T.S. Inc. is totally opposed to the killing of cats.

While some believe a cat-free suburbia is desirable, a stable cat population which is gradually reducing over time and which ultimately results in only wanted numbers is considered the next best option. Control is attainable with C.A.T.S. Inc. and is achieving the desired result. Records and lack of complaints substantiate this fact. Clearly owners of colonies are not prepared to surrender unwanted pets for slaughter but are willing to participate in desexing programmes.

Our Administration and community is supportive of the work and efforts of C.A.T.S. Inc.

Yours sincerely,

MICHAEL KEENAN
MAYOR.

ENQUIRIES: PETER PERILLI
REFERENCE: 8366 4523
PHONE: *8366 4533*

City of
Norwood
Payneham
& St Peters

175 The Parade
Norwood 5067
South Australia
PO Box 204
Kent Town 5071

Tel 08 8366 4555
Fax 08 8332 6338

email
townhall@npsp.sa.gov.au

23 March 2004

TO WHOM IT MAY CONCERN

I advise that the City of Norwood, Payneham and St Peters has worked with CATS (Cats Assistance to Sterilise) Incorporated for a period of nearly sixteen years in order to assist with the number of un-desexed cats throughout the city.

In 1988, the Council resolved to donate $3,000 per annum to CATS Incorporated in order to assist them with their cause to deal with their excessive numbers in a sensitive and effective way.

Since that time, the Council has continued to fund this association with $3,000 per annum as it has held the view that controls on cats have to be sensitive to the Community's needs and therefore the Council believes that in most ways this has been achieved by CATS Incorporated. CATS Incorporated has been significant in reducing cat numbers and cat related problems in an efficient and humane way by coordinating existing services and getting as many cats desexed and returned to the home territory as possible. The more desexed resident cats, the fewer un-desexed cats can move in and by adopting this approach, there has been a major success in the reduction of the number of cats within our Council area.

I also wish to comment on Christine Pearson and the volunteers that work for CATS Incorporated. They have gone about their task in a professional and sensitive manner and have been one of the major reasons for reducing the number of cat related problems within the city.

CATS is a not-for-profit organisation and its primary cause is to promote the welfare of cats. This is demonstrated by the fact that any proceeds received are reinvested into furthering its cause. They believe that their method of operation is an effective way of reducing cat numbers. They believe that their program clearly shows that the removal of cats from an area provides only a temporary solution and that a managed approach involving desexing and return provides a better outcome for all in limiting cat numbers.

Christine Pierson and her volunteers continue to be well supported by the residents of the City of Norwood, Payneham and St Peters. I also conclude that the Council continues to contribute each year to CATS Incorporated to help it maintain and promote the program within the city, and considers that this amount which is contributed to CATS Incorporated is spent for the better of the community.

Yours faithfully

Peter Perilli
General Manager Urban Services



THE CORPORATION
OF THE CITY OF
KENSINGTON
NORWOOD

MAYOR'S OFFICE
175 THE PARADE NORWOOD
SOUTH AUSTRALIA 5067
P.O. BOX 204,
KENT TOWN, S.A. 5071
TELEPHONE: (08) 366 4544
FACSIMILE: (08) 332 6338

Mr Colin Caudell
Member for Mitcham
Westfield Shoppingtown
Diagonal Road
OAKLANDS PARK SA 5046

24 November 1994

Dear Mr Caudell,

RE: CATS ORGANISATION

I write to express my personal support for the work that C.A.T.S. (Cats Assistance to Sterilise Incorporated) carries out within our Council area.

Since the C.A.T.S. organisation has been operating within our Council area the problem with stray and feral cats has been significantly reduced. The service which C.A.T.S. provides, by financially aiding sterilization of cats and pick-up of strays etc., is a necessary and successful way of controlling unwanted cats.

In recognition for the work done by C.A.T.S. one of their volunteers, Anita Wayne received a special commendation from Council in the Australia Day Awards for her significant work in this area in both raising awareness of people to the desexing of cats and also in raising significant funds to help subsidise the project.

Yours faithfully

V CICCARELLO

The Cat Protection Society
of South Australia (Inc.)
P O Box 276 Woodville SA 5011

All Elected Members
City of Mitcham
131 Belair Road
TORRENS PARK SA 5062

Dear Elected Member

RE: PROPOSED CAT BYLAW

Our society urges Council to carefully consider its proposed bylaw to control cats.

Such controls have proved to be largely ineffective and expensive in New South Wales, Victoria and overseas. Education of residents and voluntary cat desexing have proved to be the most effective methods of controlling cat numbers and any associated problems which they may cause.

Many councils are working with C.A.T.S. Cats Assistance To Sterilise (Inc) to reduce cat problems. These include Burnside, Norwood Payneham and St Peters, Port Adelaide/Enfield, Salisbury and Unley.

As a testimony to this work, Mr Bruce Lang, the Chief Environmental Health Officer for The City of Unley has provided a statement. A copy of his statement is enclosed for your information.

We are convinced that the C.A.T.S. Inc Non-Legislative methods of cat control achieve far greater success in reducing cat numbers and cat related problems than the Legislative approach and for this reason we are pleased to make the following offer.

Should your council decide not to proceed with the introduction of a cat bylaw at this time, our society is prepared to offer funds, on a dollar for dollar basis, any donation made to C.A.T.S. Inc by Mitcham Council to desex cats in your Council area over the next 12 months..

We hope that Council will be in a position to accept our offer.

Yours faithfully

Kate Clayton

Kate Clayton
President
29th May 2009



The WORLD LEAGUE for PROTECTION of ANIMALS, Inc.
P.O.Box 211, Gladesville, N.S.W. 2111, Australia. Tel: (02) 9817 4892 Fax: (02) 9817 4509
Email: admin@wlpa.org Web Address: www.wlpa.org

To Whom it May Concern

Re: Proposed regulations to introduce companion Animal Microchipping and Registration in South Australia.

Our organisation has been active in hands on companion animal welfare work in NSW over several decades. We submit the following points and ask that they are taken into account in your consideration of the possible introduction of regulations regarding microchipping and registration of companion animals in South Australia in particular relating to cats.

- That the administration by local Councils of any such scheme is very costly and time consuming and results in the reduction of funds which ought to be and may very well be available for other more effective companion animal schemes such as community education on responsible companion animal care and support for or provision of low cost desexing.
- Responsible companion animal owners manage their animals responsibly but irresponsible ones ignore regulations and do not comply with requirements to microchip and register.
- Compliance is low both in NSW and Victoria, and is impossible to monitor or to police.
- Regulations were introduced in NSW ostensibly to facilitate the return of lost cats to their owners. However, as far as we have been able to ascertain very few microchipped cats stray to the extent that they become lost and need to be picked up by Rangers and returned to their owners. Therefore these regulations are irrelevant in that aspect.
- Microchipping and registration of cats has not had the effect of reducing cat populations in NSW. The main component of cat management, whether owned or free living, is revenue assisted desexing, ongoing community education and mediation should conflict occur in the community.
- Restrictions by Councils limiting 2 cats per household results in people hiding additional cats and not microchipping or registering them. These cats are not taken to the Vet to be desexed for fear of being caught. This leads to an explosion of kitten breeding.
- NB We commend the work carried out by C.A.T.S. Inc.(Cats Assistance To Sterilise) and wish that such excellent and effective services were available in other States.
- NB In view of the fact that South Australia is fortunate in having the above mentioned dedicated and effective group leading the way in cat population management, we recommend that such schemes be expanded and supported.

Halina Thompson President – World League for Protection of Animals

Halina Thompson

Registered under the Charitable Fundraising Act CFN 12896

Parliament House

Adelaide SA 5000

29.01.2019



To Whom It May Concern

Regarding the new cat legislation which was introduced on 1 July 2018 and requesting its review

I have been the Vice President of C.A.T.S. Cats Assistance To Sterilise Inc since its incorporation in 1989 which is almost thirty years. This has given me considerable expertise in understanding both people and cats and how best to work with them in the community, to achieve the highest rate of desexing of cats to control breeding. I have also been working to encourage people to be responsible regarding their management of cats.

In addition, I have been writing the desexing referrals and sending them to our 60 plus cooperating Veterinary Surgeons for over 20 years.

The methods that C.A.T.S. uses have been tried and tested for 30 years, and this has been built on the research from around the world and interstate, regarding best practice in Cat Management. Indeed South Australia has become a leader in good cat management and was, before 1 July 2018, the state with the highest rate of desexed cats and the best record for cat management. (See Reark Research Survey which found that Adelaide had the highest rate of desexed cats in the county)

Even in our early days, C.A.T.S. received a State Government Award for our services to councils and we were supported by the politicians and ministers of those times.

We have been very disappointed by the way that, more recently, the former Labor Minister for Environment, Ian Hunter, excluded us from input into the changes to the Dog and Cat Management Act 1995 and we have noted the

huge decrease in responsible cat management and particularly desexing, since the new legislation was imposed on 1 July 2018.

I can directly attest to the fact that calls requesting desexing referrals during my shifts have dropped to well below half than was the case before the new cat laws started. Sometimes I am now only getting 3 or 4 calls per 3 hour shift, instead of being flat out trying to get the referrals written before the next caller is on the line.

I find this both disappointing and unacceptable and I am therefore asking the Legislative Review Committee to take this seriously important issue and review it. The exclusion of C.A.T.S. and many other organisations and individuals that opposed making desexing and microchipping mandatory is in my view unacceptable.

Given the disaster that has resulted with already triple the number of kittens being born, apart from the massive drop in requests for desexing, should be enough evidence to consider changing the Regulations and repeal making desexing and microchipping mandatory.

There is no need to force people to microchip cats unless they are selling their cats, this should be a matter of choice. Without human intervention, cats rarely get lost in any case.

In addition, most cat owners were already desexing their cats. I substantiate this claim by quoting from the statements made by the Australian Veterinary Association which also opposes mandatory desexing.

The following is a quote from the Australian Veterinary Association

"Our policy on desexing points out that mandatory desexing of animals has not proven an effective strategy for reducing the number of unwanted companion animals. Mandatory desexing of owned animals also doesn't account for the impact of semi-owned, stray and feral animals in pet overpopulation".

There is a high level of voluntary compliance with desexing in owned animals – 93% for owned cats and 78% for owned dogs. Voluntary desexing has effectively managed population growth for owned animals in Australia. Existing research has shown that euthanasia in

pounds and shelters is rarely because an owner has too many animals'.

"Unfortunately, many of the opinions and policy 'solutions' to the problem are poorly informed about both the problems, and the strategies that have been effective against them in the past. This means that taxpayers' money is invested by local and state governments in initiatives that will not have a significant impact on the problem they are intended to solve. Responsible pet owners are often required to spend more money on their pets due to increased regulation. And dogs and cats continue to be euthanised, eliciting the outrage of animal organisations who call for solutions that may not be based on scientific evidence or been proven to work".

Indeed, the REARK research survey found that Adelaide had an even higher rate for desexed cats.

Instead of the new cat legislation decreasing the numbers of cats and kittens, it has resulted in just the opposite, with now triple the number of kittens being born. Even the RSPCA, which only receives a small percentage of the kittens and cats, has stated that they have nearly double the number that they had at this time last year, which I read in "The Advertiser". I have also read letters in "The Advertiser" and been informed of more letters in the local papers, from other organisations and individuals, stating that the new cat legislation is a disaster.

I respectfully ask that you review this ineffective and counterproductive cat legislation. Thanking you for this opportunity to submit my request and please let me know if you would like further details.

Yours faithfully

Barbara Mott

Vice President C.A.T.S. Cats Assistance to Sterilise Incorporated

Jenny McFeat

From: helen wright <[redacted]>
Sent: Saturday, 7 June 2025 8:13 PM
To: Townhall
Subject: Submission to the NPSP Council public consultation for the By-Law No 7 Cats

Warning: This email contains elements that may indicate "Phishing" intent - aimed at tricking you to disclose private/financial information or even your credentials.
Do you trust this sender?

Yes No

Campbelltown Cat Management and Welfare Group

Urgent Submission to the public consultation for the proposed By-Law No 7 Cats

to state our strong opposition to it being passed.

As a dedicated residents' group in a neighboring council we feel we have a responsibility to provide your council with what happened to our people when a new Mayor and mainly new councillors undermined our cat management program which had been operating for 30 years.

The organisation CATS had been assisting us since its incorporation in the late 1980s with low-priced desexing for our cats and stray cats and we could also get free advice on cat care and advice on good management by ringing its Hotline.

The councillors at the time were so impressed with the results and the community support for CATS that they asked them to take on the council's cat management and it became official with the offering of a $3,000 grant each year as you had at NPSP.

After the huge success of your free cat desexing, CATS said that due to the support we had provided, our council was eligible for free cat desexing for a small token increase of $3,000 as per what you had. That would have meant that we would have been the second council in SA to have this amazing program

Instead of that these new councillors imposed a cat bylaw which has cost the ratepayers and residents over $125,000 just to get it passed and implemented.

The worst part however is that CATS resigned on the day that the cat bylaw was imposed as it is well-known that CATS will not work with councils that threaten residents with fees, fines and having their cats seized.

Although our group knows that CATS would never disclose our private records it has been difficult to convey this to the whole of our council area and the desexing rate of our cats has fallen.

We used to have a very high rate of cat desexing and a well-known record for good cat management.

Now the cat supporters hide their cats and have gone underground.

Our council is now in a dreadful mess. It can't comply with any legislation under the cat bylaw as it can't catch the cats and when it does grab a few they don't have microchips and cannot be tracked down in any case. Our residents are not falling into the trap of having microchips and recording on DACO as we are not going to be fined $312-50 for our cats when they visit the neighbors' places, called trespass.

Also when the council catches a cat, they do not know what to do with it as the RSPCA won't take it, the AWL won't take it and the adoption groups don't want it and nobody will accept these seized cats.

Obviously CATS won't help take the cats as that would assist our council in catching more!

Even if the cats were to be killed, which of course we don't want, it costs a lot of money to have a cat destroyed. The vets charge well over $100 per cat and up to $200. The cats could have been desexed through CATS for that amount of money and been an asset to the council to catch rats and mice.

We don't want the cats to be seized and we want them to be desexed, but we are scared that if we do we could be found out for not having the microchips and fined another $312-50 for that. CATS now has nothing to do with our council as nobody would trust them if they did.

There is obviously hardly any income from this cat bylaw and there never will be much as the compliance for registration is minimal, shown by the minuscule numbers of owned cats on DACO and also the councils with these strict cat bylaws.

The Team Leader of Adelaide Hills Council reported in his webinar that only 9% of its cats were registered and most were designer cats (which have to be registered to sell the kittens) and few were moggies

Adelaide Hills Council have had a huge overspending of their Animal Management Plan budget which is obviously due to the cat bylaw.

It can also be noted that after the cat bylaw at our council our rates were significantly increased.

Before the cat bylaw, few valid complaints were received by our council but since the cat bylaw these complaints have significantly increased. This is understandable as CATS is no longer solving our cat-related issues before they become problems, which are then reported to council. If this mess continues, we are also worried that another staff member will need to be employed to cope and this will mean our rates will go up even higher.

The hatred towards our council is really strong as shown in this letter published in "The Advertiser" 17/5/2023

Pet fury
War against Campbelltown City Council heated to boiling point when the conditions of the Cats By-Law 2022 appeared on council's Facebook page.

Such was the abuse and colourful language that the posts were removed and the site was closed for comments with a warning posted.
Most residents know nothing of the impossible conditions being unleashed upon them in two weeks, as most of the bylaw groundwork occurred while the council chamber was closed during the pandemic, and people urged to stay home.
Residents here have worked hard for decades to achieve a high standard of cat care with high desexing rates, and there was no excuse for their success to be undermined by this unfair treatment of their beloved cats.
They have paid to desex the cats, both their own and unowned cats, feed and care for them, and now many have multiple cats and will be forced to apply to even keep them.
Also they will be charged registration fees for the cats if council finds their names from microchips, and fines of $312.50 if the cats trespass.
Geraldene Hannah, Kensington

Our letter published in "The Advertiser" on 6/5/2023
Cat lovers object

We are the ones devastated by the "Claw and order: Cats locked up".(The Advertiser, Tuesday)
We have spent three decades working with the previous Campbelltown Council's wonderful cat management program, desexing all our cats, both our own and unowned.

Between our community, council and Cats Assistance To Sterilise (CATS) we have organised more than 6000 cat desexings and together have got most of the cat-related problems reduced to a minimum.

Our success was such that we were next to have free cat desexing like our neighbour Norwood Payneham and St Peters Council through CATS.
We are heartbroken that this has all been scrapped because of this cat bylaw to be imposed by a different mayor and councillors.
Even if CATS helps desex, we can't cope with registration fees, fines of $312.50 if our cats trespass and limits of only two, or expensive cat runs.
We are upset and some are physically ill with fear that our beloved cats will be trapped and killed.
We beg the new mayor and councillors to stop this cruelty to us and our cats.
Peter Benson, spokesman, Campbelltown Cat Management and Welfare Group

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And one of the letters supporting our group published in "The Advertiser" on 10/5/2023
Cat lovers complain
Thank you to the Campbelltown Cat Management and Welfare Group for outlining our devastation at cat bylaws that Campbelltown Council have announced (Letters, The Advertiser, Saturday).
Many of us did sign petitions and sent in submissions against the council cat bylaw, which were ignored.
What will happen to those of us who have desexed unowned cats and are now caring for them when the council will restrict us to two per household? They haven't thought this through at all.
Our elderly, disabled and disadvantaged cannot comply with the impossible conditions and

are fearful of the consequences.
How can they do this when the motion to disallow is still going through parliament?
Lisa Roberts, Magill

It has also created disharmony between some neighbors and there is now no support for addressing these differences as CATS no longer considers our council as one of its priority councils. We know they can't do what they do for you and did for us, for all 68 councils. They give preference to councils without cat bylaws.

What a terrible shame to our wonderful council, CATS community- based program that was working so well.

We are devastated by this and don't want to see this happening in NP&SP as well.

Actually, we ask what is your Council thinking by even considering having a proposed cat bylaw?

Please contact me if you have any questions or would like further information.

Spokesperson Peter Benson

[redacted]

Jenny McFeat

From: Geraldene Hannah [redacted]
Sent: Tuesday, 10 June 2025 10:18 PM
To: Townhall
Subject: [Spam] CATS BY-LAW SUBMISSION - OBJECTION.

To Whom it May Concern

From Jimmy Radcliff
Glynde SA 5070
C/ email [redacted]

I object to our council having a cat by-law as it will undermine all the work that has been done for decades to de-sex hundreds and hundreds of cats in our area.

There used to be so many unde-sexed cats, especially where I am and we were really worried as some of them were not well fed.

We were so pleased when the council helped get these cats sterilised and now we have the place under control.

If the cat by-law comes in we are afraid it will all go back to what it used to be as there will be no more help from the de-sexing people called CATS who will not give us the free de-sexing anymore.

Please don't do this to us.

Signed

Jimmy

Jenny McFeat

From: From The <animalsassistant@outlook.com>
Sent: Tuesday, 10 June 2025 11:12 PM
To: Townhall
Subject: Submission to the public consultation for By-law No. 7 - Cats Norwood Payneham and St Peters Council

Submission to the public consultation for By-law No. 7 Cats Norwood Payneham and St Peters Council

From Christine Pierson
Four generation resident and multi ratepayer.

OPPOSITION to By-law No. 7 - Cats

I wish to state that although I have long-term experience and expertise which qualifies me to present evidence-based information regarding my strong opposition to the introduction by my Council of By-law No. 7 - Cats, I am submitting this paper as a ratepayer who considers my rate money should be spent on the many neglected areas in our Council before it undermines the already existing, and excellent, 35 year successful C.A.T.S./Council Cat Management program which is strongly supported by the wider community and the only method which has shown any proof of success in reducing cat numbers, cat-related problems and impact of native wildlife.

In an article in "The Advertiser" on August 24 2020, **Cat desex plan to herd in numbers**, by Kaysee Miller,
"RSPCA South Australia chief executive Paul Stevenson praised the council for taking a lead in cat management.
Uncontrolled reproduction is the root cause of cat overpopulation in South Australia , and the current piecemeal approach by some councils, isn't working," Mr Stevenson said.
"To date, we have seen 36 local councils introduce cat by-laws that, although well intentioned , overall are highly inconsistent and we've not seen any tangible results through this approach.
"We expect the data collected as part of this project will prove that large-scale cat desexing programs, supported by local councils, are the most effective way to stop indiscriminate breeding."
Later in "The Advertiser", in 2022, the RSCPA CEO stated, "Although some councils have introduced a cat bylaw, there has been no tangible evidence of success",

The cost of the C.A.T.S./Council program is virtually non-existent for ratepayers and residents (where rents are raised when rates increase) as it is mainly funded by the C.A.T.S. Cats Assistance To Sterilise Inc organisation and its numerous contacts with cooperating vets and supporters.

Why, when complaints about cats are minimal and there is wide-spread community support for the already successful partnership, was a cat bylaw even raised? I question the qualifications of any Councillor who would raise such an issue when it is obvious that the already operating system is excellent.

Obviously whomever raised this issue has no understanding of the fact that cat bylaws have failed everywhere they have been imposed and, although costly to the ratepayers and residents (as landlords simply raise the rents) have not achieved any tangible evidence of success.

It appears that some councillors who supported the proposed By-law No. 7 - Cats may not understand that our Council cannot have both a Cat Bylaw and the successful 35 year C.A.T.S./Council partnership, as the two approaches are not compatible.

A cat by-law alienates residents and undermines trust in the Council as these cat bylaws pose threats of fines, fees, limits of cat numbers and seizure of cats, while the C.A.T.S./Counci program is based on trust, honesty and working with residents in the community where the cats live.

For over 35 years the C.A.T.S./Council partnership has been successful and together we have mainly rectified the out of control breeding of cats in our Council area after being asked by the former Mayor Jack Richards and later former Mayor Vini Ciccarello, to take on the big job of cat management and desexing for the Kensington and Norwood Council which later became the Norwood Payneham and St Peters Council.

The agreement was that C.A.T.S. would run the program provided a cat bylaw was not imposed.

As stated, the RSPCA views are that "Although some councils have introduced a cat bylaw, there has been no tangible evidence of success", and this continues to be the case.

The only method which has provided evidence-based data clearly showing a reduction in cat numbers, cat related problems and impact on native wildlife is the C.A.T.S. method, clearly obvious by the success of the Norwood Payneham and St Peters Council mass desexing and good cat management scheme.

Our Council is the only one of the 68 SA councils to have free cat desexing for all its (non-pedigree) resident cats, owned and unowned, which is run and mainly funded by C.A.T.S. and the cooperating vets which has been established through our organisation.

Without C.A.T.S. participation there would be...

No free cat desexing for all (non-pedigree) resident cats, owned and unowned, already proven to be strongly appreciated by the residents.

No Council access to our additional low priced desexing at a third to a half of the regular rate (if the free desexing were to be over the allocated amount) as Council has no way of accessing this service.

The regular rates for desexing are between $300 and $500 per female cat and another $100 if the cat is found to be pregnant. C.A.T.S. prices are a flat rate of $135 for a female cat and $105 for a male cat..

C.A.T.S. will not risk working with Councils if a cat bylaw is imposed, as many residents will not trust us as we will be seen to be working with councils that impose fines, fees and seizure of cats.

The contribution by C.A.T.S. of veterinary services, through the arrangement C.A.T.S. has with its cooperating vets,(note the difference in price between the regular rates for cat desexing and the C.A.T.S. prices for multi thousands of NP&SP cats, over 35

years); plus the massive donation of time, money and effort from the volunteers; the 18 hour per week Hotline, providing free access to trained and experienced staff to negotiate amicable solutions between residents with cats and those with cat-related issues; the donated use of the offices of the volunteers with computers, printers, telephones; and the further donations of the printing of leaflets, postage, stationery etc clearly show this has been a multi million dollars offering to our Council which has been distributed to the residents of our Council.

Why would our Council now replace this with a cat bylaw when there is no evidence to prove any success whatsoever in achieving what the C.A.T.S./Council partnership has already achieved and the success of which has been evident for over 35 years?

The whole plan to impose a cat bylaw will undo all the good work that has been done in our area.

And no Council involvement, because once a cat by-law is imposed the residents would not trust us as we would be seen to be working with a Council that uses threats and the big stick approach which is not working: Note the over 80% of estimated cat owners who have refused to have the microchips and record their details on Dogs and Cats Online(DACO). The state government knows that this is a failure as it can't be enforced and even if it could it would create even bigger problems.

And don't forget the estimated 200,000 unowned cats which would not be desexed by the residents, as they currently are being desexed under the partnership, in our Council. They will be left to breed as killing these cats results in new cats filling the vacated spaces: (The Vacuum Effect)

Without the cooperation of the people who care for the cats nothing constructive will be achieved.

The cost of the service that C.A.T.S. has provided to our Council is not covered by the small Grant of $6,000 p,a. although it is greatly appreciated. Indeed, a trust has already been set up with a top law firm to continue this C.A.T.S./Council partnership indefinitely from the sale of my personal properties, one currently under auction at the moment.

Obviously, I could cover the few dollars donated by the Council but the example that has been set by our combined template has been a great education to the nearly half of the 68 SA Councils which do not have cat by-laws at all and do not want them. Seeing the success which our Council has achieved through cooperation, correct education and assistance with desexing for those councils that do not want cat bylaws and the failure of the state government attempts (only 8 are still active as more than half are not currently operating) they can see that our program is working and working amazingly well.

The cat by-law has caused a blow out of the Animal Management Plan budget at the Adelaide Hills Council and it cost Campbelltown Council well over $100,000 just to get its cat by-law passed. (Just check Council's paperwork and the Minutes recording the answers at its Public Question Time) And look at the disaster the cat by-law has caused with low compliance and the majority of cat supporters having gone underground, a big drop in cat desexing and an increase in complaints. And the hatred shown to this council by constituents, resulting in its Facebook shut down as it could not cope with the abuse. This was noted in "The Advertiser"...

"The Advertiser" 17/5/2023

Pet fury

War against Campbelltown City Council heated to boiling point when the conditions of the Cats By-Law 2022 appeared on council's Facebook page.

Such was the abuse and colourful language that the posts were removed and the site was closed for comments with a warning posted.

Most residents know nothing of the impossible conditions being unleashed upon them in two weeks, as most of the bylaw groundwork occurred while the council chamber was closed during the pandemic, and people urged to stay home.

Residents here have worked hard for decades to achieve a high standard of cat care with high desexing rates, and there was no excuse for their success to be undermined by this unfair treatment of their beloved cats.
They have paid to desex the cats, both their own and unowned cats, feed and care for them, and now many have multiple cats and will be forced to apply to even keep them.
Also they will be charged registration fees for the cats if council finds their names from microchips, and fines of $312.50 if the cats trespass.
Geraldene Hannah, Kensington

"The Advertiser" 19/7/2024

A sample of the many letters that were published at the time follows, showing that most cat supporters will not have the microchips and record on DACO and therefore many also do not desex either.

Cat owners get claws out

Why is our government upsetting the hundreds of thousands of voters who have cats, and who love them dearly, with threats that they are going to kill them?
I am very upset with the biased and cruel presentation of the Dog and Cat Reforms papers and the way they have denigrated cats – animals which have been protecting us from rodent plagues through the ages.
My friends and I are now terrified that the many cats, which we have had for years after we got them desexed and now care for them in our gardens, will be targeted.
If the government thinks they are going to get support from us under these conditions then they have made a big mistake.
Without the support of the people like me who care for free-living desexed cats, the government won't get what it wants.
This is already obvious by the few people recording details on DACO, (Dogs and Cats Online)
So they need to stop this shocking cruelty and start again.
Jeremy Madison, Rostrevor

"The Advertiser" 20/5/2023

Cat laws don't work

Responding to "Pet fury" and "Free desexing" (Letters, The Advertiser Wednesday), I have been helping people with sterilising cats for more than 35 years and know that before the cat laws, residents were keen to desex.
Since the legislation was imposed five years ago, and also since some councils have imposed cat bylaws, many residents no longer want to desex the cats because of the threats of fines and registration fees.

In fact, every time another cat law is passed, fewer cats are desexed.
Re-homing is not sustainable, because there are not enough good homes available.
Desexing cats and returning them to their homes is sustainable, efficient and cost effective, with cats fed and cared for by residents.
The 2022 Review of the Dog and Cat Management Act 1995 simply ignores all this evidence-based information, and continues promoting its failed cat policy.
B.B. Foster, Daw Park

Is this what we want of our Council?

Cats cannot be managed by legislation and even if they could, it would still not achieve the desired result.

What reason is there to change from the proven successful cat management program we already have had for over 35years, to a cat bylaw which the RSPCA has stated has not shown any tangible evidence of success?

And why was this issue re the cat bylaw raised in the first place, when everything has been running so well with Council, C.A.T.S. and the community all working together in harmony?

Why penalise residents who have done such a great job of supporting the desexing program and engaging in good cat management practices?

Are Elected Members aware that the following is clearly included in our own Council's Animal Management Plan?

Cats Assistance To Sterilise Incorporated (CATS)
CATS has been managing cats within the City for nearly 30 years, with the organisation dedicated to reducing cat numbers and cat-related issues within the community.
CATS organises low-cost desexing of cats to prevent the breeding of unwanted kittens through partnerships with participating vets.
In addition, CATS promotes responsible cat management and works with citizens to ensure they are responsible cat owners.
The Council provides an annual grant to CATS of $3000. There is widespread public support for the work which CATS has undertaken with the Council's support over the past 30 years.

(SInce then, Council's unanimous vote has increased the Grant to $6,000 as a token of its support for the FREE cat desexing for all resident cats, owned and unowned (except pedigrees and cats from breeders).

Also, why was no mention that this successful 35 year currently operating C.A.T.S/Council, unanimously supported by resolution of our Council, totally omitted in all the reports to Members by the Manager of Governance, for the agendas and minutes of 7 April 2025 and in information at the Council Workshop for bylaws, when it seriously affected the existing Council resolution?

In addition, under SA Law

"Once a council's cat bylaw has been passed by Parliament, it is generally required to be enforced by the council within its jurisdiction. The bylaw becomes legally binding and the council is responsible for its administration and enforcement, unless the bylaw is later disallowed by Parliament or repealed.
Here's a more detailed explanation:

- **Legally Binding:** Bylaws passed by Parliament and gazetted become part of the law in that jurisdiction.
- **Council's Responsibility:** Councils are responsible for the day-to-day administration and enforcement of these bylaws. "

And this example which I still consider relevant as I have not heard of any changes to the SA law regarding administration and enforcement of cat by-laws. Once a council makes a cat by-law it is at the mercy of the State Government Dog and Cat Management Board.

Whyalla Council found this out when it introduced such a by-law in 2007.

From the Whyalla Council former Web Site - copied, including the misspelling of "Subsequently"...

"Subsequestly, on 21st January 2013 a compliance audit conducted by the Dog and Cat Management Board (DCMB) on Whyalla Council as part of the board's statutory requirement revealed that although Council does have a By Law in relation to Cats, it is not enforced. The recommended corrective action included a requirement from the DCMB for Council to implement By – Law No 6 Cats, and provide evidence of cat registration and enforcement activities."

Why, I ask, would NP&SP Council want to place itself in this position? Providing evidence of cat management enforcement is not only difficult, it is virtually impossible, and requires an enormous amount of staff time. The cost of employing another staff member or outsourcing this, covered by the Council rates, would run into the tens of thousands of dollars to comply with SA law.

Cat by-laws cost all ratepayers, not just cat owners. Registration fees do not cover costs because compliance is so low, as shown by multiple cases where ratepayers are footing the bill. eg Blowout of the Animal Management budget at Adelaide Hills Council and the massive expenditure by Campbeltown Council and the mess that they are in now since C.A.T.S. resigned. Few now have any trust for that council and most have gone underground and won't comply and the hatred towards the council is rife.

Do we want this for NP&SP?

As a multi-ratepayer, and on behalf of friends and colleagues who are also ratepayers, I am strongly objecting to our rates being wasted on a cat by-law that is **totally and utterly unjustified, extreme in its requirements, unrealistic in its objectives, unsupported by the science of cat behaviour and has detrimental consequences to both the cats, and the owners and carers, with its application!**

General Statement regarding cat legislation

Cat legislation can't be enforced (neither can cat bylaws)

(It simply undermines good cat management and stops residents desexing cats)

Before 1995 and the Dog and Cat Management Act, cat numbers were already dropping to such a significant number that the records at the main shelter at the time show that half the number of cats were being destroyed within a 5 year period.

This was due to the mass desexing of all cats, owned and unowned, through the low-priced C.A.T.S. Desex and Return to Home program. (See graph below)

When all was going well, the state government undermined this undeniable success by introducing cat legislation: From 1 July 1995, cat numbers stopped dropping and started to increase.

After the 2018 Amendments were imposed, cat numbers skyrocketed until the shelters said they could take in no more cats.

Cat Management cannot be enforced, and even if it were to be, it would still fail because the whole idea of successfully managing cats through laws is based on a flawed concept.

With an estimated 200,000 unowned cats in urban areas of SA there will always be plenty of cats to fill the spaces when laws confine, rehome or seize and kill the cats, under the legislation.

Forcing microchips doesn't work as most residents will not have the microchips, proved by the less than 20% of cat owners recorded on Dog and Cats Online (DACO) and after 7 years of "enforcement" by the law, this small number has never significantly increased.

Without the microchip, ownership cannot be proved and without proof of ownership the courts will not convict.

All the mandatory microchipping has done is stop residents from desexing the cats, especially the unowned cats.

Ownership cannot be proved by a cat being fed on an owner's property as feeding native wildlife is legal and food can be put out for the native animals and the cats will eat it.

Ownership cannot be proved by a cat being seen on an owner's property because cats cannot be kept off of an owner's property without a cat-proof fence (very hard to install).

So anybody who thinks that cats can be successfully managed by legislation should do the research.

In addition, anyone who refuses to recognise the Vacuum Effect, that removal of one lot of cats results in an influx of new cats (usually undesexed) simply shows their ignorance.

This is a scientifically proven phenomenon of nature and it cannot be changed by cat legislation. The reason the state government never mentions the Vacuum Effect is because it undermines the credibility of its legislation.

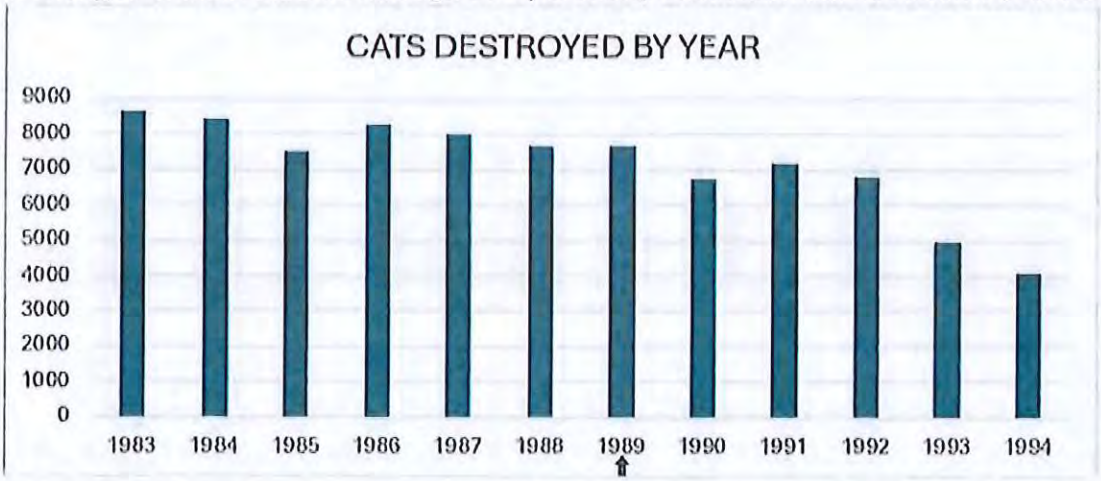
From the feedback from the DEW Workshops it shows that many of the attendees, and also Members of the Dog and Cat Management Board, have never had the essential experience of working with cats and the residents who care for cats in the community where the cats live.

Without this experience and expertise, how could they make decisions based on factual evidence?

Obviously they can't, so it is time to face reality that cat legislation cannot be enforced.

Before the cat legislation of 1995

It needs to be seriously noted that before any cat legislation in SA, C.A.T.S. through mass desexing of all cats, owned and unowned, reduced the numbers of cats being destroyed at the Animal Welfare League, the main shelter for cats at that time (as it was accepting 3 to 4 times as many cats as the RSPCA), to virtually half, within 5 years: This graph below, shows the results that can be achieved by working with the residents through co-operation, education and assistance with desexing.



C.A.T.S. Inc was incorporated in late 1989. Note the significant drop in cats being destroyed after C.A.T.S. began its mass desexing of all cats, owned and unowned in the 5 years after C.A.T.S. was incorporated on 1 November 1989.

The 1992, REARK Research conducted a survey which found that SA had the highest rate of desexed cats for any state surveyed in the country.

This was also due to the mass desexing of all cats, owned and unowned, conducted by C.A.T.S. through wonderful cooperating vets. No cat bylaws were operating at this time.

Using our template, Norwood Payneham and St Peters Council has been so successful in controlling its cats through the partnership with C.A.T.S. that it has now had free cat desexing for all resident moggies, owned and unowned for over 2 years. (please see the second link below) and Council stating that "No expiation notices have been issued for cat related offences".

The reason why C.A.T.S. does NOT support state government subsidised free and low-priced desexing

The reason why C.A.T.S. does NOT support state government subsidised free or low-priced cat desexing while the current legislation is operating is because the state government will want to get

the funding from penalising the owners of the cats that have microchips and recorded their private details on Dogs and Cats Online (DACO). This means that the residents who follow the legislation are being led into a trap that they will be charged registration fees for the cats, including the unowned cats they have helped, and also be subject to the fines for trespass if confinement is imposed, and also where councils have confinement cat bylaws. The fine for cat trespass at Campbelltown Council is $312-50.

Why should the owners of the cats who have had the microchips and recorded their private details on DACO be penalised to pay for the free and low priced desexing by the state government or councils with cat bylaws which impose registration fees? It is NOT fair, especially if these kind residents are feeding and desexing unowned, hungry cats.

Cat registration fees will reduce cat desexing to an even lower number than already caused by the cat laws. Cat desexing has already dropped to half since making microchips mandatory and forcing recording on DACO.

C.A.T.S. program has nothing to do with the State Government and all our records are confidential. If Councils refer to C.A.T.S. then C.A.T.S. handles it from there. We do not provide any private details to councils. That is why C.A.T.S. is trusted and always has been.

All cats which go through the government/council schemes are forced to have microchips and this is recorded on DACO, so the small price saved on the initial desexing is not going to cover or even go far towards the registration fees and fines for the life of the cat.

C.A.T.S. promotes and assists with cat desexing for the general public, more than anyone else in SA, but it opposes the state government cat legislation because this is what has caused the drop in desexing and massive increase in undesexed cats.

The Cat Legislation must be repealed so mass desexing of cats can resume as it did before the failed Dog and Cat Management Act 1995 and its Amendments 2017.

For further information please contact Christine Pierson

Yours faithfully

Christine Pierson

Four generation resident of Norwood Payneham and St Peters Council and ratepayer of multiple properties.

Former Elected Member of NP&SP Council

email animalsassistant@outlook.com

Submission authorised for public viewing

Jenny McFeat

From: Carol Patricia James [redacted].com>
Sent: Wednesday, 11 June 2025 4:18 PM
To: Townhall
Subject: SUBMISSION - Argument Against the Norwood Payneham and St Peters Council Cat By-law No 7

Argument Against the Norwood Payneham and St Peters Council Cat By-law No 7

For the Norwood Payneham and St Peters Council Consideration

Submitted by Jason P. Sanderson

Beulah Road

Norwood SA 5067

I submit my reasons for speaking up against the By-law, and voice my concerns in the strongest manner possible with regard to:

1) the vast majority of rate payers being unaware of the consultation process with no idea of the implications for them and their pet cats,

2) Council's unrealistic expectations of the rate payer's compliance to this draconian By-law,

3) the immense financial hardship that will befall the many cat owners in the City with regard to the necessary installation of cat runs to comply with the By-law,

4) the fines, (as yet to be determined and not disclosed in the draft document), that will apply for the breaches of the By-law, the late fees that will be added, all of which will be compounding and the implications for those unable to pay,

5) the psychological and emotional strain on those vulnerable members of the community who require a companion animal for mental health wellbeing and can't accommodate a dog, as well as those who suffer with mobility issues and will be unable to comply with keeping visiting cats off their property,

6) the unrealistic expectations of the owners to have full control of their cats at all times, including the suggestion of cats on a leash when outside the owner's property,

7) The dangers to both cats and those walking cats on leashes as stated by the RSPCA that both cats and walkers are at risk of being seriously hurt. (Refer to the RSPCA warnings),

8) the disregard of the science of cat behaviour using the logic that cats should be treated the same as dogs,

9) the implications for the cats that cannot be retrained into these restrictive behavioural requirements and the direct impact on their health and well-being,

10) the lack of understanding applied by Council in targeting the owned, well fed, micro-chipped and de-sexed cats disregarding the feral cat population that no-one is responsible for and the impact of those cats infiltrating areas and breeding unabated when the owned resident cats are prevented form keeping the new cats out. (RSPCA states that there is an estimated up to 200,000 unowned cats in urban areas of SA). So resident de-sexed and managed cats are required to keep these cats out of our area,

11) the total disregard or even any acknowledgement for a good Cat Management arrangement in place, that has existed for many decades delivered by C.A.T.S. Inc, a volunteer-based organisation, who have provided a discounted de-sexing service to the rate payers through selected vets in the Council area, as well as advice and helpful suggestions on cat problems,

12) the very real and unintended consequences for native wildlife as cat numbers will increase, (as has been the case in other Council areas with a Cat By-law in place and reported by AWL and R.S.P.C.A), as feral cats needing to hunt and kill to survive,

13) the negative impact on the vast majority of rate payers who have not had a say in this process and are totally unaware of what their Council intends

14) the considerable debt our Council already has, and the cost of this unjustified expense which could run into tens of thousands of dollars, as implementing this cat bylaw will result in Council being compelled to show evidence of administration and enforcement, under SA law. This will require massive staff time, or either additional employment or outsourcing to paid contractors.

Conclusion

Why, when the Council already has a 35 year long partnership with the Cats Assistance to Sterilise Inc which has resulted in a notable success, with the wide-spread community and used by both residents with cats and those who are inconvenienced by cats, is Council changing its direction, particularly when there has been no evidence-based data to show that cat bylaws work. No tangible results have been shown to reduce cat numbers, cat-related problems and impact on native wildlife in any of the Council areas where cat bylaw shave been introduced?

I fail to see how taking away the low-priced de-sexing, and now free de-sexing service plus free advice on good cat care and management program provided by CATS Hotline is going to be popular with our constituents, especially when the rates rise to cover the unjustified expense.

Furthermore with council elections set for 2026 is it fair for staff to recommend to elected members to support this cat bylaw which will no doubt affect their re-election chances.

It will not be well received by the silent majority of residents who keep their cat-related issues confidential. They do vote when anonymity allows. From feedback I have received when researching this, our Councillors have not been provided with any basic information about the repercussions resulting from this cat bylaw regarding the Council/CATS agreement – is this fair to the elected members?

C.A.T.S. Cats Assistance To Sterilise Inc, which began in my original Council of Kensington and Norwood over 35 years ago, has become the leading cat management and de-sexing program across SA and the only one that concentrates on providing this service to the general public. Council should be reminded that the RSPCA and AWL do not provide this service to the general public as they de-sex cats which they adopt out. So do the adoption groups.

I find it quite strange that my Council does not advertise this information in its Newsletter of "Look East" about this success. Cats are coming from as far as Bordertown. Peterborough, Whyalla and Port Pirie to go through the CATS scheme which was pioneered in Kensington. In all these years I have never seen any support in this document praising the excellent work of CATS!

I support the work of CATS which I have made clear in my published letters to the Editors at "The Advertiser" and "Sunday Mail". I am not the only one as I have seen many letters published regarding the CATS achievements.

Two of my published letters follow...

15.10.2023 "The Sunday Mail"

Care for cats

Christine Pierson clearly makes the case for banning cat breeders and also the need to encourage residents to desex and care for cats instead of killing them ("Tale of cat, dog review", Sunday Mail, 8/10).

All the valid scientific evidence shows that killing cats achieves nothing except an influx of new undesexed cats, which breed and actually increase numbers. Why doesn't the Dog and Cat Management Board study the fantastic results that have been achieved by Ms Pierson's Cats Assistance To Sterilise Inc and my council of Norwood Payneham and St Peters, where nobody gets threatened or fined over cats but is provided with cooperation, education and assistance with free desexing?

Jason P. Sanderson, Norwood

17.5.2023 "The Advertiser"

Free desexing

Re: "Keep your cats in", (The Advertiser, Friday) I live in Norwood Payneham and St Peters Council, the best council in SA for cat management.
As far as I know we are the only one of 68 SA councils which has free cat desexing for all our cats, both owned cats and free-living cats which residents love, feed and care for.
We do not have wars with the council like in Campbelltown now, due to this cat bylaw, and we work together to solve any cat-related problems cost effectively through the council/ CATS Inc scheme.
If state government bothered to note the success of co-operation, education and assistance with mass desexing of all cats, instead of these counter-productive cat laws, it would reduce the stress, anxiety and fears of the community.
Why do the government and Campbelltown council persist in legislating for something that will never work, when there is a solution? Our council, which has never had any cat bylaws, desexes every cat we can find, free.
Jason P. Sanderson, Norwood

Yours truly

Jason P. Sanderson

11.6.2025

[redacted]

Jenny McFeat

From:	LISA ROBERTS <[redacted]>
Sent:	Thursday, 12 June 2025 10:18 AM
To:	Townhall
Cc:	Jenny McFeat
Subject:	Submission for NP&SP Cat Bylaws
Attachments:	AJP Submission to the Dog and Cat Management (Cat Management) Amendment Bill 2024 .pdf

The attached Animal Justice Party Submission to the State Government public consultation (for Web Site publication) is being submitted for the public consultation for the Norwood Payneham and St Peters Council regarding its proposed CATS BY-LAW 2025 (By-law No.7 of 2025) by founding members of the AJP.

This Submission covers the relevant information required for the debate on this cats bylaw by your Council and we are pleased to have been invited to provide it for your deliberations.

Please see the attachment above.

Yours sincerely
Lisa Roberts-Daintree

Submission to the Dog and Cat Management (Cat Management) Amendment Bill 2024

Name: Animal Justice Party SA

Interest: Political party representing animals

Publication: For Web Site Publication

Submitted 31.08.2024

This submission has been written by Animal Justice Party SA Members who were early Policy Writers for the Party, and it is based on the extensive research undertaken by an Animal Justice Party SA committee to prepare an overarching plan to care and successfully manage cats, both tame and free-living, in line with animal equality principles and positive cat welfare outcomes.

To do this, data was collected from South Australia, interstate and overseas regarding the best practice for achieving the most desirable results. Much was learned about the failure of cat legislation in the Eastern States and the Animal Justice Party SA concluded from the counterproductive results that cat laws should be avoided.

The Animal Justice Party SA therefore wishes to support expanding an evidence-based program that is efficient, cost-effective and one which has already resulted in a tangible result, clearly showing success in reducing cat numbers, cat-related problems, impact on wildlife, and having good welfare outcomes for the cats.

-

Such a program needs to be supported by the wider population, particularly those who care for the cats in the community where the cats live. This is an essential element, but we do not find this to be addressed in any government background documents and explanatory guides, hence we feel that this critical and proven component for success - community engagement, has been overlooked.

The program must also address the management and welfare of all cats, both owned and unowned, and all types of cats , friendly, feral, farm, cats that live in industrial sites and also those that live around rubbish tips, not simply pets. Unless all cats are to be addressed, such a program results in a fruitless exercise and there is no likelihood of it achieving any of its aims and goals.

Management and welfare outcomes need to work **hand in hand** in order to retain the co-operation of an already engaged pro cat community.

This program must be orchestrated, without legislative force, through cooperation, sound and correct education and assistance with desexing, without threats of fines, fees and seizure of cats, which simply alienate those who voluntarily manage the cats.

As the legislation cannot be enforced, in any case, on more than a minuscule basis, it is pointless to pursue this line of compulsion.

This has been clearly proven by the outcome of the legislative approach taken by the Dog and Cat Management Act 1995 and particularly the Amendments to this Act 2017, to address the complex issues of cat management. The Act has not achieved any of its aims or goals in achieving the desired result, with cat desexing dropping to an all-time low and cat numbers escalating to an all-time high. Our newspapers carry stories of shelters filled to the brim and rescuers turned away, leaving people wondering what to do. The housing crisis often means people cannot take their animals with them to a new location.

Desperate people turn to desperate measures.

A recent story being Fri 23rd Aug 2024

GRIM FIND AS DEAD CATS DUMPED LYNTON GRACE

Seven dead cats have been found dumped in the Barossa, sparking urgent warnings to cat owners to keep their pets on their properties.

The RSPCA has launched an investigation, saying it had received a report this week about the seven cats, which were found beside the unsealed Sturt Rd, in Ebenezer, about 10km north of Nuriootpa.

The RSPCA is urging cat owners in the region to contain their pets to their properties.

The cats were beside the section of Sturt Rd between Carrara Hill and Pipeline roads. Six cats were adults. Their genders are unknown, but their colouring is tortoiseshell, three short-haired tabby and white, one short-haired tabby and one long-haired tabby. The seventh cat was a white-coated, short-haired juvenile. The RSPCA said all the cats appeared to be domestic and their good body conditions indicate they may be owned cats.

It has been unable to verify if any of the cats were microchipped. The local council has collected the bodies. Anyone with any information that will assist this investigation is asked to contact RSPCA SA on 1300 477 722. SAPOL referred inquiries to the RSPCA.

Neither is there any evidence to substantiate any reduction in impact on wildlife.

An unprecedented number of letters have been published in the main Adelaide papers, opposing the cruelty of the proposed plan to kill cats in Review of the Dog and Cat Management Act. This shows the high level of concern that cat supporters have for these much value animals. Apart from the fact that killing cats has not resulted in any tangible evidence of success in reducing cat numbers, it is not an acceptable approach as viewed by the wider community.

Following are a few examples of these many letters making it crystal clear that the cat supporters will not tolerate this unacceptable approach.

9/1/2024 "The Advertiser"

Know cat instincts

Cats are not dogs and until the government understands cat behaviour it will never successfully manage cats.

So its aim in "Claws are out for roaming pet cats" is pointless (The Advertiser, 5/1). The letter "Scratch cat laws" (The Advertiser, 8/1) from CATS (Cats Assistance To Sterilise Inc) speaks volumes, all evidence-based on their own 35-year studies, with both hands-on personal involvement with cats and the cat supporters in areas where the cats live, in both rural and urban locations.

Most importantly, cats don't "roam", which means "to move about or travel aimlessly or unsystematically".

Cats travel with a purpose and until this purpose is understood as a basis for a cat management plan, nothing constructive will be achieved.

Cats travel to find mates, solved by desexing; cats travel to find food, solved by correct feeding; and cats travel to find a place to do their business, solved by feeders providing cat toilets at home with clean leaves and freshly dug earth, or a covered, outside litter tray.

Recognising these three reasons why cats leave their homes and addressing them, provides the solution to almost all of the complaints reported to councils.

One of the many examples illustrating this success is my own Council of Norwood Payneham & St Peters, where the partnership between council and CATS has resulted in free desexing for all moggie residents.

While government pushes its counterproductive legislative approach and increases its unenforceable threats of fines and fees, plus plans to kill the cats, it drives the cat supporters underground, and mass desexing of cats, which was so successful before the cat laws, will plummet even further with an even further increase in undesexed cats.

The idea that all cats be confined to home areas and all cats not deemed domesticated killed, ignores the phenomenon of nature, the Vacuum Effect, as the estimated 200,000 unowned cats will restock the vacated spaces.

But even worse, this cruelty has so infuriated the cat-supporting community that no likelihood of any acceptance by the public will be forthcoming to support the government's plans.

Without the support of the people who care for the cats there will be no progress in reducing cat numbers, problems or impact on wildlife.

Jason P. Sanderson, Norwood

"The Advertiser" 27/10/2023

Cruel killing

Yes, I agree, the "Killing cannot continue", if we are to consider ourselves a civilised country (The Advertiser 25/10/2023).

Labor and Liberal governments' answer to any animal issue is to kill them, and it doesn't seem to matter how barbaric, and agonising are the methods they promote.

The result: A mass slaughter of not only kangaroos, but defenceless native ducks and now cats.

I never thought I would live to see the day when cats, which have protected us from rat and mouse plagues, are to be massacred because the Dog and Cat Management Board has decreed it.

Is it any wonder we have a disaster when the criteria for Membership of this Board doesn't require any expertise or experience in working with the cats and the cat supporters in the community where the cats live?

The members meet 11 times a year, agree to the "Yes Minister" approach and get paid a sitting fee:

Nothing constructive for cat management has occurred.

When are we going to get people on that board who know and understand how to manage cats?

We all know that this should be Cats Assistance To Sterilise Inc (CATS) who have had 33 years of tangible success and organised the desexing of more cats for the general public than anyone.

But it seems the board won't acknowledge that they exist. Why?

James M. Richardson, Waterloo Corner

"The Sunday Mail" 5/11/2023

Plea for the cats

The big, cat-killing propaganda by the federal and state governments on the premise that it is to save native wildlife, cannot be taken seriously when the deliberate slaughter of our iconic emus and kangaroos is being both encouraged and promoted ("Wayne's the boss at big bird HQ", SM, 29/10).

Here, again, the government collects blood money for a permit which provides a licence to take an emu or eggs from the wild; slaughter an emu in captivity; or possess or sell an emu or its eggs.

And government then reaps the income tax from the sales. The government only cares about native wildlife if it can make money from it.

Sadly, the only money it can make out of cats is the poison sales sold to kill them, the sales of the traps to catch them and the jobs it creates to undertake all the killing.

As its plan to reap money from cat registration fees has failed, as cat supporters will not record on DACO (Dogs and Cat Online), it now wants to kill the cats too. It has nothing to do with saving native wildlife – because it doesn't.

Geraldene Hannah, Kensington Park

To illustrate the difference between the former non-legislative approach and the latter legislative one, we draw attention to the comparison of these two vastly different plans.

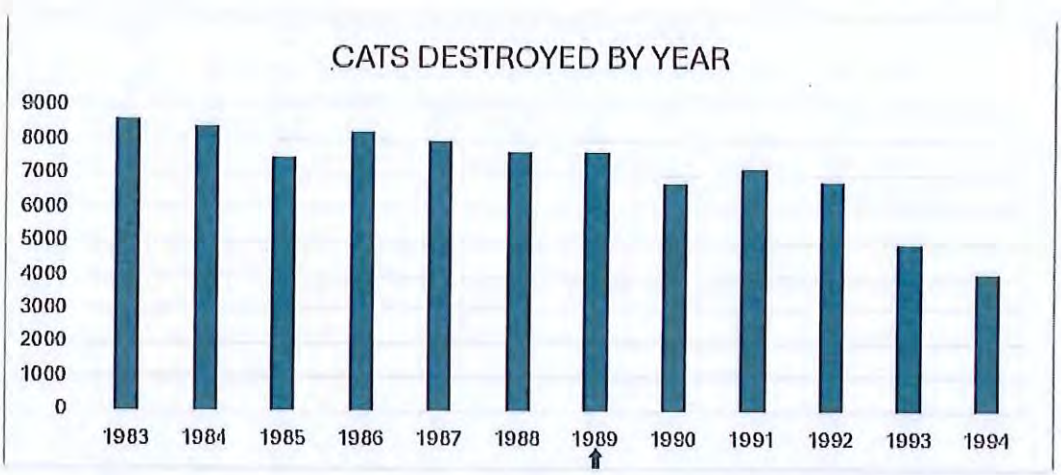
To really understand the full scope of this complex situation we need to return to the time before there were any cat laws, and even before that, when little was done in the way of fertility control with cats.

The following graph takes us back to 1983 to 1989 where cat numbers were high and those being destroyed at the main shelter at the time, being the Animal Welfare League (AWL) which was receiving 3 to 4 times as many cats as the RSPCA, were also very high; averaging around 8,000 per annum.

It can be noted that after 1989 there was a drop in the numbers of cats being destroyed followed by a dramatic reduction by 1994, with figures showing the numbers had reduced to virtually half.

<u>What caused this massive drop?</u>

Research by our AJP Team found that the organisation C.A.T.S. Cats Assistance To Sterilise Inc. which was incorporated on 1 November 1989, had pioneered a mass Desex and Return to Home program; unique in Australia, but one which was similar to a very successful one in England. C.A.T.S. reformulated this overseas program to comply with the Natural Resources Amendment Act current at the time. Colonel Mike Harries who had come from England and ran the RSPCA when C.A.T.S. was established was very supportive, as he had also worked with this overseas management of cats.



C.A.T.S. Inc was incorporated in late 1989. Note the significant drop in cats being destroyed after C.A.T.S. began its mass desexing of all cats, owned and unowned in the 5 years after C.A.T.S. was incorporated on 1 November 1989.

In addition, our Team felt encouraged when reading that in 1992, REARK Research conducted a survey which found that SA had the highest rate of desexed cats for any state surveyed in the country.

OVER BREEDING

The root of the problem is the overbreeding of cats, confirmed by the RSPCA, the AWL and many feline organisations, so all efforts should be aimed at prevention of breeding through incentivized rather than mandated humane fertility control. The recent SA Government call for public opinion re Puppy and Kitten Farm Breeders, suggesting the number of breeding animals to have a ceiling number of 50, indicates a priority of business endeavours rather than dog and cat welfare.

THE VACUUM EFFECT

Cats are free-living animals, it is obvious that cats are everywhere and as they are able to climb, jump and squeeze through tiny spaces, they are not able to be confined like dogs and trying to insist that they must be is not only futile, but cruel and unusual.

They are also prolific breeders with a high reproduction rate of offspring. Any plans to confine, remove, or kill them will be futile as without cats holding their territories, new cats simply pour into the void and reproduce, and no reduction in numbers and problems are will be achieved.

Mandatory containment or curfew and removal or destruction of cats will not be successful in either reducing cat numbers or cat related problems, and it won't stop cats from going onto peoples' properties who don't want them there. This is due to the scientifically proven phenomenon of nature known as the Vacuum Effect, which will ensure that new cats move into these vacated spaces. With an estimated 400,000 owned SA cats and an estimated 200,000 unowned SA cats, there is an unlimited number of cats to infiltrate and recolonise this vacated

area: Not only are there more than ample cats to fill the vacated spaces, but with this density disbursement, these new cats will almost certainly include undesexed cats which will produce abundant supplies of kittens; thus, increasing the original numbers of cats per area.

We have reviewed Australian and overseas examples of this phenomena which occurs with many animal species, including foxes, mice, possums and as stated, cats.

When cats are desexed and returned to home, there is no further breeding. Desexed male cats no longer have the strong pungent tomcat urine which causes offence to many humans, and they no longer caterwaul all night over mates as they do not mate. They are also more likely to stay home as they no longer need to travel to find mates so are less likely to leave their droppings at other places, (provided "cat toilets" are made available at their home area): And most importantly there are no more litters of kittens.

Furthermore the resident desexed cats then keep other undesexed cats out of their territory so gradually the original number reduces to the minimum required to hold their home and this results in a lower impact on wildlife. Find additional proof of this is in our Attachment – Lilith. This study deals with the issue of containment versus non containment done in Western Australia. Here is a brief summary.

CONTAINMENT

A study done in Western Australia in Armadale took advantage of cat regulations enacted within differing subdivisions in the City of Armadale, Western Australia, to test the hypotheses that the species diversity (measured by the Shannon-Weiner index) and abundance of small and medium-sized mammals should be higher in native bushland within or adjacent to subdivisions where cats are restricted compared to similar areas where cats are not restricted. There were three different regimes of cat regulation:

- no-cat zone (strict prohibition of cat ownership applying in one site)
- compulsory belling of cats and night curfew at one site,
- and unregulated zones (free-roaming cats applying at two sites).

Both sets of cat regulations were in place for approximately 10 years prior to our survey. They also measured structural and floristic features of the vegetation at each site that might influence the species diversity and abundance of small and medium-sized mammals independently or interactively with cat activity.

There were no significant differences in populations of small and medium sized mammals between the sites.

MICROCHIPS

Making microchips mandatory and trying to force recording on Dogs and Cat Online (DACO) was the most significant deterrent to getting cats desexed, as most residents would not comply and many of these were afraid to get cats desexed as they could be caught for not having the

microchip and following the law. Cats therefore simply continued breeding litter after litter of kittens.

The following letter, published in "The Sunday Mail" on 11th August 2924, clearly explains the problems with making microchips mandatory.

Microchips have issues

Lost cat is back home", (SM, 4/8) makes microchips sound great but there is a lot more to this so-called good news.

Because microchips are now mandatory, most owners won't have them because they won't record their names on DACO (Dogs and Cats Online) This seems obvious by the very low number listed.

Because of this, many people won't desex them for fear of being fined for not having the microchip.

So in reality, microchips have been responsible for the overbreeding and deaths of countless thousands of kittens which never would have been born if it were not for the cat laws forcing microchips.

A return to mass cat desexing, as it was before the failed cat legislation, microchips need to be made a matter of choice, not compulsory. Desexing is 100 per cent more necessary than microchipping.

Carol Patricia James, Kensington Park

MANDATORY DESEXING

Making cat desexing mandatory has not shown any evidence of increasing of sterilisation or any evidence of a reduction in kitten births, due to the law. In fact, numbers of cats being desexed have significantly dropped since the 2018 legislation.

Mandating desexing through bylaws also shows us that an inequality of cats has been set into place, pets being protected through registered ownership, whilst others are considered to be of lesser value and headed for a council round up ending in a poor welfare outcome for the cat. We want to correct the mechanism creating this mindset and educate people to understand the intrinsic value of every sentient cat and creature.

We believe cats cared for by semi owners strongly contributes to the success of reduction in numbers, problems and impact on wildlife.

The Australian Veterinary Association also stated that making desexing mandatory had never shown any evidence of reducing kitten births: It also opposed this legislative move. (Hansard records this debate in 1994)

The mass desexing of cats as occurred during the years 1989 to 1994 will never be resumed at that rate while cat laws with penalties continue.

As has been shown in the public consultation, the government's plan is to kill all cats which they do not deem domesticated, which includes the tens of thousands of former free-living cats which residents have had desexed. These cats are dearly loved, fed and cared for and the government plan to kill them is shocking, in view of the cruelty which will take place. There has been significant personal, financial investment in these cats by individuals all over the urban and semi regional areas of Adelaide and the community will not accept this cruelty.

The Animal Justice Party abhors the killing of animals, regardless as to whether they are native or introduced, and strongly opposes this plan of slaughtering these cats simply because of refusal to research and support the alternatives which have been proven to work.

THREAT ABATEMENT PLAN

Our state of South Australia should take no part in the Theat Abatement Plan for predation by feral cats (TAP), which now includes cats in urban areas and free-living cats which have been desexed.

We disagree with the changing of any wording that brings the Biodiversity Act, The National Parks and Wildlife Act and any other Act in line with TAP.

The methods employed by the TAP are horrifying: 1080 poison, Curiosity which also causes a terrible death, indiscriminate aerial dropping of baits, leg hold traps, trapping cages where cats and other non-target animals are left for long periods of time in the heat and rain, and shooting where it is known that cats are being gut shot and left to slowly die in agony. One particular case of these eradication programs that illustrates this unspeakable agony was brought to our attention. A poor mother cat found with her back legs shot off was still trying to feed her baby kittens.

Statements on the PIRSA web site under the heading "Animal Welfare" Indicate that death by 1080 is a quick painless death, but this is at odds with the multitudes testifying to the agonizing death of their dogs who ate a bait laced with 1080 on Facebook pages. These personal testimonies cannot be dismissed.

We have interviewed people ourselves who gave us the traumatic account of having to shoot 20 farm cats who were suffering due to ingesting 1080. This shooting is what it took to end their suffering.

The following is a brief excerpt from the link below on 1080 poison.

1080 Poison

1080 Is Torture

1080 (sodium monofluroacetate) is a cruel and indiscriminate poison used to remove unwanted populations of animals.

Banned in most countries, 1080 is still used liberally throughout Australia to control so-called pest species and reduce browsing damage caused by native animals on private land.

1080 poison is a slow killer. When ingested (usually through baited food) the animal suffers a prolonged and horrific death. Herbivores take the longest to die up to 44hrs, while carnivores can take up to 21hrs before finally succumbing to final effects of the poison. The speed of death is dependent on the rate of the animals metabolism.

A Slow & Horrific Death

Witnesses to the deaths of herbivorous animals, such as macropods, have reported:

"Affected wallabies were sometimes observed sitting hunched up, with heads held shakily just above the ground. Generally they appeared non-alert and 'sick', with shivering or shaking forelimbs and unsteady balance. Most individuals then experience convulsions, falling to the ground and lying on their backs and sides, kicking and making running motions with their hind legs before dying. Many individuals also ejaculated shortly before death, and, with others, exuded a white froth from their nostrils and mouth."

Carnivorous animals such as dingoes, dogs, foxes, and cats become very agitated, as they tremble, convulse and vomit.

The list of symptoms include:

"restlessness; increased hyperexcitability; incontinence or diarrhea; excessive salivation; abrupt bouts of vocalization; and finally sudden bursts of violent activity. All affected animals then fall to the ground in teranic seizure, with hind limbs or all four limbs and sometimes the tail extended rigidly from their arched bodies. At other times the front feet are clasped together, clenched or used to scratch frantically at the cage walls. This tonic phase is then followed by a clonic phase in which the animals lie and kick or 'paddle' with the front legs and sometimes squeal, crawl around and bite at objects. During this phase the tongue and penis may be extruded, their eyes rolled back so that only the whites show and the teeth ground together. Breathing is rapid but laboured, with some animals partly choking on their saliva. Finally such individuals begin to relax, breathing more slowly and shallowly and lying quietly with the hind legs still extended but apparently semiparalysed".

From the above descriptions, it is without question that 1080 poison inflicts great pain and suffering on affected animals. Aside from the physical pain endured over the many hours before death, the terror, fear and anxiety felt by these animals is unimaginable.

1080 Spreads Through the Environment

1080 is primarily used to manage introduced species. However, this poison is an indiscriminate killer. Poison laid for rabbits is normally in the form of baited carrots and oats, but any other animal occupying a similar niche such as the kangaroo are just as likely to eat the poison. It has been estimated that baits laid for rabbits threaten a further 50-62 species.

1080 not only has devastating consequences for the animals who directly consume it, but it also affects the surrounding environment and its inhabitants. Scavengers and carnivores are killed through secondary poisoning when they feed upon unrecovered carcasses. Indeed 1080 spreads so thoroughly through an ecosystem that insectivorous birds have been killed in baited areas by eating insects who have fed on carcasses and poisoned food.

1080 Poison (wlpa.org)

1080 is also used in the Grooming Trap known as the Felixer which seeks to exploit the cats natural fastidiousness and cleanliness in grooming itself to remove anything from its coat . A sensor detects the cat's motion and a spray of 1080 lands on the cat. The cat licks it off and has become a victim of the 1080. We have a documented case of this also affecting a pet despite the claim that Felixer can discern if the cat is a pet.

Para-aminopropiophenone (PAPP) named Curiosity in a bait is no more desirable with cats being found dead lying in their own vomit and faeces, during the Roxby Downs trial.

As with 1080, so with PAPP - there is also the upline predator to consider. During the timeframe of the PAPP trial the Corvid bird population fell by 50% despite the poison having been placed in a gel capsule to prevent such a catastrophe.

Field efficacy of the Curiosity® bait for management of a feral cat population at Roxby Downs,South Australia (dcceew.gov.au)

Pindone is also currently in the news as another "pest" eradication gone wrong creating a wildlife threat. ABC News 28.08.2024.

https://www.abc.net.au/news/2024-08-28/poison-laced-carrots-risk-endangered-bandicoots-adelaide-hills/104276112

Ecologist Ruth Norris explains the reason culling cats will never succeed.

The population growth rate of cats

The majority of mammalian species, including cats, are density dependent mammals, meaning, their rate of population increase over time is dependent on their density (the number of cats per unit area).

Populations start small with slow growth rate due to a small number of breeding individuals (Fig. 1). Breeding results in offspring and offspring grow to sexual maturity increasing the number of breeding adults in the population. The rate of population growth now increases almost exponentially. As this occurs, resources in the environment are used far quicker and the rate of increase slows in line with the decreased availability of resources. The population attains a size that is maintained by the available resources without surplus, and the population stabilises and plateaus. This is the carrying capacity of the environment for this species.

The carrying capacity is determined by the amount and availability of resources within an area and is also capped by negative effects of a population, such as wastes and diseases etc. This is

why there is often an aggregation of cats around town dumps, hospitals, etc because of a greater number of resources in that area. Human inhabited areas provide food, shelter and water and therefore support cats, as well as rats and mice, which are also a resource for the cat. Additionally, often in areas of human habitation well-meaning, compassionate people feed stray cats, and these are the cats defined as semi-owned.

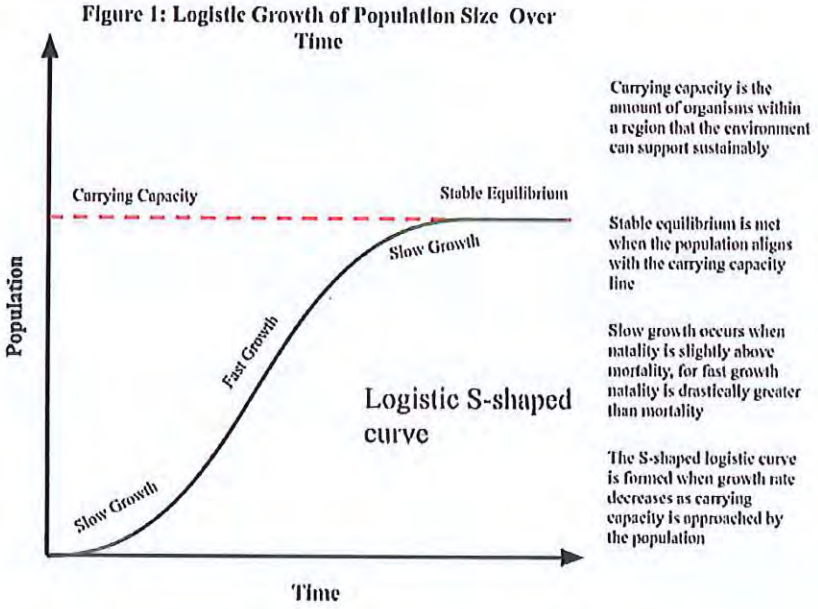


Fig. 1. Graph detailing density dependent population growth. Image created by Nchisick 21 May 2019 License: CC BY-SA 4.0

From Fig. 1, culling the population removes animals from the top right section of the graph reducing the population but increasing the rate at which the population grows. This occurs because lowering the population frees up resources for others, improving conditions for those left and breeding can increase.

CONCLUSION

There is no doubt that the clear danger which the current Cat Legislation has posed, is posing, and will continue to pose, will never be resolved until the cat laws are repealed: This is already a proven fact illustrated by the massive drop in cat desexing and unprecedented increase in cat numbers and associated problems, which we have seen for the last 29 years since the Dog and Cat management Act 1995 and the Amendments to this Act 2017 were introduced.

This Legislation has undermined the most important aspect of successful cat management: It has undermined the prevention of breeding through fertility control and the return of cats to their homes to hold their territory and prevent new, undesexed cats from infiltrating, breeding and increasing numbers. DRH is more important than all the other so-called controls and

unsubstantiated recommendations put together. DRH is the only method which has shown tangible evidence of reduction in cat numbers, cat-related problems and impact on wildlife and good welfare outcomes for cats. DRH has been successfully operating in council areas where desexing of cats is supported, with little done to terrorise the residents over the enforcement of the Act other than the required notification. These councils have complied with the legislation but have not gone to the extremes of imposing cat bylaws. It can be seen that these are the councils which are rarely heard from regarding cat-related complaints; indeed, there is a significant difference between the problems being faced by councils with draconian cat bylaws and these councils which have never had any cat bylaws. Obviously, the councils which have imposed the draconian cat bylaws are experiencing considerable repercussions, noted in the main Adelaide Newspapers, as both articles and letters to the editor. This difference should be investigated well before any plans to continue encouraging more councils to have cat bylaws.

The Animal Justice Party supports the humane, efficient and cost- effective method of DRH, which is well supported by the wider community: We respectfully propose that the cat section of the Dog and Cat Management Act 1995 and its Amendments of 2017 be repealed as these are the overarching reason why the management of cats has so seriously failed for the last 29 years.

We also request that the DRH methods, which do not require any legislative controls, be promoted through cooperation, correct education and assistance with desexing, through animal orientated organisations, (not government bodies), working with Councils, but without any cat bylaws . Cat bylaws simply force the cat supporters to abandon their previous determination to desex cats and become semi owners, semi ownership is the key to controlling the estimated 200,000 unowned cats in urban areas.

Unless the cooperation and assistance of the cat supporters is gained, there will be no possible success in achieving the goals which we are all seeking: A reduction in cat numbers, a reduction in cat-related problems and a reduction in the impact on native wildlife and good welfare outcomes for the cats.

This success will be achieved if we follow the tried and true methods of DRH which have already been verified to work as per the graph clearly showing the massive drop in cat numbers reflected by halving of the death rate of cats taken to the AWL in the 5 years between 1989 and 1994, due to mass desexing of all cats, owned and unowned and all kinds of cats, friendly and feral, and all those in between.

Thank you for accepting this, the Animal Justice Party SA Submission.

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Jenny McFeat

From:	Helen and David Wright [redacted]
Sent:	Thursday, 12 June 2025 7:45 PM
To:	Townhall
Cc:	Helen and David Wright
Subject:	submission re the proposed Cat Bylaw
Attachments:	NPStP bylaw submission.docx

Dear Sir or Madam

I am attaching a copy of a submission in regard to the proposed cat bylaw. Please could you distribute it appropriately. I would like this submission to be distributed to both the Mayor and all councilors.

I have been advised to send this submission to you and was also advised by another member of staff to send the submission individually using the 'elected members@npsp...' address. I apologise for any confusion this may cause.

Many thanks for your help.

Helen Wright

spokesperson, Cat Supporters Group of SA

Submission to the Norwood, Payneham and St Peters Council public consultation for the proposed By-Law No 7 Cats

Our group supports good cat management. We are pragmatic and realistic. We have been advising local councils and state government advisers since 2004 and know the importance of appropriate and effective cat management and the absolute need for major compliance.

We are sending this submission on behalf of our members living in Norwood, Payneham and St Peters. Thank you very much for this opportunity to express our views based on many years of research and investigation into the work of councils in South Australia and the eastern states.

All councils and state governments have suffered from ineffective cat legislation. In SA after 15 years implementation of mandatory registration less than 30% of cats are registered [DACO]. Similarly local councils both in SA and interstate have found that compliance for registration varies from 20% up to 36%. Recent figures show Adelaide Hills Council recently recorded a mere 9% of the estimated number of owned cats were registered and that most of these were cats kept specifically by breeders for commercial breeding; the number of registered 'moggies'[ie kept as pets] would therefore be extremely small. When registration fees are applied the compliance figures fall even lower.

Spokespersons for many of the eastern states' councils report that they cannot afford to police the bylaw and that it is therefore unenforceable. "It's just a paper tiger." Spokesperson for Northern Sydney [Burton and associates 2005-7]

Many cat NGOs including Cats Assistance To Sterilise Incorporated [CATS Inc] report that they cannot work with councils which impose residents with fines, fees, limits of cat numbers per household and seizure of cats. Fearing the threats and the fines these cat owners 'go underground' so that the all necessary cat desexing education and neighbour conciliation cannot be undertaken and problems pre-empted; instead the hidden problems increase.

Other difficulties include:

Cat identification

- Ownership of cats cannot be proved by seeing a cat on a property because cats can't be kept off a property without a cat-proof fence.
- Ownership cannot be proved by food being left out as this food could be left out for birds.
- Many cats cannot be scanned for a microchip: 95% of cats will not let a stranger get near them, let alone close enough to be scanned.
- Scanning a cat is not simple: the scanner has to be run all over the cat as microchips can move about in a cat's body. Scanning quickly where the microchip was inserted is not sufficient as microchips have been found in the chest, the base of the tail and even the brain.
- Security cameras will reveal that a cat was present but because many cats are almost identical it is impossible to accurately identify a cat using one of these cameras.
- Catching a cat is extremely difficult and can take many out of hours watching and waiting in order to get the cat's trust. Similarly it takes considerable skill and time to identify a cat correctly before catching it. In addition it usually requires the co-operation of the cat owner or carer which will probably not be forthcoming for council workers where the council imposes fees and charges. It is usually best contracted out to a specialist cat management service.

Registration

- The greatest problem is that whenever mandatory cat legislation is imposed the cat owners 'go underground' – the cats are not registered, not known and are untraceable. Even more

important is that there is no opportunity then to educate cat owners, or deal with cat related problems between neighbours.

- As with dog registration in all councils in South Australia, North South Wales and Victoria, cat registration fees also result in a shortfall: the amount of registration payments received is always less than the cost of administration and the gap has to be paid from the General Rate – i.e. by all ratepayers, not just the pet owners. It is interesting to note that the SA state government has no plans to introduce registration fees because they know this will result in even lower compliance figures.

- Many councils [e.g. Campbelltown] report that their numbers of registered cats replicate the numbers currently held on DACO – their local registration does not appear to have achieved any improvement on the very low percentage of owned cats registered on DACO.

- Many local councils report that when registration fees are imposed the numbers of cats registered reduces: reports of cats dying or moving away are prevalent. How can any council prove otherwise?

- Some local council CEOs think that cat registration will be a good revenue raiser but as explained the low level of compliance and the cost of administration will result in a loss of income.

- Accommodation for unregistered/unidentified cats caught by council staff - many problems:
    - this is expensive, requiring capital projects
    - Neither Animal Welfare League nor RSPCA can take in additional animals as they report that they are completely full and indeed are seeking to foster out the animals they are currently holding [foster carers are paid a per diem]
    - Euthanasia of a cat will cost $100 to $200+ per cat. Some vets refuse to do this.
    - Rate increases to pay for killing cats will not be popular with voters.

- The 2019 RSPCA/AWL cat plan stated that it costs them $700 to rehome each cat.
- The Mount Barker Courier reports that there has been a huge blowout of the Animal Management budget caused by the cat bylaw. This will be a reality for all local councils with cat bylaws, resulting in council rate increases which landlords will pass on to already hard pressed tenants.

- Campbelltown Council reports that residents were outraged when they discovered that the cat bylaw had resulted in significant rate [and rent] increases.

- A cat bylaw will never prevent cats from moving into other peoples' properties. Even if you remove one or a group of cats, others, from the estimated 200,000 unowned cats, are going to restock the empty spaces. There was no mention in the reports about the Vacuum Effect. This scientifically proved phenomenon of nature has revealed that because of the exponential reproduction rate of cats, there is no way sufficient numbers of cats can be contained, removed, or killed to prevail over the breeding rate. Each time a vacuum is created more cats simply move in, fill the vacuum and breed in order to restore, and usually increase, the original numbers.

- Cat bylaws and all cat legislation has been proved time and again to not result in a cat free zone. The cat numbers and associated problems simply increase.

Native Wildlife and the Environment

- Wildlife and environment experts state unequivocally that the occasional kill by a cat, dog or other animal has minimal effect on wildlife colonies. It is building and roads development, the removal of trees and other vegetation that deprive birds, reptiles and mammals of both habitat and food sources that kills whole colonies, destroys the wildlife corridors, reduces the gene pool and results in local extinctions.

- Apex predators are necessary to maintain the correct balance of the different animals including birds and reptiles and also to maintain the correct balance of vegetation, maintain clean and clear creeks, lakes and waterholes

- All wildlife deaths are regrettable but individual kills by well fed, desexed pet cats have no significant effect on wildlife numbers. Neither cat legislation nor 24/7 confinement will achieve any improvement.

- Without competent research legislation is unlikely to achieve the desired result. Merely following other local councils which also have not done any useful research can only replicate the unfortunate results experienced by other councils who have attempted cat legislation.

Cat desexing

- "Without cat desexing there is no cat management; with cat desexing there is very little need for cat management" - Franklin Council [Burton, 2005 – 2007]
    - All cat management must include measures to maintain and increase the numbers of cats being desexed.
    - Cat desexing is expensive – low income cat owners should be offered assistance with the cost of surgery and the cost of transport for those without the use of a car. Vet surgeries not participating under the CATS Inc programme are now charging between $300 to $500 per female cat and up to an additional $100 if the cat is found to be pregnant.
    - Former state government Minister John Hill MP stated that CATS Inc was keeping down the overall desexing prices through its excellent program.
    - The loss of the services and especially the fee free cat desexing surgery by Cats Assistance To Sterilise Incorporated will be a tremendous loss to all residents of Norwood, Payneham and St Peters:
        - Numbers of undesexed cats will increase
        - Numbers of unowned cats will increase
        - Numbers of cat related problems will increase
    - To replace the services previously offered by CATS Inc will be far more expensive than outsourcing to CATS Inc.
    - Unless these services are offered by council [despite the increased cost] cat management and public satisfaction will plummet.
    - The increased costs of registration and confinement enclosures will prevent many cat owners from affording the one essential thing – cat desexing surgery.
    - Cat bylaw is therefore likely to:
        - decrease cat desexing numbers
        - increase residents' costs
        - decrease effective cat management/increase cat related problems
        - negatively impact community satisfaction and harmony.

Cat numbers per household

- Cat numbers per household should be determined by the ability of the owner to care for the cats. As with children, some people struggle to properly care for one, while others care for 5 or 6 cats [or children] extremely well.

- The issue of numbers per household should be complaints driven.

- If a resident can competently care for several cats this should be encouraged as it reduces the problem of unowned, uncared for cats. Reducing numbers will conversely increase the numbers of unowned cats on the streets – thus the bylaw would increase problems, not solve them.

Summary and Conclusion

Why would any council seek to replace a proven highly efficient and cost effective non legislative cat management system with legislation which has never succeeded wherever and whenever it has been used?

- Legislation with the administrative costs of registration, fines for non-compliance and staff to police compliance will cost a great deal more than outsourcing all cat management to an external cat management specialist. Norwood, Payneham and St Peter's Council has contracted out cat management to Cats Assistance To Sterilise Incorporated for the last thirty years with excellent outcomes: very few cat related problems or complaints and happy residents for whom cat desexing has been available for their cats free of charge.

- Legislation will change this happy situation: cat management will cost residents a lot more, cat desexing will no longer be free but will cost $300 to $400 per cat and up to $500 for the desexing of a pregnant female.

- The increased costs to Council for cat management will necessarily have to be passed on to ratepayers, i.e. rates [and rent fees] will increase. Most voters will not be happy that rates and rent increases are caused by cat legislation, when before they had a wonderful efficacious system which for residents was effectively free.

- Will Council be able to afford the cat hotline [previously offered by CATS Inc] which effectively pre-empts problems before they get out of control?

- Nearly half of the SA Councils do not and have never had any cat bylaws.

- Most of the Councils that do have cat bylaws merely have 2 cat limit per property. [Unfortunately, even this has always been found to be counter-productive because it increases the numbers of unowned cats which otherwise would have been homed, desexed and properly cared for. [Victoria State Government has now removed this requirement from their state legislation]

- The few councils which have been unwise enough to have a similar cat bylaw to this proposed bylaw are now struggling to pay for the costs.

In summary, why replace a good system for another system which is unlikely to achieve such good outcomes, will cost up to ten times the cost of the previous system and will anger many residents?

- Cat bylaws are unmanageable – cats cross boundaries. Any cat management measures deemed, or better still, proved to be effective should be managed and funded by the state government

- Piecemeal bylaws cannot achieve any good outcomes, history shows that it exacerbates bad outcomes, but will still cost Council and ratepayers a great deal of money.

- "Without cat desexing there is no cat management; with cat desexing there is very little need for cat management" - Franklin Council [Burton, 2005 – 2007]. All cat management must include measures to maintain and increase the numbers of cats being desexed.

- "Neighbour conciliation leading to cat desexing is more effective than all other measures combined including legislation" - Maryborough Council [Burton, 2005 – 2007].

I am attaching some letters published in the Sunday Mail and The Advertiser – here you get authentic views from local Adelaide people, their comments reflect lived experience not just academic theories.

Thank you for this opportunity to represent the views of various members of our organisation who live in Norwood, Payneham and St. Peters. I hope this information is helpful for your deliberations.

Helen Wright
Spokesperson, Cat Supporters Group of SA

[redacted]

Letters from local people published in The Advertiser or the Sunday Mail

"The Advertiser" 12/8/2024
Cats in the vacuum
Regarding "Control cats, please" (The Advertiser, 9/8), documented scientific evidence proves that trapping cats and removing them from where they are not wanted achieves nothing constructive.
This is due to the phenomenon of nature known as the "vacuum effect", which ensures another lot of new cats will move into the vacated spaces and breed to not only restore but increase original numbers.
If, however, the cats are desexed and returned to home, they will hold the territory and keep other undesexed cats away.
This results in reducing cats to the minimum required and stops further breeding while controlling the rats and mice thus deterring snakes.
Kyle Langdon, Mt Barker

"The Advertiser" 9/8/2024
Ryan Davies is correct. Desexing is the only solution required for cat management, as legislation does not work for cats and never has. We only have to look at the last 30 years to see that the Dog and Cat Management Act 1995 has failed.
Richard Justice, Unley

"The Advertiser" 7/8/2024
Cat cage ban welcome
"Pesky cats free to roam" (The Advertiser, 3/8) is not a problem as long as they are desexed and cared for, as they create fewer problems than undesexed cats.
Nearly all problems reported to councils about cats stem from undesexed cats.
Most people don't realise desexing solves 95 per cent of cat-related problems – spraying of tomcat urine, caterwauling and unwanted kittens.
These annoyances are not solved by cat bylaws, but by desexing.
Trapping and removing cats has never been successful, as new cats refill the void, so it is great news that these trapping cages are to be banned.
I have read many letters and articles in The Advertiser opposing these cruel traps.
Ryan Davies, Fulham

"The Advertiser" 31/7/2024
Keeping cats in check
I agree, a big thank you to CATS (Cats Assistance To Sterilise) and the "Vets doing good work" (Letters, 29/7) to help get the cats desexed at affordable rates, by donating their time.
Over-breeding is the root of the problem and if we desex the cats in large enough numbers we can surmount the over-breeding and reduce the feline population, which reduces the problems and impact of wildlife.
None of the other so-called controls do any good at all.
In fact the laws have made everything far worse – just look at the mass increase in cat numbers since the cat legislation! CATS have got it right.
Lisa Roberts, Campbelltown

Jenny McFeat

From: Geraldene Hannah [redacted]
Sent: Friday, 13 June 2025 12:36 AM
To: Townhall
Subject: [Spam] Cat By-law No 7 NP&SP Council Submission - Opposition.

Subject: Cat article December 12th 2022 "The Advertiser"

From Jean, Paula and John
Marden SA 5070
NP&SP
12/6/2025
"The Advertiser"

CAT-ASTROPHE WARNING Miles Kemp

THE RSPCA is on target to care for a record 1000 cats in a day this summer breeding season, amid estimates there are 200,000 cats on the prowl that have no fixed address.
Retiring chief executive Paul Stevenson has revealed Adelaide has a hidden population of between 100,000 and 200,000 semi-stray cats, which move from home to home for food but have no formal owner.
In a final call to action, he said RSPCA daily numbers in care had already reached 800. They are expected to peak at a "monumental" 1000 later this summer.
The cat numbers compare to a maximum daily headcount of 170 dogs and only five years ago a maximum daily cat head count of 500 over the summer breeding season.
Mr Stevenson said compared to the 400,000 cats being owned and cared for, the up to 200,000 semi-stray animals was alarming.

This article shows that there was an enormous increase in cat numbers after the State Government mandated microchipping and recording on the Dogs and CatsOnline data-base called DACO, and the mandatory cat desexing.

This proved to be counterproductive.

In spite of this, the NP&SP Council managed much better than most councils as it concentrated on desexing cats and returning them to our homes where we fed them and looked after them.

This kept new cats, particularly those coming down through Linear Park, from infiltrating our places.

These cats also controlled the rats and mice that were coming from Linear Park and this has been really appreciated because these rodents attract snakes, and we are always worried about snakes in the park if there are not enough cats to keep them away.

We got these cats desexed through the partnership Council has with the CATS people.

What will we do when they leave as we know they have gone from helping Campbelltown Council when that council had a cat bylaw. This makes it even worse as we will be getting cats coming from Campbelltown as we were told that fewer cats are being desexed there and that the Council has had an increase in cats and doen't have any way of managing them now.

We know that we have been lucky and we found leaflets about the free desexing in our letterboxes. A lot of people in Marden can't afford the high prices vets are charging and without this help we could not have desexed these stray cats. They would have had kittens. We know if they were taken away that more cats would just replace them as this is what happens in nature.

Please think what you are proposing as it will not work. It has never worked in any council which has got a cat bylaw.

Thank you for listening to us.

Jean, Paula and John.
++

Jenny McFeat

From: Andrew X Fuller [redacted]
Sent: Friday, 13 June 2025 2:34 AM
To: Townhall
Subject: Submission to oppose BY-LAW No 7 Cats

From Randy Rutherford
email via neighbor catform10@outlook.com

I am writing to state that I agree with the Chief Executive of the RSPCA who said in this article addressing the Alexandrina Council, from the Mt Barker Newspaper, "The Courier", that, "council-based bylaws presented the "illusion that cat management is being addressed".
He added that, at this time the introduction of a cat-bylaw will in fact be counter-productive to your stated objective of reducing the impact of cats on wildlife".

Cr Bill Coomans, who has done the research, said he opposed the introduction of the by-law, "saying in his experience it would be ineffective in protecting wildlife". And that it wasn't going to work.

The evidenced-based feedback from councils with cat by-laws has proven that the legislation does not achieve any constructive results and that the by-laws are a costly waste for councils to impose.

These cat by-laws also alienate the residents who simply hide their cats and then don't get them desexed.

Our council already has an excellent partnership with a well-known organisation which has desexed 135,000 cats, with thousands of these cats in our area.

Why has council, chosen to change direction?

"The Courier" 24 August 2022

New Alexandrina Council cat by-laws draw opposition

SCOTT MURPHY

The Alexandrina Council will introduce a new by-law which will force cat owners to confine their pets to their properties at all times despite firm opposition from the RSPCA.

During a council meeting this month, elected members agreed to introduce the by-law with minor changes, based on feedback during consultation.

While the council's public consultation results showed about 80% of local respondents supported the introduction of the by-law – which aims to protect native wildlife – the RSPCA wrote to the council "firmly" opposing it.

In a letter sent to the council's community safety co-ordinator Glen Ryan, the RSPCA's chief executive Paul Stevenson said council-based by-laws presented the "illusion that cat management is being addressed".

Cat management

"Our principal feedback to the Alexandrina Council therefore is that while commending council's interest and concern in dealing with cat management, at this time the introduction of a cat by-law will in fact be counter-productive to your stated objective of reducing the impact of cats on wildlife," he said.

Mr Stevenson explained that cat management was a State-wide issue which needed to be addressed by the State Government and that the introduction of district only by-laws could create confusion.

However, he said if the council decided to proceed with the cat by-law, it should reconsider its stance on 24/7 containment.

"While the RSPCA supports containment, we do strongly oppose its application to cats born before the date of legislative introduction," Mr Stevenson said.

"The Alexandrina Council's proposal for applicability to cats under six years old is curious as we are not aware of any science and evidence that this age is significant in reducing the animal welfare concerns inherent in converti cats to a full containment existence.'

The by-law was adopted desp the RSPCA's concerns, however, t confinement clause will only apply cats born from January 1, 2024.

Ineffective

Cr Bill Coomans said he opposed t introduction of the by-law, saying in l experience it would be ineffective protecting wildlife.

"It's demonstrated to me that to t to keep cats contained and contained all times, is not going to work," he sa

Cr Coomans was the only council to vote against its introduction.

The Courier
The voice of the Adelaide Hills since 1880

HILLS Wanderer

Submitted by Randy Rutherford
13.6.2025

RECEIVED
FRONT COUNTER
13 JUN 2025
CITY OF NORWOOD
PAYNEHAM & ST PETERS

Mr. Mario Barone, CEO
Norwood Payneham and St. Peters Council

Dear Mario, Mayor, Elected Members and staff,

Submission on Proposed Bylaw No. 7 Cats

Opening comments

There is wide community consensus that our cat population is too high and in the interests of protecting native wildlife the number of cats should be reduced. Disagreement arises on the most effective and most humane ways to reduce the size of the cat population.

It is estimated that there are up to 200,000 unowned cats in urban areas in South Australia (1)

General comments on cat bylaws

Almost half of South Australian councils do not have Cat Bylaws.

Paul Stevenson CEO of the RSPCA has stated that "uncontrolled reproduction is the root cause of cat overpopulation in South Australia" and Council cat bylaws "although well intentioned, overall are highly inconsistent and we've not seen any tangible results through this approach" (2).

In its submission to the Legislative Review Committee, opposing Campbelltown Council's proposed Cat Bylaw, the RSPCA wrote

"The council is pursuing this bylaw based on majority community support that is based on often unrealistic perceptions of the efficacy of the proposed measures, along with assumptions on how it will be implemented ... this bylaw is far too deficient to have any material impact on cat over-population in the council area" (3).

Cat Containment

Council's proposed Cat Bylaw will make it more difficult and expensive for people to own a cat. Renters, poor people, the elderly, people with disabilities and migrants who may struggle with the English language will be especially hard hit. The RSPCA points out that "erecting cat proof barriers to contain cats on a property is an expensive undertaking which will significantly disadvantage those in lower socio-economic areas ... Placing greater barriers to ownership deprives those people of the well documented mental health benefits of pets "(4).

According to Queensland University Emeritus Professor Jacquie Rand evidence shows that **mandated cat containment does not work.** In low socio-economic areas pensioners live on $575 a week and there are many rental properties, many cats, hungry

cats, people feed cats, cats stay and kittens are born. It costs $700 to $2000 to cat-proof a property and your cat can still escape. Research shows only five per cent of people contain their cat all the time, and they can still escape (5). Wealthy people can cover their back gardens in metal cages. Renters and poor people cannot.

Cat confinement discourages people from taking in unowned cats, feeding and desexing them. Many people do this quiet voluntary work at present. Fines imposed on people for a cat being found outside its owner's property means less people will take responsibility for unowned cats. Making it harder for people to have a cat or to rescue an unowned cat will lead to more unwanted cats and more dumped cats.

There is no evidence that confining domestic cats to their owners' properties saves native wildlife. When domestic cats are confined, rats and mice breed up and unowned, undesexed cats move in to take up the territory vacated by the now confined cats. These unowned cats are likely to be more aggressive and hungrier than domestic cats and therefore a greater threat to native wildlife. This phenomenon has been studied by scientists in wild animal populations and is called **"the vacuum effect"**.

In view of the estimated number of up to 200,000 unowned cats in urban areas in South Australia, elected members are urged to keep this figure in mind when contemplating a possible Cat Bylaw. What will a Bylaw do for unowned cats? "Kill them" is a common response. However there is no evidence that killing cats reduces their numbers as removing cats from an area allows rats and mice to breed up and new unowned cats move in. Councillors should note that Campbelltown Council has a Cat Bylaw and while it is issuing fines to people, it is not seizing cats because no-one will take them. Animal shelters and veterinarians don't want them.

Cat Limits per household

A person who may be feeding and has desexed one or two unowned cats on his/her/their property may be contravening the council's Cat Bylaw limit of two cats. Many people may be alarmed at the prospect of having to apply for council permission to keep three or four cats on their property. As well, confining cats who are used to running free may be difficult or impossible.

Cat limits per household will operate to deter residents and businesses from accepting responsibility for unowned cats by feeding and desexing them. People will be frightened of taking them in and getting them desexed. Council's proposed Bylaw will result in more neglected unowned cats in our community and more unwanted kittens being born.

Cat Desexing Programs

In contrast to Cat Bylaws which have no record of success in reducing cat numbers and wildlife predation, the mass desexing of cats, both owned and unowned, is the only method which has scientifically documented a reduction in cat numbers in a defined geographic area. Less cats means less predation on native wildlife.

Cats Assistance to Sterilise (CATS) has documented a significant drop in cats taken to the Animal Welfare League in the years after CATS began its mass desexing program. Almost 200 cats desexed on scrap metal yards at Glynde from 2008 saw their numbers reduced to eight cats today. Other studies have scientifically documented the success of mass cat desexing schemes (6) .

In our council area the innovative and bold provision of free cat desexing for owned and unowned cats for the past two years has been a great achievement through the work of Cats Assistance to Sterilise with the help of a yearly Council grant, Council staff referring cat complaints to CATS and the CATS organisation donating thousands of dollars of its own money to keep this exciting program running.

This has made our Council area the envy of many residents of other Councils as we are seen as a leader in controlling cat numbers and our cat complaints have been reduced to a minimum.

The CATS organisation has worked closely with Council staff in the Regulatory Services section and with Carlos Buzzetti. As I understand it the President of CATS has set up a trust fund so that the free desexing program in our council area can continue in perpetuity, along with the general subsidized cat desexing through the CATS hotline and cooperating veterinarians.

However the CATS organisation will not work with a Council which introduces a Cat Bylaw as it believes residents will view its operations with distrust if it is aligned with a council imposing cat confinement, cat limits per household and fines on its citizens. Your proposed Bylaw is being set up to provide for these restrictions and penalties.

The existing innovative free cat desexing program operating in our Council area recognises and supports the many volunteers, community-minded people, who quietly take in unowned cats to feed and desex them.

Unfortunately this work will be largely undermined by a Cat Bylaw which imposes limits on cat numbers and cat confinement laws with the possibility of compulsory registration and yearly fees.

Conclusion

Council's low rate of cat complaints, the near-disappearance of unwanted kitten litters across our Council over the past three years and the popularity of the free cat desexing scheme provide proof that the free cat desexing program run cooperatively between CATS and Council has been a success. A Cat Bylaw will undermine this work and result in more unwanted unowned cats and more fearful cat-owners.

Council is urged to reject the proposed Cat Bylaw and resolve to continue supporting the mass desexing of owned and unowned cats provided by CATS, cooperating veterinarians and the many residents and businesses who feed and desex unowned cats.

Evonne Moore, Dip.T., B.A.(Arts, Hons.), M.Env.St. 11/6/2025: [redacted] Maylands
Telephone [redacted]
(See next page for References)

References

1. RSPCA CEO quoted in The Advertiser 12/12/2022.

2. "Cat desex plan to herd in numbers", The Advertiser 24/8/2020 (36 councils had introduced cat bylaws by then).

3. RSPCA Report to the Legislative Review Committee opposing Campbelltown Council's Cat Bylaw 31 March 2021

4. RSPCA submission to Campbelltown Council's Cat Bylaw 25 February 2022

5. Emeritus Professor Jacquie Rand, S.A. Cat Strategy Workshop 15/4/25

6. Rand (and Others) "Urban Cat Management in Australia – Evidence-based strategies for success; Outcomes of a Community Cat Program Based on Sterilization of Owned, Semi-owned and Unowned cats in a small rural town; Impact of a local government funded free cat sterilization program for owned and semi-owned cats.

Jenny McFeat

From:	Ryan Davies [redacted]
Sent:	Friday, 13 June 2025 9:48 AM
To:	Townhall
Cc:	Jenny McFeat
Subject:	Submission for Cat Management Bylaw
Attachments:	NPSP Cat Management Plan Submission 13.6.2025.docx

Please find my submission attached.

Regards
Ryan Davies

To Norwood Payneham and St Peters Council public consultation for the proposed By-law No. 7 Cats

I am writing to oppose the Norwood Payneham and St Peters Council's proposed By-law No.7 Cats and although have many objections, I wish to emphasise the costs and the legal aspects of this counterproductive plan.

Firstly - Regarding both the cost of introducing and administering and enforcing the cat bylaw, either by using staff time or the considerable expenses of outsourcing to private contractors.

It does not appear that the elected members have appreciated the cost that this will require for Council to administer and enforce the said By-law. It seems that they are presenting this legislation as a softly approach when in actual fact it is one of the most deceitful by-laws for cats that I have yet to read, and I have read many diabolical ones.

Under the guise of "may" this and "might" that, it actually passes a By-law that enables the Council to do almost anything it likes.

This is deceitful and is not morally transparent.

Regardless of this, the cat bylaw will have to be administered and enforced, as this is the law under the State Government.

Note

If a council introduces a cat bylaw but doesn't enforce it, the bylaw may become ineffective, and the council could face criticism for not fulfilling its responsibilities. While bylaws provide a framework for cat management, their effectiveness depends on enforcement.

Here's a more detailed look:

- **Effectiveness of the Bylaw:**

Without enforcement, the bylaw's purpose, such as controlling nuisance or protecting wildlife, is not realized. The bylaw may exist on paper but have no real impact on cat behavior or community well-being.

- **Community Perception:**

Residents may see the bylaw as a "paper tiger," leading to frustration and a sense that the council is not serious about cat management.

- **Resource Allocation:**

If the council does not have the resources or staff to enforce the bylaw, it could be seen as a waste of time and money to have it in place.

- **Potential for Conflict:**

Without enforcement, cat owners who are complying with the bylaw may feel unfairly burdened, while those who are not complying may not be held accountable.

- **Risk of Litigation:**

If the bylaw is not enforced, cat owners may be more likely to challenge its validity or enforcement.

- **State Government Involvement:**

LGA South Australia notes that while councils are encouraged to create their own cat by-laws, there may be legal restrictions on how they can enforce them.

- **Alternative Approaches:**

Some councils are exploring alternative approaches to cat management, such as community engagement and education, rather than strict enforcement.

If By-law No.7 Cats is passed by Council and implemented it does face legal challenges.

Secondly - The legal aspects which Council seems to have also overlooked in reference to risk of litigation for Council.

We have already seen the on-going campaign by the organisation Cats Assistance To Sterilise Inc (CATS) to have the cat trapping cages banned from the public and the risk of litigation to Councils who provide them.

The RSPCA stopped using these cages as well stating the risk they pose to cats and animals caught in them.

The government finally got the message and warned councils not to provide them.

Now we see another campaign is being run by this came organisation CATS, which does have a high profile with the Media and the considerable respect of the community, to ban council cat bylaws that force cats to wear collars and also promote the dangerous practice of taking cats on leashes.

Researching information from the CATS organisation, explains its concerns and I consider this organisation has a very good case in warning that these cat bylaws also risk litigation to councils that include them in their legislation by...

- mandating cat collars which endanger cats (as on the leashes) and

- promoting the leashes attached to the cat collars which endanger both cats and those holding the leashes",

Under the Dog and Cat Management Act 1995, and the Amendments to this Act 2017, there is no provision for Councils to force the collaring of cats or promoting walking cats on leashes

This is due to the risk of cats being hanged by the collars and also the multiple injuries which these collars cause, so identification is required to be by microchip as cats cannot be safely collared.

In a Channel 9 News story titled ***Dangerous Collars***, the RSPCA stated that there was no need for cat collars, as microchips were the law. Quote, "The RSPCA has issued a warning to pet owners about the use of unsafe cat collars after a number of alarming cases where animals almost choked to death". While showing dreadful photos of the injuries caused by the collars it quoted, "It is quite horrific. It had cut right through the skin and muscle. Authorities say injuries like this are all too common with rescuers dealing with numerous cats injured by collars every month. If the cats weren't found they could easily have died."

C.A.T.S. does not recommend any collars for cats satting....

"The C.A.T.S. organisation has long warned of this danger, as multiple cats have suffered horrendous injuries from collars being caught across the mouth requiring expensive vet treatment including stitches, (*Advertiser* article with photo) eating into the flesh of the neck, caught under the forelegs and cutting into the body resulting in amputation of the leg, and also euthanasia, and death by hanging.

These cat collars fastened to a leash and promoted by Council endanger both the cats and those holding the leash."

Researching further information from the RSPCA, it states that walking cats on leashes is dangerous to both the cats and those walking the cats.

"The RSPCA does not recommend it. 'This is because being walked on a leash outdoors exposes cats to unfamiliar scents they may find threatening, and to potentially frightening experiences, including dogs, strange people, loud noises, and cars in a way that does not provide the cat with full choice and control over how they respond to these potentially frightening situations. When a cat feels fearful, they often try to increase distance from or avoid an interaction with a perceived threat (e.g. by hiding or running away). If they cannot hide or get away from the perceived threat (such as when they are constrained by a leash) they are likely feel frustrated and their fear (and behavioural response to it) may also intensify. If the cat does run away and manage to get away from their owner this can be a risk to their safety (e.g., they may get hit by a car, injured, or lost). The cat may attempt to hide somewhere or to escape by climbing whatever is available, such as a tree or even up onto their owner which can be dangerous for the cat and the owner."

I can understand why the CATS organisation and the RSPCA fear for the welfare of both the cats which may be injured or killed and also the walkers who may be severely scratched and also injured.

Imagine the litigation this could mean to a Council if a child was blinded with a terrified cat frantically climbing up to their head while escaping from danger.

This is surely enough evidence to support risk of litigation to Norwood Payneham and St Peters Council if they promote this in its current proposed By-law.

As I have conveyed, we have already seen government forced to withdraw councils from providing cat trapping cages due to risk of litigation.

Here is yet another risk to Councils

This is a deceitful and unjustified bylaw and most residents of Norwood Payneham and St Peters Council have no idea that it is about to be imposed upon them.

Given that this Council is already heavily in debt I feel the ratepayers have a right to know what this cat bylaw is going to mean to them as obviously it is not going to be funded, as it already is by a minuscule grant of $6,000, if the CATS organisation which is donating thousands, withdraws its service, as it does not work with councils that threaten penalties and endanger cats.

It is obvious that a program the size of this CATS organisation has backing and a huge network to be able to provide your Council with a program valued by the authorities at well over 100,000 per year.

In the case of Norwood Payneham and St Peters Council, CATS program far exceeds the basic costs as it provides massive support from veterinary surgeons where CATS has made it well worth their while to provide veterinary service for cat desexing in return for free advertising through the CATS extensive involvement with numerous and wide-spread animal organisations and its obvious support from the Adelaide papers, to spread the CATS views.

The numerous published letters by supporters have been clearly obvious that the CATS methods and the way they work with the public, has been showing up the disastrous results of the state government's failed legislation for the last 30 years.

I seriously consider that elected members rethink what they have set in motion and ask for information which has obviously not been supplied to them, as I do not see how they could vote for such a counter- productive approach as By-law No. 7 Cats, when they already have a highly successful cat management program which was pioneered in their own Council in Kensington.

This will not be a popular move by either the ratepayers who will end up paying for the deficit, the residents who have access to free cat care and good cat management advice through CATS Hotline or the cat supporters who will be outraged when they lose their low-priced cat sterilisation rates and now their free cat desexing and not just for their own cats, but the unowned cats which arrive on their properties and they feed and care for.

In light of the fact that it will be an election year for councils by the time this By-law No, 7 Cats is imposed on an irate community, I am glad I am not a member of your council running for re-election.

I leave you with these thoughts before you vote on this very questionable cat bylaw.

Regard

Ryan Davies

Jenny McFeat

From:	Andrew X Fuller [redacted]
Sent:	Friday, 13 June 2025 1:57 PM
To:	Townhall
Subject:	I do NOT support the Cat Bylaw NO 7 - submission - for public consultation

I do NOT support the Cat Bylaw BY-LAW NO 7 and I am sending this for the public consultation for my council Norwood Payneham and St Peters.

Rodney Simmons
FELIXTOW SA
Via friend Andrew Fuller

Only 9 or 10 councils in SA has been foolish enough to have these cat bylaws similar to this one and in all of those they have caused massive problems. Neighbors are having disagreement instead of getting advice from the experts on how to solve their problems. And there are very few residents left that trust the council and If you don't believe this just check how short the list is of their registered cats.

Apparently these councils can't do anything about it to make the residents accountable but this is not the big problem.

The people won't desex the cats and they are breeding out of control.

It is pretty obvious that if you are going to be fined you are not going to admit that you own a cat, are you?

Look what has happened right next door at Campbelltown where that councils is now in a hopeless mess with nobody who will help them.

CATS people for over 30 years were doing everything to help them and they were just up to getting free desexing like us.

New councillors and a new Mayor wrecked it all and CATS left.

Is that what is going to happen to us?

Then pity help us!!!

Sincerely

Rodney Simmons.
13/6/2025

Jenny McFeat

From:	Andrew X Fuller [redacted]
Sent:	Friday, 13 June 2025 2:32 PM
To:	Townhall
Subject:	Response to the Public Consultation for the NPSP Council Cat bylaw 7

To Whom it may Concern
From Andrew Fuller
Tea Tree Gully SA 5091
13th June 2025

The reason I am writing as a resident of Tea Tree Gully is due to my friends being afraid to write as the Council will get their names and addresses or emails.

Some of my friends in Felixtow have written, but I am writing for another group of them in Felixtow where there are cats, not just owned cats, and the CATS organization has been desexing them and my friends have been caring for the cats. They fed them but needed help getting them desexed so they didn't breed or cause trouble.

My friends love these cats and are terrified that something is now going to happen to them when they heard about this cat bylaw.

Of course they are not going to tell you who they are. And what has scared them even more is that their Ward Councilors is apparently the one who wanted to have this cat bylaw.

How could he do that to them? They know he is a new councilor so maybe he does not know what he has done.

This is what happened in their next council at Campbelltown and the residents got sent out fines notices for cats they had recorded on DACO (that is the Government data base Dogs and Cats Online) and it seems this council could look them up and because the cats had not been registered on the council data base, they were sent fines of $312-50.

When residents have done such a great job of desexing cats and helping the councils why do the councils turn on them and penalize them for their good work?

Anyway, I am sure some of these councilors who supported this, won't get re-elected next time. So maybe my friends can go back to the extra good plan they have had for many years, after the next election which is not that long.

What is happening now is really very upsetting to my friends.

Thank you for accepting my letter.

From Andrew Fuller

Jenny McFeat

From: Carol Patricia James [redacted]
Sent: Friday, 13 June 2025 3:51 PM
To: Townhall
Subject: [Spam] Submission to Cats By-law No 7 NP&SP Council.

I am writing to show my strong opposition to the proposed Cats By-law No. 7 for my Council of Norwood Payneham and St Peters.

It must be about the most ridiculous undertaking that has been done for 35 years by our Council.

I have watched from the very beginning of the progress by the Cats Assistance To Sterilise (CATS) organisation when two dedicated residents in Kensington set out to managed and desex the cats of Kensington and Norwood Council and then took on the Council's whole program for cats when asked by our Mayor Jack Richards who also lived in Kensington.

The success of the new, and unique organisation and its scientifically-based methods, supported by both the CEOs of the RSPCA and AWL, reduced cat numbers within 5 years so efficiently that the cats being destroyed at the AWL halved.

This unique program involved well research and successful plans from around the world and it was aimed at working with people, not against them. Also it worked with the people who owned the cats, also cared for unowned cats and the people who had issues with cats and needed assistance with solving these issues before they became problems.

The goals were to reduce cat numbers and cat-related problems and impact on other animals.

This began being achieved almost immediately.

This required studying of other animal species as well as cats was in keeping with the broad knowledge these residents had as they already belonged to animal organisations.

The first cats were resident unowned cats on the rental properties owned by one of the mothers and the rent money was donated to the tenants to pay for the desexing as the tenants loved the cats.

The CATS success has now spread across our state with cats coming from long distances of hundred of miles to get their cats desexed at the CATS cooperating vets. These travellers book appointments with the CATS vets when they have to come to Adelaide or the closer country areas where these vets assist, under an agreement orchestrated by CATS.

Why our Council has not promoted this success which began in their very own Council is beyond not only me, but many.

Also, why has there has never been an article about this huge undertaking and its success in the Council Newsletter "Look East"

OK, I am a supporter of CATS and always will be as this is the only organisation that has actually reduced cat numbers and shown the success which it has achieved for everyone, human and animal.

Why now would our Council MY Council take this away from the people who have shown so much community support and desexed thousands of cats across our Council areas which they now look after.

I ask what is happening to our Council and should we allow this appalling situation to continue if this cat bylaw is passed?

Shame on the councillors who supported it. Or did they just not know what they were doing? Were they provided with the essential information to even know what they were voting for, among a list of 6 other bylaws?

Carol Patricia James
KENSINGTON SA 5068

Jenny McFeat

From: Info (CAFinc) [redacted]
Sent: Friday, 13 June 2025 3:58 PM
To: Townhall
Subject: By-law No 7 Cats 2025 - Submission
Attachments: NPSP By-Law Submission.docx; Transforming Cat Management.pdf

Hi,

Please find attached our comment on the by-law No 7 Cats 2025.

Kind regards,

Sayla Kimber
Chairperson, Co-founder, Joint Operations Manager, Social Media and Marketing Manager



DONATE HERE: https://cafinc.org.au/donate/

Information & General
Administration, Cat Adoption Foundation
0422 652 837 | info@cafinc.org.au | www.cafinc.org.au

Does NPSP need this cat by-law?

Setting up a cat by-law has been reported at between $18-28,000.[1] Running costs are unknown however these are likely to be much higher than that per annum. The Council's debt has reached a new high at over $100m due to the swimming centre being more than $35m over budget.[2] Is the NPSP cat problem really justifying such ongoing expenses?

Effective Control by Means of Physical Restraint:

- 6.4 "cord" or "leash" taken from dog management regulations and ill-adapted to cat management. A more appropriate term would be "harness and leash," which should be clearly specified.
- 6.6.1 "displaying aggressive nature" taken from dog management regulations and ill-adapted to cat management. It should be removed, as cats do not pose the same threat to residents as dogs, particularly in terms of attacks.[3]

Limits on Cat Numbers in Private Premises:

The current and popular cat limit of two per household is a legacy from dog management regulations and is ill-suited to cat management. The RSPCA exhaustive consultation on identifying the best practices in cat management recommended a limit of four cats.[4] If the Council deems necessary to introduce a limit, it should go by the RSPCA's recommendation.

Containment:

Research shows that mandated 24hrs containment does not achieve the intended objectives of reducing complaints, cat impoundments, potential wildlife predation or cat-related costs. It instead increases costs to local governments.[5] Wouldn't section 8 – Cats not be a nuisance suffice here?

---

[1] ABC News (2020) SA councils with 'limited' powers to enforce cat controls as Mayor calls for statewide approach

[2] The Advertiser (2025) City of Norwood, Payneham and St Peters to hit $106m in debt after massive Payneham pool redevelopment blowout

[3] ABC News (2024) Australian Institute of Health and Welfare study finds pet-related injuries to owners increased over the past decade

[4] RSPCA (2018) Identifying Best Practice Domestic Cat Management in Australia

[5] Australian Pet Welfare Foundation (2022) Key issues to consider related to mandated 24/7 cat containment

For example, data from the Australian Pet Welfare foundation: [6]

In the **City of Yarra Ranges** (Victoria), **in the 3rd year after** mandating 24/7 cat containment:

- Cat-related **complaints increased by 143%**
- Yarra Ranges Council acknowledged that the significant increase in cat complaints, was likely to be a result of the introduction of a 24-hour cat curfew in 2014.
- **Impoundments increased by 68%**
- Euthanasia increased by 18% (human population only increased by 2%) (Yarra Ranges 2021).

Yarra Ranges Council data

Measure	2012/13	2016/17	Difference	% Change
Resident population	149, 026	152,246	+3,220	**^ 2.16%**
Cat Nuisance complaints	237	576	+339	**^ 143 %**
Cats impounded	440	738	+298	**^ 67.7 %**
Cats euthanised	232	273	+41	**^17.67 %**

In the **City of Casey** (Victoria), **20 years after introducing mandated 24/7 cat containment:**

- the number of **cats impounded was still 296% higher than baseline** (from 264 cats in 1998 to 1,047 cats in 2019/20), more than double the rate of the human population increase.
- In 2000, Casey received 349 cat nuisance and related complaints which had increased to 376 complaints in 2020/2021 (Casey Council 2001 & 2021a, b).

Casey Council data

Measure	1998	2019/ 20	Difference	% Change
Resident population	156,128	364,600	208,472	**^134%**
Cats impounded	264	1047	783	**^296%**

The number of cat-related nuisance complaints and impoundments are important parameters because they reflect the size of the wandering cat population in the surrounding area.
The **City of Hobsons Bay** (Melbourne, Victoria) has publicly acknowledged that mandated 24/7 cat containment is **not an effective strategy** for reducing the number of wandering cats or associated issues and has **rejected cat curfews** (Hobsons Bay 2014).

Registration of cats:

Updating incomplete registrations and maintaining the DACO database is both time-consuming and costly. The necessity of this, alongside the existing DACO requirements, should be carefully considered. If the Council introduces a registration fee, its purpose must be clear. Residents would oppose paying if the funds were used for mass euthanasia due to poor management but would be willing to contribute if the money supports desexing and rehoming efforts.

[6] APWF (2025) Inquiry into the Management of Cat Populations in NSW - Submission

Impact on Wildlife:

A recent study featured in *The Conversation* suggest that broad claims attributing Australia's mammal extinctions primarily to cats and foxes also lack a strong research foundation.[7]

The lack of robust, context-specific research is a significant gap in our understanding of the true impact of cats on biodiversity. This limitation undermines the evidence base for policy decisions. Without high-quality, regionally relevant data, strategies risk being shaped by assumptions or moral panic rather than sound science.

Desexing programs:

NPSP has been recognised for having one of the best cat management systems in SA, thanks to its partnership with C.A.T.S. and support for a free desexing program.[8] Will this program continue? Other councils, like Salisbury, are piloting successful free desexing programs (see attached *Transforming Cat Management*).

Outstanding Questions to the Council:

- What will happen to seized cats?
- How will this by-law be enforced?
- How much will it cost?
- Does the cost justify these measures and are likely to achieve the desired objectives?

Cat management is a complex issue with no simple solution. It is important that this complexity is recognised and that ratepayer funds are used effectively to address it.

[7] The Conversation (2025) Extinctions of Australian mammals have long been blamed on foxes and cats – but where's the evidence?
[8] Voices for Animals (2023) Letters on Cats

Transforming Cat Management

Through Community Desexing

Early Results from Salisbury



Cat Adoption Foundation (CAF), in partnership with the City of Salisbury and Adelaide Northern Veterinary Group (ANVG), are delivering a targeted desexing program to stabilise and reduce the cat population, with the long-term effect of increasing ownership rates and reducing cat-related nuisance complaints. Since its launch in late November 2024, 186 cats have been desexed across 13 sites identified by the Salisbury Council (as of 17 April 2025).

Of the 186 cats that have entered the program, one-third have been rehomed through CAF, one third have been desexed, registered and rehomed with local residents, and the remaining third are from sites that are still in progress under the pilot.

The initial phase of the project concentrates on coordinating desexing, vaccination, and microchipping services provided by ANVG. Next, CAF handles the rehoming where suitable, and finally, cats are registered with either their adopters or local residents. It is anticipated that a significant proportion of that final group will transition to ownership through microchip registration.

Another reason why registration may follow veterinary work is that, at some sites, establishing contact with residents can be challenging and trust takes time to build. As a result, registration is often addressed later in the project. Trust is essential for gaining access and accurate information about the cats—such as which ones are suitable for immediate rehoming and which would benefit from staying with the resident for further socialisation before rehoming.

Salisbury Council has identified sites for the project where traditional cat management approaches have not always been effective in managing complaints and resident compliance. The largest site involved over 50 cats and has been a long-standing problem area. To date, 45 cats have been desexed. Of these, 17 have been rehomed or are in the process of being rehomed by CAF, and 13 have been adopted by local residents. Of the 15 cats remaining, 5 have been earmarked for rehoming as the end of kitten season allows for increased care and adoption capacity for adults. The plan is to register the remaining cats to local residents.

Cat Outcomes - Largest Site

Outcomes	Number of Cats
Rehomed or in process (CAF)	17
Adopted by residents into their homes	13
Pending registration:	
• *Earmarked for rehoming*	*5*
• *Pending registration with residents*	*10*
Kittens due for desexing once of age	3
Transferred to another rescue	1
Deceased	1
Yet to be caught	1
Total cats	**51**

The majority of desexing was completed within just two months—an exceptionally fast turnaround. This level of efficiency would not have been possible without the strong involvement of local residents, who mobilised to assist with trapping, transport, and care. This site is a powerful example of how transformative free desexing programs can be. It also highlights the critical role that positive community engagement plays in achieving successful outcomes.

Large sites (with more than 25 cats) are relatively uncommon, accounting for only 3 out of the 13 sites. The smaller sites have an average of 9 cats each. A common scenario involves residents choosing to adopt the adult cats while allowing CAF to rehome the kittens. For instance, at one site with 8 cats, the resident has adopted four (now registered in their name), while the remaining four kittens are already in care and will be rehomed by CAF.

The project also plays a vital role in preventing situations from escalating. For example, one site began with just two cats in care, but within less than two years, the population grew to 19. Ongoing timely intervention will reduce cats in their care back to two, desexed and registered. The remainder will be rehomed through CAF.

CONTACT: info@cafinc.org.au

Funding free desexing has a transformative impact on stabilising and reducing undesexed cat populations. It also provides a fast-track to increasing ownership rates and improving ongoing cat management. While the direct impact on wildlife and nuisance behaviours is difficult to quantify at this early stage, it is expected to be positive given the high number of cats desexed and rehomed through the program.

We are deeply grateful to the Salisbury Council team for their support in enabling us to demonstrate the significant benefits such initiatives can achieve. This model is replicable and can be adopted by other councils, even in the absence of collaboration with a local cat rescue, provided there is a supportive veterinary partnership and a small network of dedicated foster carers.

The project is scheduled to continue into the next financial year.

What does the research say?

This project's early results are akin to the Banyule City Council in Victoria which launched a free cat desexing, microchipping, and registration program in 2013. Free transport was offered to residents needing assistance. Stray cats being fed by locals were enrolled in the program and became registered as owned pets.

Over eight years, across the city, impoundments dropped by 66%, euthanasia by 82%, and cat-related complaints by 36%. The program delivered significant savings, costing the council $77,490 and generating an estimated $440,660 in avoided costs.[1]

Another example is a study evaluating the effectiveness of a Community Cat Program implemented in a small rural town in Ipswich, Queensland, which had high rates of cat impoundments. The program offered free desexing, microchipping, and preventative veterinary care for all cats—owned, semi-owned, and unowned. It was initiated by the Australian Pet Welfare Foundation in collaboration with RSPCA Queensland and the Animal Welfare League Queensland.

Data from 2017 to 2023 were analysed to assess the program's impact on local shelter intakes and outcomes. By the third year, the program was associated with a 60% drop in cat intakes, an 85% reduction in euthanasia, and a 39% decline in cat-related council complaints.[2]

In addition, a third study highlights that these kind of programs help strengthen cooperation between local authorities and the community.[3] This has also been reflected at some sites, where residents who were previously apprehensive about the Council are now expressing appreciation for its support.

Midnight and **Mars**, both kittens from the large site with over 50 cats, have now been adopted.



[1] Cotterell et al. (2024) Impact of a Local Government Funded Free Cat Sterilization Program for Owned and Semi-Owned Cats

[2] Rand et al. (2024) Outcomes of a Community Cat Program Based on Sterilization of Owned, Semi-Owned and Unowned Cats in a Small Rural Town

[3] Cotterell, Rand & Scotney (2025) Urban Cat Management in Australia—Evidence-Based Strategies for Success

Jenny McFeat

From: City of Norwood Payneham & St Peters <website@npsp.sa.gov.au>
Sent: Friday, 13 June 2025 4:00 PM
To: Townhall
Subject: City of Norwood Payneham & St Peters - Form submission: By-law No 7 Cats 2025
Attachments: fb_187_2_47e30d91ea.docx

By-law No 7 Cats 2025 form submission

First and last name Virginie Ducruc

Email [redacted]

Phone number [redacted]

Upload submission fb_187_2_47e30d91ea.docx

View the full submission
https://www.npsp.sa.gov.au/admin/edit/form_record__187/2

Mark this submission's uploads ready for deletion

Best Wishes
City of Norwood Payneham & St Peters

City of Norwood Payneham & St Peters

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067
Telephone 08 8366 4555
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au
Socials /cityofnpsp @cityofnpsp

Does NPSP Need a Cat By-law?

Implementing a cat by-law in NPSP is projected to cost $18,000–$28,000 upfront, with significantly higher ongoing costs. With Council debt now over $100 million—driven by the swimming centre's $35 million cost blowout—it's fair to ask: does the scale of the local cat issue justify this financial burden?

Many elements of the proposed by-law are borrowed from dog management policies and are poorly suited to cats. Terms like "cord or leash" and behavioural clauses such as "displaying aggressive nature" do not reflect feline behaviour and should be reconsidered. Similarly, the proposed limit of two cats per household lacks evidence and ignores RSPCA recommendations, which support a more reasonable limit of four.

Mandating 24/7 containment has shown limited effectiveness in reducing complaints or costs and may increase council expenditure. Section 8 of the draft by-law, which addresses nuisance behaviours, may be a more balanced and cost-effective alternative.

If fees are introduced, their purpose must be transparent. I would not support funding that leads to mass euthanasia but may support programs that promote desexing and rehoming.

Research on cats' impact on wildlife remains inconclusive, especially at the local level, and policies should be based on sound science—not assumptions or moral panic. NPSP already has one of SA's strongest cat management systems through its partnership with C.A.T.S. and a free desexing program. Will this program continue?

Before moving forward, the Council should clearly answer: How will seized cats be handled? How will the by-law be enforced? What are the full costs—and do they justify the likely outcomes?

Effective cat management is complex and must be guided by evidence, not a one-size-fits-all by-law. Responsible use of ratepayer funds demands nothing less.

Jenny McFeat

From: Geraldene Hannah [redacted]
Sent: Friday, 13 June 2025 4:13 PM
To: Townhall
Subject: [Spam] OBJECTION to the NPSP BY-LAW No. 7 Cats.

From Geraldene Hannah
Kensington SA 5068

13th June 2025

Dear Council,

After having many letters published in "The Advertiser" and "Sunday Mail" applauding your council for its excellent cat management and desexing program I was shocked to hear that you are going to end it and replace it with a counter-productive cat bylaw.

Well you won't get any support from me or any of my many friends who have supported the partnership with C.A.T.S. for decades.

Furthermore we are disgusted that our rate money is going to be used to have this cat bylaw when the C.A.T.S. people do it virtually for nothing. OK a small grant as I presume a as token of appreciation.

Just look at the blow-out of the Adelaide Hills Animal Management budget and see what these cat bylaws cost.

And look at Campbelltown which has spent over $100,000 just to get the cat bylaw passed and installed and look at it now.

No help from he RSPCA and the AWL and nobody wants to touch it. And C.A.T.S. has gone, and will now help another council instead.

And everybody hates that council, not just the cat people because the rates have skyrocketed!

Is this what you want for my Council.

Well it is not what I want.

Think before you jump.

Yours truly
Geraldene Hannah

Jenny McFeat

From: Geraldene Hannah [redacted]
Sent: Friday, 13 June 2025 4:21 PM
To: Townhall
Subject: [Spam] PS Bylaw No 7 Cats.

PS Add to my Submission please

One of my published letters about what happened at Campbelltown Council after that council imposed a cat bylaw!.

Do you want that for MY Council?

17/5/2023 "The Advertiser"

Pet fury

War against Campbelltown City Council heated to boiling point when the conditions of the Cats By-Law 2022 appeared on council's Facebook page.
Such was the abuse and colourful language that the posts were removed and the site was closed for comments with a warning posted.
Most residents know nothing of the impossible conditions being unleashed upon them in two weeks, as most of the bylaw groundwork occurred while the council chamber was closed during the pandemic, and people urged to stay home.
Residents here have worked hard for decades to achieve a high standard of cat care with high desexing rates, and there was no excuse for their success to be undermined by this unfair treatment of their beloved cats.
They have paid to desex the cats, both their own and unowned cats, feed and care for them, and now many have multiple cats and will be forced to apply to even keep them.
Also they will be charged registration fees for the cats if council finds their names from microchips, and fines of $312.50 if the cats trespass.

Geraldene Hannah, Kensington

Jenny McFeat

From:	Kirsty Bevan [redacted]
Sent:	Saturday, 14 June 2025 2:20 PM
To:	Jenny McFeat
Cc:	Townhall
Subject:	CCSA Submission on the City of Norwood, Payneham and St Peters' Cats By-law
Attachments:	Factsheet_Impact_of_pet_cats_on_wildlife_Biodiversity Council.pdf; Conservation Council SA submission to City of Norwood Payneham and St Peters Cats Bylaw 10.6.25.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

To the Norwood, Payneham and St Peters Council

Please find attached our submission on the Norwood, Payneham and St Peters Council's Cat By-laws. Invasive species are the number one cause of the decline of native Australian animals, and cats are one of top few big-impact invasive species across Australia and South Australia. We cannot urge strongly enough that the containment of cats applies to all cats as soon as possible, or at the very least, for newborn cats from as earliest a date as possible. Please don't hesitate to reach out to discuss our position or for further information. We have attached the Biodiversity Councils factsheet on impacts of pet cats on wildlife.

Kind regards
Kirsty
Kirsty Bevan
She/her
Chief Executive Officer
Conservation Council of SA
M: [redacted] E: [redacted]
Conservation Council SA joinery
Conservation SA and the Joinery | 111 Franklin St, Adelaide SA 5000



Ngadlu Kaurna miyurna tampinthi. Parna yarta mathanya puki-unangku.
Conservation SA acknowledges that our offices and The Joinery sit on Kaurna Country.
We offer our respect to the Traditional Owners whose lands and waters we engage with across South Australia.

Disclaimer: The information in this email is CONFIDENTIAL and may be legally privileged. It is intended for the recipient only.

This email may contain information that represents the views and opinions of the author and so do not necessarily reflect those of the Conservation Council of South Australia as an organisation.

Biodiversity Council

invasive species council

birdlife AUSTRALIA

The impact of roaming pet cats on Australian wildlife

Factsheet

June 2023

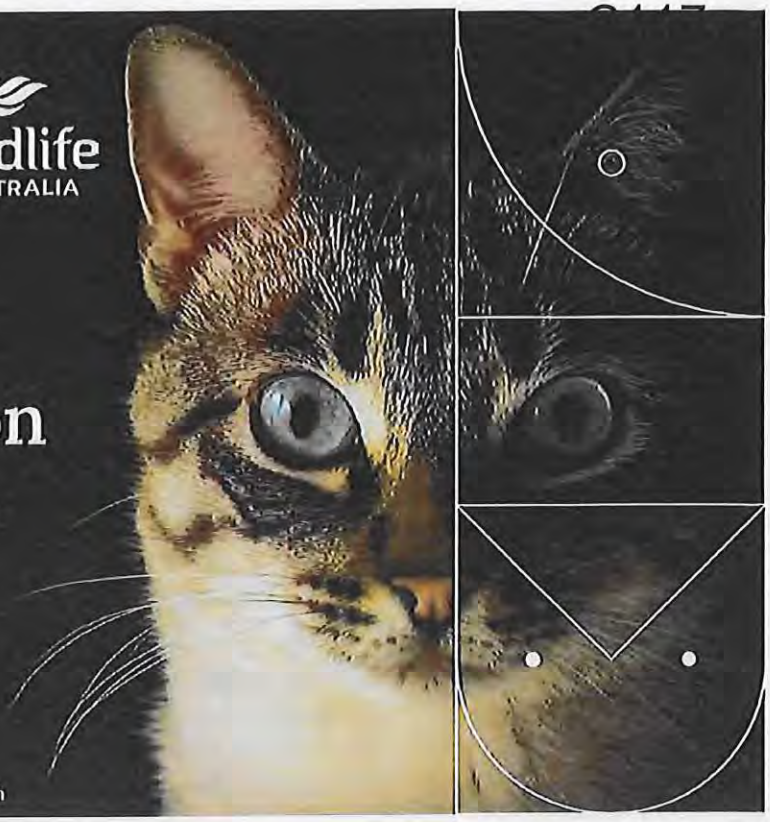


Image: Pacto Visual on Unsplash

This factsheet summarises research findings on the impact of Australia's pet cats on wildlife. It also provides information for cat owners and local government organisations about how to reduce the impact and improve the welfare of pet cats.

Pet cats, despite their valued role as companion animals, are a major threat to wildlife. Collectively, roaming pet cats kill 546 million animals per year in Australia. As such the management of cats has major implications for Australia's wildlife and ecosystems.

One third of Australian households (33%) have pet cats, and about half of cat-owning households have two or more cats: the total pet cat population in Australia is 5.3 million.

Pet cats that are kept contained 24 hours per day (indoors or in a secure outdoor cat run) are safe for wildlife. In Australia, around 1.6 million pet cats are contained in this way 24 hours per day by responsible pet owners.

The remaining 3.7 million pet cats – 71% of all pet cats in Australia – are able to roam, and 78% of these roaming cats hunt, presenting a major threat to wildlife in their local areas.

Many people are unaware that their pet cat is leaving the house and roaming. A radio-tracking study in Adelaide found that of the 177 cats whom owners believed were inside at night, 69 (39%) were sneaking out for nocturnal adventures.

Many owners believe their cats don't hunt because they never come across evidence of killed animals. However, studies of pet cats using video-tracking collars or scat analysis have established that the vast majority (85%) of the animals killed by pet cats are not brought home.

Radio tracking, video collars and poo analysis have revealed the roaming and hunting habits of pet cats

On average, each roaming, hunting pet cat kills more than three animals every week. The numbers add up. On average, over a year each roaming and hunting pet cat in Australia kills 186 animals. This number includes 110 native animals (40 reptiles, 38 birds and 32 mammals).



A happy indoor cat.
Image: Jaana Dielenberg



C118

Pet cats in homes near bushland roam the furthest and hunt the most frequently.

Image: Oliver Schwendener on Unsplash

Every cat counts

Some cat owners may think the contribution of their own cat doesn't make much difference. However, we found that even individual pet cats have driven the decline and complete loss of populations of some native animal species in their area.

Documented cases have included: a feather-tailed glider population in south-eastern New South Wales; a skink population in a Perth suburb; and an olive legless lizard population in Canberra. Anecdotally, many people have experienced that native birds become scarce or absent in their gardens once a pet cat (their own, or that of a neighbour) takes up residence.

Killing animals is not the only significant impact of pet cats on wildlife. When cats prowl and hunt in an area, wildlife have to spend more time hiding or escaping. This reduces the time spent feeding themselves or their young, or resting. In Mandurah, Western Australia, the disturbance and hunting of just one pet cat and one stray cat caused the total breeding failure of a colony of more than 100 pairs of fairy terns.

Fast facts on pet cats in Australia

Total pet cat population:	5.3 million
Percentage of households with pet cats:	33%
Size of animals cats can kill:	up to 4 kg
Percentage of pet cats that roam:	71%
Percentage of roaming cats that hunt	78%
Mean home range of a pet cat:	2 hectares (size of two playing fields)
Average density of roaming, hunting pet cats in Australian suburbs:	54 to 100 per km²
Average number of animals (mammals, birds and reptiles) killed per roaming cat per year:	186
Number of all mammals, birds and reptiles killed by pet cats per year:	546 million
Number of native mammals, birds, reptiles killed by pet cats per year:	323 million

Concentrating the problem

Pet cats are concentrated in very high densities in our cities and towns. In suburbs that do not require containment, you'll find up to 100 roaming and hunting cats per square kilometre.

In the bush there's only one feral cat for every three to four square kilometres, so even though each individual feral cat kills about 4 times more animals per year than a pet cat, cats inflict a much higher toll per square km in suburbs, than in the bush.

In fact, roaming, hunting pet cats kill 30–50 times more native animals per square kilometre in suburbs than feral cats kill per square kilometre in the bush.

About one third of the animals killed in urban areas are introduced species like rabbits, house mice, house sparrows and Indian mynas. If we count only native wildlife, pet cats kill 6,000 to 11,000 animals per square kilometre each year in urban areas.

These numbers include the numbers of birds, mammals and reptiles killed. Cats also kill frogs and invertebrates, but there are not sufficient data to include these prey groups in these totals.

Benefits of a life indoors

Indoor cats can be happy and exercised too. Keeping cats indoors helps protect pet cats from injury and disease, reduces expensive vet bills, prolongs the cat's lifespan, avoids nuisance behaviour and prevents unwanted breeding.

Cats allowed outside often get into fights with other cats, even when they're not the fighting type (they can be attacked by other cats when running away). They can also be badly injured or killed by other animals, especially dogs and snakes. Roaming cats are also very prone to getting hit by vehicles.

Indoor cats have lower rates of infectious diseases, some of which can be spread to humans. For example, the cat-borne disease toxoplasmosis can cause illness, miscarriages and birth defects in humans.



With some of your attention cats can be happy and healthy living indoors.

Image: Rubaitul Azad on Unsplash

What can pet owners do?

Keeping your cat securely contained 24 hours a day is the only way to prevent it from killing wildlife. Containment means keeping your cat indoors or in a secure cat run if outdoors. Even if you keep a cat in at night, it can still hunt birds and lizards by day. Containment needs to be 24 hours per day.

It's a myth that a good diet or feeding a cat more meat will prevent hunting: even cats that aren't hungry will hunt.

Various devices, such as bells on collars, are commercially marketed with the promise of preventing hunting. While some of these items may reduce the rate of successful kills, they don't prevent hunting altogether. These devices also don't prevent cats from disturbing wildlife, which is also a serious problem.

Desexing cats before they are sexually mature (i.e., by five months of age) has multiple benefits for their health and wellbeing; by preventing unwanted breeding you will also prevent your cat from contributing to Australia's feral cat population.

Microchipping, and putting identifying information on your cat's collar, will ensure that if it 'escapes' or roams beyond your property it can be returned to you.

Registering your cat with your local council will help to support responsible pet management programs in your local area.

Encourage your friends to also contain their cats.



Studies have found that each roaming, hunting pet cat kills ***110 native animals*** *per year on average*

Image: Raphael Schaller on Unsplash

What can councils do?

Cat owners are primarily responsible for the behaviour of their cats but local councils also have a key role to play. Council programs and by-laws can encourage responsible pet management, reducing impacts on wildlife and reducing nuisance behaviour by roaming cats.

Local councils can strengthen and improve by-laws and management of pet cats by:

- Developing a companion animal management plan
- Setting up cat registration fee structures that incentivise desexing of cats, and dis-incentivise keeping cats that are not desexed
- Introducing by-laws requiring mandatory registration and desexing of cats by 5 months, coupled with subsidised desexing programs
- Setting limits for the number of cats per household
- Introducing cat-free areas (especially in new suburbs)
- Introducing by-laws for 24-hour containment or curfews
- Encouraging/promoting responsible cat ownership, including showing benefits for cat welfare
- Reducing populations of stray cats
- Setting up a registration system that allows staff to keep track of cat breeders in local government areas
- Dedicated resourcing for regional cat management officers, who can work with multiple councils towards consistent management of pet cats. They can also work on measures to help address complex issues as they arise (hoarding, 'backyard' breeding)
- Working in collaboration with adjoining councils towards consistent regional management of cats.

These measures need to include appropriate resourcing for compliance and enforcement and relevant infrastructure, and may involve collaborations with veterinary practices.

Cats in Australia

Cats have played a leading role in most of Australia's 34 mammal extinctions since 1788, and are playing a major role in the on-going declines of over 230 threatened native species and also many non-threatened species. The loss of these animals degrades our ecosystems and diminishes the charcter of the natural places we vaule. Both feral and pet cats contribute to the problem.

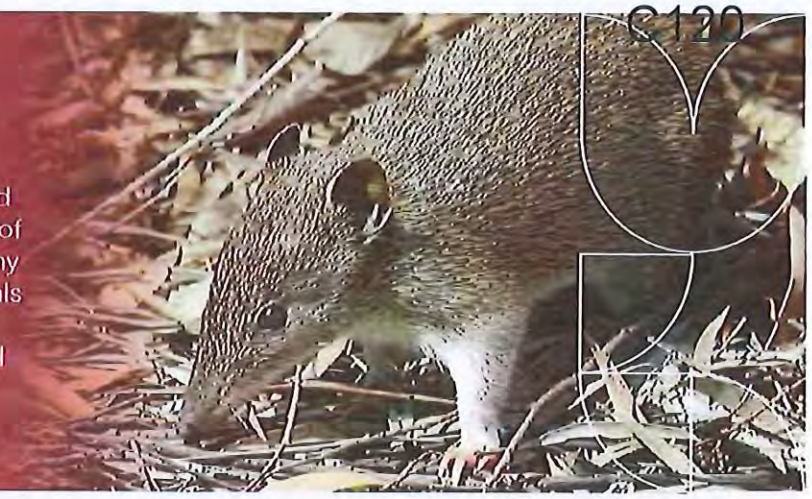


Image: Southern brown bandicoot by John O'Neill

Losing nature where we live

Most of us want to see native wildlife in our towns, local parks and gardens. Pet cats are not the only threat to native wildlife in urban areas but they are one that every cat owner can reduce through responsible pet ownership.

Urban areas are important to wildlife, even threatened species. For example, the Critically Endangered western ringtail possum is found in suburban areas of Mandurah, Bunbury, Busselton and Albany, in Western Australia. The possum did not move into these areas – rather, we moved into their habitat, and predation by our pet cats makes their persistence more precarious.

Previous studies have shown that pet cats living near bushland roam further and hunt more frequently, reducing the value of natural areas that should be havens for wildlife and that are also favoured recreational places for people.

Australia is in a very good position to make change. Compared to many other countries, the Australian public are more aware of how cats threaten native wildlife and more supportive of actions to reduce those impacts.

Cat containment is manageable. Over one and a half million pet cats are already being safely contained by their owners in Australia. We need to rethink what it means to be a cat owner in Australia and see cat containment as a basic responsibility, in the same way that dog owners are expected to keep their pets contained to their property.

Who undertook this research?

The findings presented here are summarised from an analysis of the results of many dozens of studies that was undertaken by the Threatened Species Recovery Hub. The research team included scientists from The University of Queensland, The Australian National University, Charles Darwin University, The University of Sydney and Murdoch University. The research received funding from the Australian Government through the National Environmental Science Program and was published in Wildlife Research.

READ MORE

Dielenberg, J., Murphy, B., Dickman, C., Woinarski, J., Woolley, L.-A., Calver, M. and Legge. S. *(2020)* **One cat, one year, 110 native animals: lock up your pet, it's a killing machine**, *The Conversation, 14 May 2020*

Harvey, A. and Malik, R. *(2020)* **Don't let them out: 15 ways to keep your indoor cat happy**, *The Conversation, 21 May 2020*

Legge, S., Woinarski, J. C. Z., Dickman, C., Murphy, B. P., Woolley, L.-A., Calver, M. *(2020)*. **We need to worry about Bella and Charlie: The impacts of pet cats on Australian wildlife**. *Wildlife Research, 47, 523–553. https://doi.org/10.1071/WR19174*

Story by Tida Nou, Sarah Legge, John Woinarski and Jaana Dielenberg

Australian National University · The University of Queensland · Charles Darwin University · Murdoch University · The University of Sydney

Biodiversity Council · birdlife Australia · invasive species council

The Biodiversity Council brings together leading experts including Indigenous Knowledge holders to promote evidence-based solutions to Australia's biodiversity crisis. It was founded by 11 universities including its host the University of Melbourne, with support from The Ian Potter Foundation, The Ross Trust, Trawalla Foundation, The Rendere Trust, Isaacson Davis Foundation, Coniston Charitable Trust and Angela Whitbread.

The Invasive Species Council was formed in 2002 to advocate for stronger laws, policies and programs to keep Australian biodiversity safe from weeds, feral animals, exotic pathogens and other invasive species.

BirdLife Australia the largest and longest running national bird conservation charity that is putting birds and nature on a path to recovery by informing and leading action to halt biodiversity loss and restore ecosystems.

Conservation Council SA

Ms Jenny McFeat
Manager, Governance
City of Norwood, Payneham and St Peters
Kent Town, SA 5071
Via email: jmcfeat@npsp.sa.gov.au
Cc: townhall@npsp.sa.gov.au

14 June 2025

Dear Ms McFeat,

Submission on the City of Norwood, Payneham and St Peters' Cats By-law

The Conservation Council SA welcomes the opportunity to provide a submission on the City of Norwood, Payneham and St Peters' draft Cats By-law.

The Conservation Council SA is South Australia's peak body for the environment – an independent, non-profit, and strictly non-party political organisation representing approximately 40 of South Australia's environment and conservation organisations and their 90,000 members.

The Conservation Council SA kindly requests that this submission be published in full and made accessible to the public.

Invasive species are the number one ca use of the decline of native Australian animals, and cats are one of top few big-impact invasive species across Australia and South Australia. **Indeed, there are few steps within the power of a local council more important to take that can change the trajectory of the decline of our unique Australian nature than requiring cats to be kept on their owners' properties at all times.**

It is a misconception that urban environments contain no significant biodiversity, or that, therefore this biodiversity is somehow unimportant. The sheer scale of the accelerating decline of Australia's nature means that efforts to safeguard the remaining biodiversity in highly modified urban environments is increasingly important. Indeed, some threatened native species only hang on in urban environments despite the huge pressures they face from human impacts.

In recent national surveys, the Biodiversity Council found that 66% of respondents supported requirements for cat owners to keep their cat contained to their property, with only 8% opposed[1]; views of a small minority must be set aside in favour of the many thousands of native animals that will otherwise lose their lives if the implementation of cat containment measures is further delayed.

Thus, whilst strongly in support of new containment measures proposed by the City, we cannot urge strongly enough that the containment of cats applies to all cats as soon as possible.

[1] https://biodiversitycouncil.org.au/news/two-thirds-of-australians-think-pet-owners-should-be-required-to-keep-cats-contained

Recommendations

That the City of Norwood, Payneham and St Peters' Cats By-law:

1. **Confine <u>all</u> pet cats to their owners' property at all times, and as soon as possible.**
2. Ensure that the introduction of such containment is accompanied with a major effort in both communications and enforcement to ensure a shift in community attitude to cat containment also occurs.

   The experience in other council areas across Australia has demonstrated that unless such major efforts are undertaken – at least initially – then the bylaws are often considered 'optional' by cat owners rather than mandatory.

   Such efforts can include both positive incentives (awareness of the benefits of containment of cats to cat health, native animals, and to the community) and negative incentives (fines and enforcement) for owners who think it is optional to follow the bylaw.

Detailed commentary

<u>Nature impacts</u>

The scale and accelerating consequences of the nature crisis facing Australia has been thoroughly documented, most recently in the Australian Government's *2021 State of Environment Report*[2] and in the South Australian Government's *2023 State of the Environment Report*[3]. Australia is on a trajectory of an accelerating decline of our nature leading to widespread ecosystem collapse – a trajectory that urgently and desperately needs to be reversed.

Nature and human wellbeing are inextricably linked, even in the modern world where humans spend most of their time in human-built environments – there is no hermetic seal.

Indeed, even for those who may not fully appreciate the human health and social wellbeing aspects that arise from nature, the economic cost of failing to protect and to reinvest in the recovery of our natural world is immense.

Indeed, the World Economic Forum[4] – and Australian research using the same methodology[5] – found that approximately half of Australia's GDP is either moderately or heavily reliant upon nature, which is on par with the global average.

The nature crisis is an existential threat to the social and economic prosperity of humanity, and it is gathering pace.

<u>Invasive species are the biggest cause of the decline of Australian nature</u>, and cats are one of largest vertebrate pest species responsible for that decline – indeed, cats affect 123 *EPBC Act* (i.e. Commonwealth environment law) -listed threatened species – putting it behind only feral rabbits and feral pigs as invasive vertebrate species pressuring threatened native Australian species.

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[2] https://soe.dcceew.gov.au/
[3] https://soe.epa.sa.gov.au/
[4] https://www.weforum.org/publications/nature-risk-rising-why-the-crisis-engulfing-nature-matters-for-business-and-the-economy/
[5] https://www.acf.org.au/how-australias-prosperity-depends-on-nature

The full impact upon Australian nature from cats – as detailed in the *2021 State of Environment Report* – is alarming:

> *"Since cats arrived in Australia in the early 1800s, the combined population of feral and domestic cats has grown to more than 6.5 million and they are now present across 99.9% of the Australian landmass.*
>
> ***Both feral and pet cats continue to have an extensive and harmful impact on Australian fauna.** Cats are known to eat over half of Australian mammal species, including 50 threatened species. Nearly half of all Australian bird species have been recorded as being eaten by cats, including 71 threatened species.*
>
> *Feral cats in the bush kill an estimated 2,414 million animals annually...*
>
> ***In built environments, cats that roam kill an estimated 714 million vertebrates annually,** including:*
>
> - *338 million mammals*
> - *162 million birds*
> - *213 million reptiles*
> - *at least 1 million frogs.*
>
> ***Most of these kills are made by pet cats.**"*[6]

Animal welfare and the relationship between humans and cats is socially and culturally important. However, the gross animal welfare impact of cats upon native animals outlined above – amounting to **a whoppingly huge annual death toll of 2.359 billion vertebrate animals in Australia!** – must also be considered — and most of these deaths are of native Australian animals that cannot be found anywhere else in the world.

Further details on the *Impacts of roaming pet cats on Australian wildlife* – and steps that councils can take to address the problem – can be found in the attachment from the Biodiversity Council enclosed[7]. The Biodiversity Council is an independent expert group founded by eleven Australian universities to promote evidence-based solutions to Australia's biodiversity crisis.

Thank you again for the opportunity to provide a submission on the City of Norwood, Payneham and St Peters' proposed Cats By-law. We urge for the City to act decisively to prevent further thousands of native animal deaths across the council area and **contain all cats to their owners' properties at all times.**

The Conservation Council SA is happy to discuss this submission further with the City of Norwood, Payneham and St Peters; if you require further information, do not hesitate to contact our organisation at ChiefExecutive@conservationsa.org.au.

Yours sincerely,

Kirsty Bevan
Chief Executive

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[6] https://soe.dcceew.gov.au/biodiversity/pressures/invasive-species-problematic-native-species-and-diseases
[7] Also available at: https://biodiversitycouncil.org.au/resources/the-impact-of-roaming-pet-cats-on-australian-wildlife

Attachment D

Proposed By-Laws

CITY OF NORWOOD PAYNEHAM & ST PETERS

REPORT TO COUNCIL – NATIONAL COMPETITION POLICY

BACKGROUND

There are a number of statutory requirements that apply to the making of by-laws, including under section 247(c) of the *Local Government Act 1999* (the **Act**), which provides:

A by-law made by a council must –

> *c. avoid restricting competition to any significant degree unless the council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the by-law can only be reasonably achieved by the restriction.*

Accordingly, any restriction on competition contained in a proposed by-law must be identified before the Council is in a position to make that by-law. A restriction on competition arises where any provision of the by-law has the potential to impact upon competitive conduct in any market. In general terms, restrictions on competition fall within the following categories:

- regulation of the entry or exit of business entities or individuals in to or out of markets;
- controls on prices or production levels;
- restrictions on the quality, level or location of goods and services;
- restrictions on advertising and promotional activities;
- restrictions on price entitled input used in the production process;
- legislation which is likely to confer significant costs on business; and
- legislation which provides advantages to some business entities or individuals over others.

The purpose of this report is to address the discharging its obligation under section 247(c) of the Act.

REPORT

1. PERMITS AND PENALTIES BY-LAW 2025

Status

This by-law has been reviewed in light of national competition policy and has been identified as one that will **not restrict** competition.

Objectives of the By-Law

The objectives of the by-law are to:

a) create a permit system for Council by-laws;

b) provide for the enforcement of breaches of Council by-laws and fixing penalties; and

c) clarify the construction of such by-laws.

2. MOVEABLE SIGNS BY-LAW 2025

Status

The proposed by-law has been reviewed against the requirements of section 247(c) of the Act. The review has concluded that:

a) there are restrictions on competition contained in the by-law;

b) some of these restrictions restrict competition to a significant degree;

c) the objectives of the by-laws containing the restrictions can only be achieved by restricting competition; and

d) the public benefits of the restrictions outweigh the costs of those restrictions.

Objectives of the By-Law

The objectives of the by-law are to set standards for moveable signs on roads and to provide conditions for the placement of such signs. These objectives include:

a) the prevention of nuisances;

b) protecting the convenience, comfort and safety of road users and members of the public;

c) protecting or enhancing the amenity of the Council's area; and

d) ensuring that moveable signs do not unreasonably restrict the use of a road.

Potential Restrictions on Competition

Section 226(1) of the Act enables a person to place a moveable sign on a road without an authorisation or permit under Chapter 11, Part 2 of the Act if:

a) the design and structure of the sign complies with the requirements of the Council's by-laws;

b) the sign is placed in a position that complies with the requirements of the Council's by-laws;

c) any other relevant requirements of the Council's by-laws are complied with; and

d) the sign does not unreasonably:

i. restrict the use of the road; or

ii. endanger the safety of members of the public.

- ***Clauses 7 and 9: Construction and Design and Appearance***

  Clauses 7 and 9 place restrictions on the construction, design and appearance of moveable signs. This potentially restricts product innovation.

- ***Clauses 8 and 11: Placement and restrictions***

  Clauses 8 and 11 restrict the placement of a moveable sign. This may inadvertently restrict competitive behaviour and may preclude some businesses from being able to use moveable signs for advertising.

A restriction on competition will restrict competition to a significant degree where the impact on competition is more than nominal or trivial.

The restrictions contained in the proposed by-law are highly prescriptive and are likely to have a significant effect on competition in the market for moveable signs. There may also be

significant impacts for other businesses required to comply with the by-law. However, the by-law does not prevent the advertising of businesses. It merely regulates the manner in which this occurs.

In the absence of the proposed by-law, a person would need to seek an authorisation or permit under section 221 or section 222 of the Act. An authorisation or permit under these provisions would also achieve the objective. However, rather than requirements being stated in a by-law any requirements would be conditions on the authorisation or permit. This could mean that there would be a less standardised approach to moveable signs than is achieved by the proposed by-law.

Parliament has expressly indicated that the regulation of moveable signs on a road can, within the terms of section 226 of the Act be regulated by Councils. The public policy preference, therefore, is for by-laws to govern the design, structure and placement of moveable signs on roads. In the context of section 226 of the Act, the optimal means of achieving the objective is through the proposed by-law.

In any event, the by-law contains an administrative discretion such that the Council may grant permission (with conditions) for the display of a moveable sign on a road which is otherwise contrary to the controls under the by-law relating to the construction and placement of moveable signs. The Council can ensure that reasonable and objective criteria are used in the exercise of the administrative discretion by way of appropriate policy implementation.

Alternative Means of Achieving the Same Result

There are no identified alternative means of regulating the placement of moveable signs within the Council's area.

Do the Benefits of the By-Law Outweigh the Costs to the Community?

The costs to the community may include:

a) the costs of compliance with conditions specified in the by-law; and

b) administrative costs in obtaining a permit, if necessary.

The costs to the Council will include:

a) the administrative costs of making the by-law; and

b) staffing costs in connection with the administration and enforcement of the by-law.

The benefits to the community will include:

a) the proper management of moveable signs on roads on behalf of the community to ensure and maintain road safety;

b) the protection of Council property and other property within the Council's area;

c) the protection and enhancement of the amenity of the Council's area;

d) a reduction in the level of inconvenience that could be caused to members of the public if the placement of moveable signs was not regulated.

The benefits to the community are significant. Accordingly, based on a review of the by-law, the benefits of the effective management of moveable signs on roads within the Council area are considered to outweigh the potential restrictions on competition posed by this by-law.

3. ROADS BY-LAW 2025

Status

This by-law has been reviewed against the requirements of section 247(c) of the Act.
Certain provisions of this by-law have been identified as having the potential to restrict competition.

Objectives of the By-law

The objectives of the by-law are to manage and regulate certain uses of roads in the Council's area:

a) to protect the convenience, comfort and safety of road users and members of the public;

b) to prevent damage to buildings and structures on roads;

c) to prevent certain nuisances occurring on roads; and

d) for the good rule and government of the Council's area.

Potential Restrictions on Competition

Clause 7 provides that certain activities on a road require the permission of the Council. The Council may attach conditions to any grant of permission. Further, the Council may vary the conditions attaching to a permit or revoke a permit at any time by notice in writing to the permit holder.

Where an activity that is subject to the requirement to obtain permission is an activity undertaken as an incidence of competition within a market, then the requirements to obtain the Council's permission is a restriction on competition. Restrictions on competition will arise where a person is seeking to utilise a road for a business activity.

The use of public roads for business purposes is prohibited by section 222 of the Act except where the Council permits the activity. Section 222 of the Act was considered during the legislation review of the *Local Government Bill 1999*, during which Parliament concluded that the benefits of the provision outweigh the costs.

The proposed by-law does not restrict competition to any greater degree than section 222 of the Act. On this basis, there is no need to further analyse the proposed by-law for the purposes of section 247(c) of the Act.

4. LOCAL GOVERNMENT LAND BY-LAW 2025

Status

Certain provisions of this by-law have been identified as having the potential to restrict competition.

Objectives of the By-law

The objectives of the by-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

a) to prevent and mitigate nuisances;

b) to prevent damage to Local Government land;

c) to protect the convenience, comfort and safety of members of the public;

d) to enhance the amenity of the Council area; and

e) for the good rule and government of the Council area.

Potential Restrictions on Competition

The following provisions of the by-law have the potential to restrict competition:

- Subclauses 5.3 and 5.4 provide that certain provisions of clauses 9 and 10 will only apply in respect of certain areas of the Council as determined by the Council;

- Clause 7 gives the Council a general power to close, regulate or restrict access to Local Government land for specified times and days and to fix fees or charges payable for entry onto Local Government land;

- Clause 9 provides that certain activities require the permission of the Council; *"permission"* means the permission of the Council given in a permit, the form of which is to be determined by the Council in accordance with the *Permits and Penalties By-law 2025.* The Council may attach conditions to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder; permit holders are to comply with every such condition. The Council may revoke a permit at any time by notice in writing to the permit holder;

- Clause 10 provides that certain activities are prohibited on Local Government land in the Council's area; and

- Clause 11 requires a person's compliance with reasonable directions from an authorised person relating to that person's use of Local Government land, the person's conduct and behaviour on the land, that person's safety on the land and the safety and enjoyment of the land by other persons.

The provisions restricting access to Local Government land, prohibiting certain activities and requiring persons to obtain a permit for other activities, have the potential to restrict competition by limiting the number of providers of goods or service using Local Government land and/or by restricting the area a permit holder may occupy, or the manner in which they may conduct business.

The by-law contains an administrative discretion that can be exercised selectively to grant permission (with conditions) for certain activities to be carried out in certain circumstances. However, the Council can ensure that reasonable and objective criteria are used in the exercise of administrative discretion by way of appropriate policy implementation.

Alternative Means of Achieving the Same Result

There are no identified alternative means of regulating the use of and access to Local Government land as provided for in this by-law.

Do the Benefits Outweigh the Costs to the Community?

The costs to the community may include:

a) administrative costs in applying for a permit, if necessary;

b) any permit fees; and

c) the cost of compliance with the by-law, for example, relocating the activity to a suitable location.

The costs to the Council will include:

a) administrative costs in making the by-law;

b) administrative costs in considering permit applications; and

c) staffing costs in connection with the administration and enforcement of the by-law.

Benefits to the community will include:

a) the proper management of Local Government land on behalf of the community;

b) the protection of Council property, which is critical for its long-term sustainability; and

c) a reduction in the level of inconvenience that could be caused to members of the public by unregulated conduct on Local Government land.

Based on a review of the by-law, the benefits of the proper management and regulation of the use of and access to Local Government land are considered to outweigh the potential restrictions on competition posed by this by-law.

5. DOGS BY-LAW 2025

Status

The by-law has been reviewed in light of national competition policy and has been identified as one that will not restrict competition or otherwise unreasonably restrict or unduly burden business activities.

This is on the basis that the limitations on the number of dogs that may be kept on any premises as prescribed by the by-law (i.e. which has the potential to operate to restrict competition) do not apply to:

- approved kennel establishments operating in accordance with all required approvals and consents; and
- premises of a business that involves the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

Objectives of the By-law

The objectives of this by-law are to control and manage dogs in the Council's area:

a) to reduce the incidence of environmental nuisance caused by dogs; and

b) to promote responsible dog ownership; and

c) to protect the convenience, comfort and safety of members of the public; and

d) for the good rule and government of the Council's area.

6. WASTE MANAGEMENT BY-LAW 2025

Status

This by-law has been reviewed in light of national competition policy and has been identified as one that will not restrict competition.

This is on the basis that the Council is solely responsible for providing residential waste collection services in its area. The restrictions in the by-law operate to ensure the efficiency of the Council's waste collection service and the proper disposal of waste in the Council's area. The by-law does not impact competition in waste collection services since it does not operate to preclude waste services from being provided on the Council's behalf pursuant to a contractual arrangement with a third party.

Objectives of the By-law

The objectives of the by-law are to ensure the efficient collection of waste from private premises by the Council and to suppress certain nuisances caused by improper disposal and/or storage of waste on private land to:

a) prevent and mitigate nuisances associated with the storage; and collection of domestic waste;

b) to prevent damage to Council property and land;

c) to define the requirements for the use of Council's domestic kerbside waste collection service;

d) to protect the convenience, comfort and safety of members of the public;

e) to enhance the amenity of the Council's area; and

f) for the good rule and government of the area.

7. CATS BY-LAW 2025

Status

The by-law has been reviewed in light of national competition policy and has been identified as one that will not restrict competition or otherwise unreasonably restrict or unduly burden business activities.

This includes because the limitations on the number of cats that may be kept on any premises as prescribed by the by-law (i.e. which has the potential to operate to restrict competition) does not apply to businesses involved in the keeping of cats that are operating in accordance with all required approvals and consents.

Objectives of the By-law

The objectives of this by-law are to control and manage cats in the Council's area:

a) to reduce the incidence of environmental nuisance caused by cats; and

b) to promote responsible cat ownership; and

c) to protect the convenience, comfort and safety of members of the public; and

d) for the good rule and government of the Council's area.

13.8 REPORT OF THE AUDIT & RISK COMMITTEE

REPORT AUTHOR: Manager Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE: qA162025
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to present the Council with a report and Minutes of the Audit & Risk Committee meeting held on 14 July 2025.

BACKGROUND

Section 126(8)(a) of the *Local Government Act 1999* (the Act) requires that a Council Audit & Risk Committee must:

'provide a report to the council after each meeting summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting'.

To implement the above requirement and noting that the Council's Audit & Risk Committee (the Committee) undertakes its work during its meetings, the Committee has resolved that the Committee's Work Plan will form the basis for such reports to the Council.

In addition to the above, this report also presents the Committee Meeting Minutes to the Council for noting and provides the opportunity for Council decisions based on recommendations from the Committee, where the matter has not been dealt with by way of a separate report to the Council.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

RISK MANAGEMENT

The provision of this report to the Council, ensures compliance with the Council's legislative obligations. Supporting the Committee to meet its legislated purpose, functions and activities will provide the required independent assurance and advice to the Council.

CONSULTATION

- **Elected Members**
  Elected Members receive the Agenda and Minutes for each meeting of the Audit & Risk Committee and consider recommendations made by the Audit & Risk Committee to the Council at Council meetings.

- **Community**
  Not Applicable.

- **Staff**
  The preparation of the Work Plan which informs this report and the Committee Meeting Agenda (with reports), is informed by collaboration between staff from across the organisation as required.

- **Other Agencies**
  Not Applicable.

DISCUSSION

1. General Report

The current Work Plan of the Committee is contained within **Attachment A**.

A summary of the items that were considered by the Committee at its meeting held on 14 July 2025, is provided below.

Two (2) presentations were scheduled to be presented to the Committee to provide updates on the Strategic Risk Services Program and the Payneham Memorial Swimming Centre Project.

The first presentation by Mr Chris Sweet of Local Government Risk Services (LGRS), provided a summary of the Council's participation in the LGRS Strategic Risk Services Program (the Program) which is funded through the Council's membership of the Local Government Association Mutual Liability Scheme (LGAMLS). This presentation highlighted the Council's progress towards risk management maturity in accordance with good governance and legislated requirements.

Mr Sweet's presentation built on the updates which had been provided to the Committee previously since the Council's participation in the Program in October 2024. The presentation provided an opportunity for general discussion on the Council's Risk Management framework, including risk related reporting to the Committee, and provided additional insight into the Council's updated draft Risk Management Policy which was presented to the Committee at the same meeting.

The second presentation was scheduled to be provided by the Council's General Manager, Infrastructure & Major Projects. However, this presentation had to be postponed. The Chief Executive Officer provided an undertaking that a Special Meeting of the Committee would be convened in August to receive the presentation and report on the Payneham Memorial Swimming Centre.

The Committee received and noted a report on the review of the Council's Financial Controls which had been undertaken by the Council's External Auditor. In line with best practice, the External Audit is conducted over two (2)sessions, with an interim audit during the financial year being undertaken to ensure that the Council's policies, practices and procedures of internal financial control are in accordance with the *Better Practice Model – Internal Financial Controls*. The final audit is undertaken once the Council's Financial Statements are available.

While discussing this item, the dramatic improvement from previous audits of the Council's Financial Controls was recognised and staff efforts acknowledged by the Committee. The issues raised in respect to the Council's procurement guidelines and processes were also discussed and while acknowledging the plans to improve in this area, the Committee expressed their interest in monitoring and tracking these improvements.

The Committee has previously been advised of the intent by staff to provide a mechanism for the Committee to monitor the Council's responsiveness to previous audits (External and Internal). There was a discussion regarding the merits of looking back through previous External and Internal Audit reports to capture findings and report on the actions undertaken, while acknowledging the potential difficulty there may be in doing so due to the time that has lapsed and staff movements. Further attempts will be made to summarise previous audit findings and recommendations for improvement and present these to the Committee, together with findings from audits undertaken in the 2025-2026 financial year.

The Committee received and noted a report on the LGRS Risk Incentive Program Fund. The report provided a summary of how the funds received by the Council through membership of the LGA Workers Compensation Scheme (LGAWCS) and LGAMLS have been used. The focus was primarily on the LGAWCS funding supporting the Council's Work Health and Safety and Injury Management obligations and priorities.

In addition, the Committee considered the Council's draft Risk Management Policy which has been updated following the commencement of risk management related legislative obligations for the Council, Chief Executive Officer and Audit & Risk Committees which commenced in November 2023. The draft Policy also reflected suggestions for improvement following the review undertaken as part of the Council's participation in the LGRS Strategic Risk Services Program.

Providing the Committee with the opportunity to review and endorse the draft Risk Management Policy, and the presentation on the Council's participation in the LGRS Strategic Risk Services Program assist the Committee to meet their legislated role in terms of risk management. This role is as prescribed by Section 126(4)(h) of the Act which provides that one of the functions of the Committee is:

'reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis'.

There was positive feedback from the Committee on the Policy and it was recommended to the Council that the Policy be adopted.

The draft Risk Management Policy is contained within **Attachment B**.

The Committee received and noted a report on the Council's Internal Audit processes from the Chief Executive Officer, provided in accordance with Section 99(1)(ib) of Act. This report summarises the primary responsibility for the Internal Audit function and the interaction with the Committee in terms of the oversight of the planning and scoping of the Internal Audit Work Plan.

The final report considered by the Committee was in relation to the approval of the *Annual Report of the Audit & Risk Committee* (the Annual Report) as required by Section 126(8)(b) of the Act. The Annual Report presented a summary of the operation and activities undertaken by the Committee over the 2024-2025 financial year. The Committee approved the Annual Report and it will be included in the Council's Annual Report as required by Section 126(9) of the Act.

During the 'Other Business' agenda item of the Committee Meeting, there was some general discussion on the progress of the Payneham Memorial Swimming Centre Project and what further information the Committee would receive in terms of that which had been presented to the Council.

2. Minutes of the Audit & Risk Committee Meeting

A copy of the Minutes of the Committee Meeting held on 14 July 2025, including the reports presented are contained in **Attachment C**.

3. Recommendations to the Council

At the Meeting held on 14 July 2025, the Committee recommended to the Council that the Council adopt the draft Risk Management Policy. The Committee's recommendation has been included for the Council's consideration in the recommendation below.

RECOMMENDATION

1. That the report be received and noted.

2. That the Risk Management Policy as contained within Attachment B, be adopted, as recommended by the Council's Audit & Risk Committee.

Attachments – Item 13.8

Attachment A

Report of the Audit & Risk Committee

Audit and Risk Committee Work Plan 2024-2025

Function and activity	LG Act Reference	Responsibility for agenda item	Supporting documents	Meetings			
				Feb-25	Apr-25	Jul-25	Oct-25
Annual Financial Statements and External Audit							
Review Annual Financial Statements to ensure that they present fairly the state of affairs of the Council	126(4)(a)	Finance	Audited Financial Statements				✓
Liaise with the Council's Auditor in accordance with legislated requirements and Terms of Reference.	126(4)(e) & Regulation 17B, LG (Financial Management) Regulations	Finance	Meet with Council's Auditor at least once in confidence.				✓
Recommend appointment of Council's Auditor to Council	128(2)	Finance	Timing TBC - current contract ends 2027				
Monitor responsiveness to recommendations for improvement based on previous External Audits and matters raised by the External Auditor	126(4)(c)	Finance	Report on actions arising	✓			✓
Strategic Management and Business Plans	126(4)(b)						
Review of City Plan against legislated requirements - *Council to review every 4 years (within 2 years of Local Government Election)*		TBD	City Plan Review - as required				
Review of Long Term Financial Plan (LTFP) against legislated requirements - *annual review required by Council (Section 122(4)(a)*		Finance	LTFP		✓		
Review of Annual Business Plan against legislated requirements - *reviewed prior to Council endorsement for consultation; budget attached based on draft ABP*		Finance	Draft Annual Business Plan and Budget		✓		
Review of Infrastructure and Asset Management Plan(s) (IAMPs) against legislated requirements		Infrastructure	Draft IAMPs		✓		✓
Adequacy of Financial Management Systems							
Review the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Council on a regular basis							
• Internal Financial Controls report	126(4)(f)	Finance				✓	
• Report following Budget Review reports	126(4)(f)	Finance		✓			✓
• Review of relevant Council policies prior to Council adoption	126(4)(f)	Governance	As required				
Risk Management							
Review and evaluate the effectiveness of strategic, financial and operational risks	126(4)(h)	Governance	Based on Council's RM framework (in development)	✓	✓	✓	✓
Monitor responsiveness to recommendations for improvement based on previous risk assessments.	126(4)(c)	Governance	Incorporated into regular reporting on strategic, financial and operation risks	✓	✓	✓	✓
Internal Audit							
Oversight of planning and scoping of Internal Audit Work Plan	126(4)(g)(i)(A)	Office of CEO	Draft Internal Audit Work Plan - timing TBC				
Review Economic Development Strategy Internal Audit Report Annual Report of CEO on internal audit processes 99(1)(b)	126(4)(g)(i)(B) 99(1)(ib)	Office of CEO	Internal Audit reports - timing TBC			✓	
Monitor responsiveness to recommendations for improvement based on previous Internal Audits	126(4)(c)	Office of CEO	Report on actions arising	✓		✓	
Audit & Risk Committee Performance							
Report to Council after each meeting	126(8)(a)	Governance	Draft report to Council	✓	✓	✓	✓
Report annually to Council	128(8)(b)	Governance	Draft report			✓	
Development/review of Annual Work Plan (based on calendar year)		Governance	Draft Work Plan				✓
Review of Terms of Reference / self-assessment		Governance		✓			
Meeting Dates for upcoming calendar year		Governance					✓
Other Matters							
Service Reviews		Office of CEO	As scheduled, timing TBC				
Review any report obtained by Council under Section 48(1) of the LG Act	126(4)(i)	Finance	As required				
Project status updates		Infrastructure	Twice per year - presentation based on information provided to Ems		✓		✓
Review any reports prepared due to section 130A examinations (investigations)	126(4)(d)	TBD	As required				

Attachment B

Report of the Audit & Risk Committee

City of Norwood Payneham & St Peters

NAME OF POLICY:	Risk Management Policy
POLICY MANUAL:	Governance

1. Introduction

1.1. The City of Norwood Payneham & St Peters (the Council), recognises that the management of risk is a fundamental component of good decision-making and governance. Accordingly, risk management is regarded as an integral part of the Council's operations. Through the adoption of a structured and systemic approach to risk management, the Council seeks to optimise its decision-making performance, transparency and accountability, by effectively managing both potential opportunities and the adverse effects on strategic decisions, as well as daily activities and operations.

1.2. The Council's systematic approach and risk management related policies, systems and processes, also align with the legislative obligations on the Council, the Chief Executive Officer and the Council's Audit & Risk Committee, in respect to the management of risks as required by the *Local Government Act 1999* (the Act).

1.3. To achieve the objectives of the *Risk Management Policy* (the Policy), the Council has developed a supporting Risk Management Procedure (the Procedure). Together, the Policy and Procedure, form the Council's Risk Management Framework which provides an integrated and systematic approach to risk management.

1.4. This Policy applies to all Council staff, Volunteers, contractors and Elected Members.

2. Purpose

2.1. The purpose of this Policy is to provide a clear summary of how effective processes for the management of risks are embedded and integrated across the Council by articulating the Council's commitment to core risk management principles and provides a summary of roles and responsibilities.

2.2. The following provides a summary of the legislative context within which the Policy operates:

2.2.1. Section 48 of the Act, requires all Councils to identify risks associated with a project and take steps to manage, reduce or eliminate those risks, (including by provision of periodic reports to the Chief Executive Officer and to the Council).

2.2.2. Section 99(1)(ia) of the Act, requires the Chief Executive Officer to ensure that effective policies, systems and processes are established and maintained for the identification, assessment, monitoring, management and annual review of strategic, financial and operational risks.

2.2.3. Section 125 of the Act, requires that the Council must ensure that appropriate policies, systems and procedures relating to internal controls and risk management are implemented and maintained in order to assist the council to conduct its activities in an efficient and orderly manner to achieve its objectives.

2.2.4. Section 126(4)(h) of the Act requires the Council's Audit & Risk Committee to review and evaluate the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis.

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2.2.5. Section 132A of the Act requires that Councils must ensure that appropriate policies, practices and procedures are implemented and maintained in order to ensure compliance with statutory requirements and achieve and maintain standards of good public administration.

2.2.6. Section 134(4) (b) of the Act requires Councils to adopt risk management policies, controls and systems by a resolution passed by at least a two thirds majority of the members of Elected/Board Members prior to entering into financial arrangements for the purpose of managing, hedging or protecting against interest rates or other costs of borrowing money.

2.3. In addition to the above, as a member of the Local Government Association Mutual Liability Scheme (the Scheme), the Council is bound by the Scheme Rules, which include an obligation to ensure that adequate risk management and prevention strategies are put in place so as to absolutely minimise the risk of any incident, circumstance or matter that may give rise to a claim.

3. Definitions

Control – an action that modifies risks and increases the likelihood that objectives and goals of an organisation will be achieved.

Risk - the effect of uncertainty on objectives.

Risk Analysis – a systematic use of available information to determine how often specified events may occur and the magnitude of their consequences.

Risk Appetite - the amount of risk an organisation is prepared to accept in pursuit of its objectives.

Risk Assessment - an overall process of risk identification, risk analysis and risk evaluation.

Risk Culture - refers to the behaviours that lead to how every person thinks about and manages risks.

Risk Evaluation - the process used to determine risk management priorities by comparing the level of risk against predetermined standards, target risk levels or other criteria.

Risk Management - coordinated activities to direct and control an organisation with regard to risk.

Risk Management Framework - set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.

Risk Owner - staff member with the accountability and authority to manage a risk.

Risk Registers – register(s) of risks (usually separated by Risk Type i.e. Strategic, Operational and Project Risks) and risk management related information to inform the implementation, monitoring, reviewing and continual improvement of risk management throughout the Council.

Risk Treatment – an action to treat a risk which modifies the likelihood or consequence of risks.

Risk Type*:*

- ***Strategic*** - Risks associated with high-level strategic objectives that are articulated in Strategic, Annual Business and Asset Management Plans. Strategic risks may affect the achievement of Council's objectives. They are key issues for the Council and Executive Leadership Team and impact the whole organisation rather than a department/division/business unit.
- ***Operational*** - Risks associated with departmental/divisional/business unit functions and daily operations to deliver core services. Often the risks relate to cost overruns, supply chain/logistic issues, employee issues, fraud, WHS, non-compliance to policies and procedures.
- ***Project*** - Risks associated with Project Management that will affect milestones or outcomes connected to delivering a specific project.

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Principles

3.1. The management of risk is integrated into the Council's governance and leadership structures, including decision making at all levels.

3.2. The Council is committed to developing and maintaining structured and comprehensive risk management systems and processes that are dynamic and based on best available information.

3.3. While managing risks is a key element of good governance and decision-making, the Council supports an operational environment and culture where Council staff at all levels, and Council's Volunteers and contractors, are encouraged to proactively manage and report all risks.

3.4. The Council recognises that engagement with Council staff, Volunteers, contractors and stakeholders, is integral to the success of risk management processes and, as such, structures to facilitate risk related communication will be developed and maintained and include regular reporting through to the Executive Leadership Team and Audit & Risk Committee, as required.

3.5. The Council will monitor and review its strategic, operational and project risks and apply learnings to continually improve efficiency and effectiveness, learning from past experiences and adapting to new challenges.

3.6. The Council recognises that it should comply with the below principles outlined in *International Standard ISO31000:2018 – Risk Management Guidelines*:

Creates Value

Risk management contributes to the achievement of objectives. Protects value – minimise downside risk, protects people, systems and processes.

Part of Decision Making

Risk management helps decision makers make informed choices, prioritise actions and distinguish alternative courses of action. Helps allocate scarce resources.

Systematic, Structured & Timely

A systematic, timely and structured approach to the management of risk contributes to efficiency and to consistent, comparable and reliable results. The more aligned the more effective and efficient.

Tailored

Risk management is aligned with the Council's external and internal context and risk profile. There will be a need for different risk appetites & different measurements to reflect the context / situation.

Transparent & Inclusive

Appropriate and timely involvement of Stakeholders at all levels of the Council ensures that the management of risk remains relevant and up to date. The management of risk must be clearly set out in job profiles/employment contracts and annual appraisals.

Allows Organisational Improvement

Council must develop & implement strategies to improve the maturity of our management of risk alongside all other aspects of our management system.

Integral Part of Organisational Processes

Risk Management is not a stand-alone activity from the management system of the organisation. It is part of the process – not an 'additional' compliance task.

Explicitly Addresses Uncertainty

Risk management explicitly takes account of uncertainty, the nature of that uncertainty & how it can be addressed.

Based on Best Available Information

The inputs to the process of managing risk are based on information sources such as historical data, experience, stakeholder feedback, observation, forecasts and expert judgement. As perfect information is not always possible, start with resources/expertise you can gain easily. Increase information as the level of risk increases.

Takes Cultural Factors into Account

The management of risk recognises the capabilities, perceptions and intentions of people that make our organisation different.

Dynamic & Responsive to Change

A relevant and accurate system should support decisions and strategies.
External and internal events happen, context and knowledge change, monitoring and review take place, new risks emerge, some change, and others disappear. There should be regular reviews of the risk register and the risk framework.

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4. Responsibilities

4.1. Council (the Governing Body)

4.1.1. In accordance with Section 125(3) of the *Local Government Act 1999*, the Council: '*must ensure that appropriate policies, systems and procedures relating to risk management are implemented and maintained in order to assist the council to carry out its activities in an efficient and orderly manner to achieve its objectives, inform appropriate decision making, facilitate appropriate prioritisation of finite resources and promote appropriate mitigation of strategic, financial and operational risks relevant to the council'*.

4.1.2. The Council is responsible for:

- setting the Risk Appetite and approving the Risk Management Policy;
- considering risks when setting objectives and making decisions;
- fostering a culture through decision-making that is consistent with the Council's Risk Appetite;
- ensuring the Council has the structures and processes in place to support decision making and management of risk;
- requiring the Chief Executive Officer to demonstrate that the framework for managing risk is effective and appropriate;
- requiring the Chief Executive Officer to provide information to allow the Council to understand the risks that may have material impacts on achievement of the Council's objectives; and
- considering recommendations from the Audit and Risk Committee relating to strategic, financial and operational risks or any other risk related matter.

4.2. Audit & Risk Committee

4.2.1. In accordance with Section 126(1a) of the Act, the Council's Audit & Risk Committee is established to provide independent assurance and advice to the council on accounting, financial management, internal controls, risk management and governance matters.

4.2.2. Included in the legislated functions of the Audit and Risk Committee, as contained in Section 126(4) of the Act, and captured on the *Audit & Risk Committee Work Plan*, is the requirement to:

- review and evaluate the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis;
- review any prudential report obtained by the Council pursuant to Section 48(1) (which include an assessment of potential financial and project risks); and
- monitoring the Council's responsiveness to recommendations for improvement based on previous audit and risk assessments.

4.2.3. To assist with achieving its legislated function with respect to risk management, the Audit & Risk Committee will review the Risk Management Policy prior to adoption by the Council and will provide input into the Council's Risk Management Procedure or related risk management processes as requested by the Chief Executive Officer.

4.3. Chief Executive Officer

4.3.1. The Council's Chief Executive Officer has responsibility for:

- promoting a strong risk management culture, by providing clear and visible commitment to risk management including ensuring appropriate accountability for the management of risk;
- ensuring that effective policies, systems and processes are established and maintained for the identification, assessments, monitoring, management and annual review of strategic, financial and operational risks and providing a report to the Audit & Risk Committee on a regular basis;
- ensuring the Executive Leadership Team have the necessary knowledge and skills to effectively fulfil their risk management responsibilities;

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- regularly reviewing strategic, financial and operational risks and maintaining an understanding of the risk environment in which the Council operates;
- ensuring policies and processes are in place to comply with legislative and contractual obligations and policy requirements;
- providing reliable information about risks, controls and their effectiveness to the Audit & Risk Committee and the Council; and
- escalating all strategic risks that exceed the organisation's Risk Appetite to the Audit & Risk Committee and/or Council.

4.4. Executive Leadership Team

4.4.1. The Executive Leadership Team (ELT) are responsible for:

- demonstrating a proactive risk management culture through the commitment to, and promotion of, this Policy (and the supporting procedure) in accordance with business management initiatives;
- collectively, and within their areas of responsibility, embedding the implementation, management and evaluation of risk management into decision-making;
- monitoring the Council's overall risk profile and mitigation strategies;
- collectively reviewing strategic risks and considering emerging risks and informing the reporting on the status of the Council's risk profile and mitigation strategies to the Audit & Risk Committee; and
- allocating and upholding accountability for managing risk and compliance with legislative, contractual obligations and policy requirements.

4.5. Managers

4.5.1. Each Manager is accountable for implementing the Risk Management Policy and Procedure through appropriate actions in their area of responsibility to:

- promote a proactive risk culture in accordance with business management initiatives;
- ensure that risks are recorded in the relevant Risk Registers and that there is ongoing and regular review of risks they own in the Risk Registers, (including follow up and close out of overdue Risk Treatments);
- incorporate Risk Treatments into departmental/divisional/business unit plans, functions and activities, including decision-making;
- inform reporting on the status of the Council's risk profile and mitigation strategies to the Executive Leadership Team;
- ensure that staff, Volunteers, contractors, and other relevant stakeholders are aware of their risk management responsibilities and have the appropriate skills/knowledge to actively apply risk management practices; and
- ensure compliance with legislative and contractual obligations and policy requirements.

4.6. Manager, Governance

4.6.1. The Manager, Governance is responsible for:

- providing guidance and assistance to the Executive Leadership Team, Audit & Risk Committee, Elected Members and employees in relation to the application of the Risk Management Framework;
- coordinating risk management reporting to the Executive Leadership Team and the Audit & Risk Committee; and
- maintaining this Risk Management Policy and the Procedure to ensure their currency and relevance.

4.7. Staff, Volunteers and Contractors

4.7.1. All Council staff, Volunteers and contractors are responsible for:

- identifying, evaluating, reporting and managing risks in their daily activities and projects; and
- understanding the risk management process and adhering to the requirements of Council's Risk Management Policy and Framework.

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INFORMATION

This Policy should be read in conjunction with the Council's Risk Management Procedure and other relevant policies in relation to health and safety, and financial management, as well as the following:

- Internal Controls Policy
- Contract Management Policy
- Records Management Guidelines
- Data Management Guidelines

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's Manager, Governance, telephone 8366 4593.

ADOPTION AND REVIEW

The Council will review this Policy every three (3) years or more frequently if legislation, relevant standards or organisational needs change.

This Policy was adopted by the Council on xxxxx and it will be reviewed by August 2028.

Draft

Attachment C

Report of the Audit & Risk Committee

Audit & Risk Committee
Minutes

14 July 2025

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

Page No.

1. CONFIRMATION OF MINUTES OF THE AUDIT & RISK COMMITTEE MEETING HELD ON 14 APRIL 2025 1

2. PRESIDING MEMBER'S COMMUNICATION 1

3. COMMITTEE MEMBER DECLARATION OF INTEREST 1

4. PRESENTATIONS 1

4.1 STRATEGIC RISK SERVICE PROGRAM UPDATE 1

4.2 PAYNEHAM MEMORIAL SWIMMING CENTRE PROJECT STATUS UPDATE 1

5. STAFF REPORTS 1

5.1 REVIEW OF FINANCIAL CONTROLS – INTERIM AUDIT 2

5.2 LOCAL GOVERNMENT RISK SERVICES RISK INCENTIVE PROGRAM FUND 6

5.3 DRAFT RISK MANAGEMENT POLICY 10

5.4 ANNUAL REPORT ON INTERNAL AUDIT PROCESSES 12

5.5 DRAFT ANNUAL REPORT OF THE AUDIT & RISK COMMITTEE 15

5. CONFIDENTIAL REPORTS 17

6. OTHER BUSINESS 17

7. NEXT MEETING 17

8. CLOSURE 17

VENUE	Mayors Parlour, Norwood Town Hall
HOUR	7.00pm
PRESENT	
Committee Members	Ms Cate Hart (Independent Member) (Presiding Member) Mayor Robert Bria Cr Grant Piggott Ms Tami Norman (Independent Member) Mr Kym Holman (Independent Member)
Staff	Mario Barone (Chief Executive Officer) Jenny McFeat (Manager, Governance) Marina Fischetti (Governance Officer)
APOLOGIES	Nil
ABSENT	Nil

1. CONFIRMATION OF MINUTES OF THE AUDIT & RISK COMMITTEE MEETING HELD ON 14 APRIL 2025

Mayor Bria moved that the Minutes of the Audit & Risk Committee meeting held on 14 April 2025 be taken as read and confirmed. Seconded by Ms Tami Norman and carried unanimously.

2. PRESIDING MEMBER'S COMMUNICATION

The Presiding Member advised the Committee that she attended the 7 July 2025 Council meeting.

3. COMMITTEE MEMBER DECLARATION OF INTEREST

Nil

4. PRESENTATIONS

4.1 Strategic Risk Service Program Update

A presentation was provided by Mr Chris Sweet, Local Government Risk Services.

4.2 Payneham Memorial Swimming Centre Project Status Update

As the General Manager, Infrastructure & Major Projects was not available, this presentation was deferred until the next meeting of this Committee.

5. STAFF REPORTS

5.1 REVIEW OF FINANCIAL CONTROLS – INTERIM AUDIT

REPORT AUTHOR: Chief Financial Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA162025
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the Audit & Risk Committee with the *City of Norwood Payneham & St Peters Financial Controls Review Report,* that has been provided by the Council's Auditors, Galpins.

BACKGROUND

Pursuant to Section 129 of the *Local Government Act 1999* (the Act), in addition to undertaking an audit of the Council's Financial Statements, the Council's Auditor must also audit the controls exercised by the Council during the 2024-2025 financial year in relation to the receipt, expenditure, investment of money, the acquisition and disposal of property and incurring of liabilities. These audit requirements are collectively referred to as the External Audit.

In terms of the internal controls that are required to be in place, Section 125(1) of the Act provides that:

A council must ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the council to carry out its activities in an efficient and orderly manner to achieve its objectives, to ensure adherence to management policies, to safeguard the council's assets, and to secure (as far as possible) the accuracy and reliability of council records.

In addition to the above, Section 125(2) of the Act and Regulation 10A of the *Local Government (Financial Management) Regulations 2011*, requires that the Council's policies, practices and procedures of internal financial control must be in accordance with the *Better Practice Model – Internal Financial Controls* approved by the Minister for Local Government.

In line with best practice, the External Audit is conducted over two sessions, an interim audit during the financial year and a final audit when the Council's Financial Statements are available. As per the *Australian Auditing Standards ASA 260*, where the Auditor conducts an interim audit, a management letter will be provided to the Council at the conclusion of interim audit, to enable any required remedial action arising from the audit to be implemented as soon as possible.

A copy of the *City of Norwood Payneham & St Peters Financial Controls Review Report* (Financial Controls Review Report) which includes the 2024-2025 Interim Management Letter, is contained in **Attachment A**.

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

Appropriate financial controls are fundamental to the Council's financial governance framework. Undertaking the interim audit provides the Council with an overview of the current situation and any recommendations for improvement.

CONSULTATION

- **Elected Members**
  Not Applicable.

- **Community**
  Not Applicable.

- **Staff**
  Not Applicable.

- **Other Agencies**
  Not Applicable.

DISCUSSION

Section 126(4)(c), (f) and (d) of the Act, prescribe certain functions for the Audit & Risk Committee in relation to the External Audit and the Council's internal controls.

Pursuant to Section 125(3)(b) of the Act, the Auditor is required to provide the Council with an Audit Opinion as to whether the Internal Controls are sufficient to provide reasonable assurance that the financial transactions of the Council have been conducted properly and in accordance with law.

The Council's Auditor, Galpins have concluded that there is a high likelihood of issuing an unmodified controls opinion at the end of the financial year. This will depend on the Council demonstrating continued progress towards addressing identified control weaknesses, ensuring that the existing core controls in place continue to operate effectively and that the annual internal control activities are performed at year end.

In undertaking the interim External Audit, Galpins, have performed a review of procedures and processes to gain an understanding of the Council's internal controls, and performed tests on the design and effectiveness of the controls. In reviewing and testing 100 core internal controls, it has been identified that 97 are operating effectively and there are 3 recommendations for areas requiring improvement and corrective actions.

A summary of the results is provided in Table 1 below.

TABLE 1: FINANCIAL CONTROLS REVIEW SUMMARY

Business cycles	Controls Reviewed	Operating effectively			2025 Findings			
		2025	2024	2023	H	M	L	BP
General Ledger	11	11	11	8	-	-	-	-
Fixed Assets	16	16	13	13	-	-	-	1
Purchasing & Procurement /Contracting	10	7	8	7	-	3	-	-
Accounts Payable (AP)	13	13	13	12	-	-	-	-
Rates / Rates Rebates	10	10	10	8	-	-	-	-
Banking	5	5	5	4	-	-	-	-
Accounts Receivable (AR)	6	6	6	5	-	-	-	-
Credit Cards	5	5	4	1	-	-	-	-
Payroll	19	19	19	19	-	-	-	-
Receipting	5	5	5	5	-	-	-	-
Total	**100**	**97**	**94**	**82**	**-**	**3**	**-**	**1**

As outlined in the Financial Controls Review Report contained in **Attachment A**, of the 3 recommendations for areas requiring improvement and corrective actions, no weaknesses were identified as a High Risk and 3 have been identified as Moderate weaknesses.

The Moderate weaknesses are:

- Inconsistencies in the *Procurement Policy Guidelines* document and opportunities to improve its contents.
  - *(Management response) - A review of the Procurement Policy Guidelines is currently underway and will ensure that thresholds are clear, consistently applied and aligned with best practice and internal controls. The pending recruitment of the Procurement Officer role will support implementation of the Guidelines and ongoing oversight of these improvements.*

- An instance of a supplier providing services under a contract that has expired.
  - *(Management response) – At the time of the audit, the contract with the supplier that was identified in the sample, was in the process of being extended (delay of the George Street Project for more than 1 year). The extension was signed on 15 May 2025 until June 2026.*

- An instance of a supplier for which evidence of procurement procedures undertaken could not be located on file.
  - *(Management response) - This Finding has highlighted the need to implement a more structured process for periodically reviewing long-standing contracts to ensure continued value for money and compliance. The Council will implement improvements to contract tracking and oversight processes will be introduced. The pending recruitment of the Procurement Specialist/Officer role will provide additional capacity to support these improvements.*

In addition to above, the Council's Auditors have provided a best practice recommendation to formally document the principles and methodology that is applied in determining the capitalisation of salaries and wages. These principles could, for example, be incorporated within the existing *Asset Capitalisation and Depreciation Policy*. It is recommended that calculations supporting the actual capitalised wages are reviewed by an appropriate independent person to ensure the capitalisation is consistent with the policy principles / methodology.

The Council acknowledges the importance of clearly documenting the principles and methodology applied in determining the capitalisation of salaries and wages. Therefore, as part of the next scheduled review, a number of related processes including policy documentation, calculation transparency, and approvals workflow will be reviewed and amended to incorporate these recommendations.

The Chief Financial Officer has reviewed and is in agreement with the recommendations put forward in the Financial Controls Review Report. The recommendations for improvement are in the process of being implemented.

OPTIONS

Nil

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

That the Audit & Risk Committee receives and notes the *City of Norwood Payneham & St Peters Financial Controls Review Report* which includes the 2024-2025 Interim Management Letter, as contained in Attachment A.

Mayor Bria moved:

That the Audit & Risk Committee receives and notes the City of Norwood Payneham & St Peters Financial Controls Review Report which includes the 2024-2025 Interim Management Letter, as contained in Attachment A.

Seconded by Cr Piggott and carried unanimously.

5.2 LOCAL GOVERNMENT RISK SERVICES RISK INCENTIVE PROGRAM FUND

REPORT AUTHOR: Manager, Chief Executive's Office
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4539
FILE REFERENCE: qA71199
ATTACHMENTS: Nil

PURPOSE OF REPORT

To provide the Audit & Risk Committee with an overview of the Risk Incentive Program funding that is received by the Council through the Local Government Association Workers Compensation Scheme (LGAWCS) and the Local Government Mutual Liability Scheme (LGAMLS) and to advise how this funding is supporting the Council's Work Health and Safety (WHS) and Injury Management (IM) obligations and priorities.

BACKGROUND

Local Government in South Australia is self-insured in respect to Workers Compensation and Civil Liability. That is, Councils participate in funded schemes that are managed through the Local Government Association: the Workers Compensation Scheme (LGAWCS) and the Mutual Liability Scheme (LGAMLS).

The LGA Mutual Board has committed a combined total of $8.4 million to the Risk Incentive Program since its inception. The Program is administered by Local Government Risk Services (LGRS) on behalf of the Board and covers both the LGAWCS and LGAMLS. The purpose of the Risk Incentive Program is to enable Member Councils to invest in targeted activities, resources, training or infrastructure that help evolve their risk profile, strengthen management systems and support continuous improvement. From a regional perspective, Members are also encouraged to engage neighbouring Councils to develop joint risk management programs that benefit from resource sharing and deliver sector consistency. LGRS communicates each Council's available balance regularly, with separate applications required for each stream.

The Council's premium that is paid to the LGAWCS, is paid in quarterly instalments and is calculated at approximately 4.25% of its annual estimated wages. The amount of Risk Incentive Program funding available under the Workers Compensation Scheme, is determined on Council's compliance with the Performance Standards for Self-Insurers and its claims record.

As a Member of the LGAWCS, the City of Norwood Payneham & St Peters receives annual Risk Incentive Program funding to support the strengthening of its Work Health and Safety (WHS) and Injury Management (IM) systems. This funding is provided in recognition of Council's commitment to maintaining a safe working environment, reducing workplace injuries and meeting the requirements of the *Work Health and Safety Act 2012 (SA)* and Council's broader risk management framework.

To receive and retain this funding, Council must demonstrate proactive progress against the Local Government Risk Services (LGRS) *WHS & IM Action Plan*, which is developed in partnership with the LGAWCS and aligned with sector expectations and legislative requirements. The funding is managed by the Manager, Chief Executive's Office and coordinated by the Council's WHS Advisor, who oversees its allocation to initiatives that directly support agreed WHS targets and continuous improvement objectives.

Each year, the Council's eligibility is confirmed through performance assessments, including compliance with the LGAWCS WHS Audit Program and demonstration of actions taken to reduce WHS risks and strengthen safe work practices.

Funds that are received through the Risk Incentive Program funding must be spent on:

- initiatives that address WHS audit recommendations or identified gaps;
- system improvements and training aligned to the WHS & IM Action Plan; and/or
- measures that strengthen the Council's overall WHS culture and legislative compliance.

Separate to the Workers Compensation component, the Council has also accessed funding under the LGAMLS stream of the Risk Incentive Program for projects that address broader liability risk management. For example, the engagement of consultants to update the St Peters Child Care Centre & Pre-School policies, demonstrates how the LGAMLS component is being used to strengthen compliance and consistency within a higher-risk operational area.

As at March 2025, the Local Government Risk Services (LGRS) has confirmed that the Council's available Risk Incentive Program balance is $6,772.33, with a total of $145,558.78 being allocated since the Program's inception. In addition, funding for the Mental Health & Wellbeing Program ($7,480 incl. GST) was received in June 2024 and accounted for in the 2023–2024 financial year. The separate Preventive Health SA grant ($7,000 ex-GST) for Automated External Defibrillators (AEDs) is not part of the Risk Incentive Program, however, remains relevant as it supports the Council's broader WHS and risk reduction approach.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The LGRS Risk Incentive Program is designed to support Councils to invest in goods, services and infrastructure, that enhance risk management, workplace safety and injury prevention. Any unspent balance must be claimed and fully acquitted by 31 October 2025, or it will be returned to the Scheme's surplus.

The following table provides a breakdown of the LGAWCS Risk Incentive Program expenditure to date, along with the Council's remaining available balance and total funding position as confirmed by Local Government Risk Services (LGRS):

Item	Description	Amount (inc. GST)	Notes
1	Confined Space Audit	$11,396.00	Completed, invoiced November 2024
3	Emergency Planning Audit	$26,656.30	In progress
4	Large Plant Risk Assessment	$35,846.60	In progress
	Total	**$73,898.90**	
	Current Available Balance Remaining	**$6,772.33**	As at March 2025
	Total Risk Incentive Program Funding Allocated Since Inception	**$145,558.78**	

The Large Plant Risk Assessment and Emergency Planning Audit are committed projects; expenditure will be finalised and fully acquitted in the current financial year.

No operational funds were budgeted for these items as the intent is that the Risk Incentive Program funding covers 100% of eligible expenditure.

As at March 2025, the Council's remaining Risk Incentive Program balance is $6,772.33, which will be allocated to additional eligible WHS initiatives to ensure full use of the Risk Incentive Program before the 31 October 2025, claim deadline.

The Council's WHS Advisor, supported by the Manager, Chief Executive's Office, is working to identify and finalise eligible activities to ensure the full use of this available funding within the required timeframe.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Key Risks Identified:

1. Failure to use the allocated Risk Incentive Program funds in line, with Scheme requirements, may affect the Council's eligibility for future rebates and expose the Council to avoidable costs.
2. Non-compliance with the WHS & IM Action Plan and audit findings could increase the risk of workplace incidents and related claims.
3. Delays in closing out high-risk actions could undermine the Council's WHS performance and reputation.

The above risks are assessed as moderate to high, if left untreated. Current controls ensure that the Council is meeting its obligations, tracking delivery through the Monitoring Tool and allocating funds to actions that directly reduce workplace risks.

Risk Controls:

- Ongoing oversight of the Risk Incentive Program funding account by the Council's WHS Advisor, supported by the Manager Chief Executive's Office.
- Clear commitment to finalise all committed works (Large Plant and Emergency Planning) within this financial year to meet the 31 October 2025 claim deadline.

CONSULTATION

- **Elected Members**
  Not Applicable.

- **Community**
  Not Applicable.

- **Staff**
  WHS Advisor, Senior Finance Business Partner and Manager, Chief Executive's Office.

- **Other Agencies**
  Local Government Risk Services (LGRS), LGA Workers Compensation Scheme representatives and Mutual Liability Scheme representatives.

DISCUSSION

This year's Risk Incentive Program demonstrates a clear link between funding and practical WHS outcomes. High-risk areas, such as working in confined spaces and safe operation of large plant, have been prioritised through specialist audits and risk assessments.

The Council's proactive approach to Emergency Planning ensures our teams and facilities remain prepared and compliant with updated legislative expectations. These initiatives complement other improvements such as the Mental Health & Wellbeing Program (prior year) and the AED grant, which further strengthen the Council's safety net for both physical and psychosocial risks.

The WHS & IM Action Monitoring Tool shows that actions funded through the Risk Incentive Program funding are aligned to agreed priorities and tracked for delivery within required timeframes. Any balance not spent will be fully allocated to additional eligible initiatives to ensure no funding is forfeited.

OPTIONS

Not Applicable.

CONCLUSION

The LGAWCS Risk Incentive Program funding remains a valuable mechanism to help the Council deliver on its WHS & IM Action Plan, address key risks, maintain audit compliance and support a safe workplace for all staff and community interactions.

COMMENTS

Not Applicable.

RECOMMENDATION

That the report be received and noted.

Ms Tami Norman moved:

That the report be received and noted.

Seconded by Cr Piggott and carried.

5.3 DRAFT RISK MANAGEMENT POLICY

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE: qA159664
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the draft Risk Management Policy to the Audit & Risk Committee (the Committee) for consideration and comment before it is presented for adoption by the Council.

BACKGROUND

Various risk management related obligations on the Council, Chief Executive Officer and Council Audit & Risk Committees, commenced with amendments to the *Local Government Act 1999* (the Act) on 30 November 2023.

In this respect, Section 125(3) of the Act of the requires that:

'*A council must ensure that appropriate policies, systems and procedures relating to risk management are implemented and maintained in order to assist the council to carry out its activities in an efficient and orderly manner to achieve its objectives, inform appropriate decision making, facilitate appropriate prioritisation of finite resources and promote appropriate mitigation of strategic, financial and operational risks relevant to the council'*.

Section 99(ia) of the Act requires that the Chief Executive Officer is required to:

'*to ensure that effective policies, systems and procedures are established and maintained for the identification, assessment, monitoring, management and annual review of strategic, financial and operational risks'*.

Section 126(4)(h) of the Act includes the following in respect to the functions of the Audit & Risk Committee:

'reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis'.

Based on the above and a review initiated through the Council's participation in the Local Government Risk Services (LGRS) Strategic Risk Services Program, the Council's *Risk Management Policy* has been updated.

The draft *Risk Management Policy* (draft Policy) is contained within Attachment A.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

DISCUSSION

As Committee Members would be aware, the Council is participating in the LGRS Strategic Risk Services Program (the Program). An initial step in the Program involves the review of the Council's *Risk Management Policy* and Procedure which together form the Council's Risk Management Framework.

The commencement of the aforementioned legislative obligations meant that a review of the Council's *Risk Management Policy* was timely, as the review provides an important foundational step in implementing risk management processes which are being developed through participation in the Program.

While not materially changing the information in the Council's current *Risk Management Policy*, the draft Policy includes a reordering/reformatting of information, provides definitions for key terms and includes expanded roles and responsibilities. A new Policy was therefore prepared rather than using track changes on the current *Risk Management Policy*.

The Risk Management Procedure which supports the Policy, is currently being updated and will be presented to the Committee at a later date, as part of a status report on progress of the Program.

OPTIONS

Not Applicable.

The requirement for the Audit & Risk Committee to review the draft Policy is in line with one of the legislated functions of the Committee and aligns with the purpose of the Committee to provide independent assurance to the Council on risk management and governance matters.

CONCLUSION

The draft *Risk Management Policy* as contained in **Attachment A**, provides a contemporary, structured and systematic approach to risk management, which in turn is consistent with best practice to inform and assist in good decision-making at all levels and ensures that legislative requirements are met.

RECOMMENDATION

That the Audit & Risk Committee recommends to the Council that the draft *Risk Management Policy* (as contained in Attachment A), be adopted.

Ms Tami Norman moved:

That the Audit & Risk Committee recommends to the Council that the draft Risk Management Policy (as contained in Attachment A), be adopted.

Seconded by Cr Piggott and carried.

5.4 ANNUAL REPORT ON INTERNAL AUDIT PROCESSES

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER:
CONTACT NUMBER: 8366 4520
FILE REFERENCE: qA168969
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to present a report on the Council's Internal Audit processes which is required to be provided on an annual basis.

BACKGROUND

Pursuant to Section 99(ib) of the *Local Government Act 1999*, one of the legislated functions of the Chief Executive Officer, is to present a report on the Council's Internal Audit processes to the Audit & Risk Committee (the Committee), on an annual basis.

The requirement for this annual report is relatively new, having been included in the *Statutes Amendment (Local Government Review) Act 2021*, which contained extensive changes to the *Local Government Act 1999* and Regulations. The specific need for the report commenced on 30 November 2023.

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 report is a legislated requirement in accordance with the *Local Government Act 1999*.

CONSULTATION

- **Committee Members**
  Committee Members are provided with regular Internal Audit updates and presented with reports prepared as part of an Internal Audit.

- **Community**
  Not Applicable.

- **Staff**
  Not Applicable.

- **Other Agencies**
  Not Applicable.

DISCUSSION

The following information as set out below, is provided to satisfy the legislative requirement to report on the Council's Internal Audit Processes.

Introduction

While not mandatory, the Council has an Internal Audit function. Internal Audit recommendations form an important component of the Council's assurance and continuous improvement approach.

The Internal Audit function is best described as a formalised, objective review, evaluation and advisory process, that seeks to add value and improve the Council's operations in terms of efficiency and effectiveness. Internal Audits tend to be scoped to determine how well the Council aligns to legislative requirements, Policies and Procedures, Standards and/or best practice, and providing "best value" to the community.

Primary responsibility for the Internal Audit Function

Section 125A of the Act, prescribes that prior to assigning primary responsibility for the Internal Audit function to an employee of the Council (or appointing a person to be primarily responsible for the function), the Chief Executive Officer must consult with the Audit & Risk Committee.

At the Meeting held on 10 February 2025, I satisfied the requirements of this consultation, by advising the Committee that responsibility for managing the Internal Audit program and therefore the '*person primarily responsible for the internal audit function'* is the General Manager, Governance & Civic Affairs.

The General Manager, Governance & Civic Affairs was and will continue to ensure that any reports associated with the Internal Audit function, and any matters relating to the function more generally, are provided directly to the Committee.

Role of the Audit & Risk Committee

Section 126(4)(g)(i)(A) requires that the Committee provide oversight of the planning and scoping of the Internal Audit Work Plan (the Plan).

The Committee has been provided with an update on the preparation of the Plan at its Meeting held on 10 February 2025 and the Plan was subsequently endorsed at the Committee Meeting held on 14 April 2025.

The Plan was prepared in a consultative manner by the General Manager, Governance & Civic Affairs and Bentleys (SA) Pty Ltd, who have been contracted to undertake the Internal Audits until 30 June 2027.

Due to other foundational activities being undertaken across the organisation in relation to risk management and governance, only one Internal Audit was scheduled for the 2024-2025 Financial Year.

I confirm that the Internal Audit of the Council's Business Continuity Management, will be completed shortly. The delay in completing this project is due to additional stakeholder engagement meetings being scheduled which will result in a more thorough review of the adequacy of the Council's practices and procedures to manage business continuity.

Section 126(4)(g)(i)(B) of the Act requires the Committee review and comment on reports provided by the person primarily responsible for the Internal Audit function on at least a quarterly basis. On completion of the Internal Audit of the Business Continuity Management, the General Manager, Governance & Civic Affairs will present a report and findings to the Committee.

Section 126(4)(c) of the Act requires (among other matters) the Committee to monitor the responsiveness of the Council to recommendations arising from Internal Audits. Previous Internal Audit findings (prior to the current Financial Year) have been addressed at the time the report was presented or within specific subject matter reports. While that is appropriate, a process for reporting on any outstanding recommendations for improvement whether in relation to an Internal or External Audit, will be embedded over the 2025-2026 Financial Year.

Internal Audit practices

In consultation with the Council through the General Manager, Governance & Civic Affairs and Manager, Governance, Bentleys (SA) Pty Ltd provide a thorough Internal Audit process.

It is clear that the required time is taken at the beginning of an Internal Audit to appropriately scope and schedule the Internal Audit, and regular client engagement meetings are held to keep the Internal Audit on track. The Internal Audit partner(s) from Bentleys (SA) Pty Ltd will present findings to the Committee if needed at the direction of the General Manager, Governance & Civic Affairs.

OPTIONS

Not Applicable, the report is presented for information only.

CONCLUSION

This report contains a summary of the Councils Internal Audit processes. The requirement for the Audit & Risk Committee to receive a report on the Council's Internal Audit processes is a mandatory requirement of Section 99(ib) of the Act.

RECOMMENDATION

That the report be received and noted.

Mayor Robert Bria declared a general conflict of interest in this matter as his sister-in-law is an employee of Bentleys (SA). Mayor Bria advised that he would remain in the meeting and take part in the discussion and voting regarding this matter.

Ms Tami Norman moved:

That the report, satisfying the CEO's responsibility under Section 99(1)(ib) of the Local Government Act 1999 be received and noted.

Seconded by Mr Kym Holman and carried.

Mayor Bria voted in favour of the motion.

5.5 DRAFT ANNUAL REPORT OF THE AUDIT & RISK COMMITTEE

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 *Audit & Risk Committee Annual Report* to the Committee for endorsement.

BACKGROUND

Section 126(8)(b) of the *Local Government Act 1999* (the Act), requires a Council's Audit & Risk Committee to provide an Annual Report to the Council on the work of the Committee during the preceding financial year. In accordance with Section 126(9) of the Act, the Council must ensure that the Annual Report of the Committee is included in the Council's Annual Report.

A copy of the draft *Audit & Risk Committee Annual Report* is contained within Attachment A.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

DISCUSSION

The *Audit & Risk Committee Annual Report* (the Annual Report) highlights that the Committee has performed its functions in accordance with the legislated requirements and its Terms of Reference as set by the Council. The Annual Report provides a summary of the work that has been undertaken by the Audit & Risk Committee during the 2024-2025 financial year, to fulfill the Committee's purpose and function.

OPTIONS

Not Applicable. The requirement for the Audit & Risk Committee to provide an Annual Report to the Council is a mandatory requirement of Section 126(8)(b) of the Act. To ensure that the Committee's Annual Report is included in the Council's Annual Report in accordance with Section 126(9) of the Act, the Committee must approve its Annual Report at this meeting.

CONCLUSION

The draft *Audit & Risk Committee Annual Report* as contained in **Attachment A,** provides a summary of the work of the Council's Audit & Risk Committee for the 2024-2025 Financial Year and meets the Committee's legislative obligation to report to the Council annually in accordance with Section 128(8)9b) of the Act.

RECOMMENDATION

1. That the *2024-2025 Audit & Risk Committee Annual Report* (as contained in Attachment A), be approved.

2. The *Audit & Risk Committee notes that the 2024-2025 Annual Report* will be included in the Council's 2024-2025 Annual Report.

Mayor Bria moved:

1. *That the 2024-2025 Audit & Risk Committee Annual Report (as contained in Attachment A), be approved.*

2. *The Audit & Risk Committee notes that the 2024-2025 Annual Report will be included in the Council's 2024-2025 Annual Report.*

Seconded by Mr Kym Holman and carried.

5. CONFIDENTIAL REPORTS
Nil

6. OTHER BUSINESS
Nil

7. NEXT MEETING

Monday 13 October 2025

8. CLOSURE

There being no further business the Presiding Member declared the meeting closed at 8.05pm.

_____
Ms Cate Hart
PRESIDING MEMBER

Minutes Confirmed on _____
(date)

13.9 VARIATION TO A LAND MANAGEMENT AGREEMENT – WILLOW BEND ESTATE – 4 WILLOW BEND, MARDEN

REPORT AUTHOR: Urban Planner
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4501
FILE REFERENCE: N/A
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a request that has been received seeking approval to grant a waiver of Section 2.4 of the Land Management Agreement (LMA), for the Willow Bend Estate, to allow the painting of a side boundary fence and internal gate at 4 Willow Bend, Marden.

BACKGROUND

During the assessment of the Development Application for the Willow Bend Estate (a former SA Water depot site) in 1999, the Council requested that the developer enter into a LMA to ensure that a range of urban design and amenity issues which, were not regulated by legislation at the time, could be dealt with effectively.

A copy of the LMA, is contained in **Attachment A**.

On 29 May 2025, Council received a request from the land owner of 4 Willow Bend to vary Section 2.4 of the LMA to allow a Colorbond ‘Caufield Green’ fence on the northern side boundary of the land and and internal Colorbond ‘Caulfied Green’ gate between the fence and the dwelling to be painted in Colorbond ‘Monument’ (black).

The reason for the request is that the current fence and gate has faded in colour. In addition, ‘Caufield Green’ now known as ‘Cottage Green’ does not match the black trim of the dwelling., a garage door, front verandah enclosure and gutters.

The request is contained in **Attachment B**.

Section 4.4 of the LMA provides that the Council may waive compliance by a property owner with the whole or any part of the obligations set out in the LMA, provided that no such waiver will be effective unless it is approved in writing by the Council.

In respect to fencing, Section 2.4 of the LMA contains an Urban Design Guidelines document. Part 9 of the Urban Design Guidelines document states that side boundary fencing and rear boundary fencing shall be no more than 1.8 metres in height and be of Colorbond (BHP Caufield Green) construction.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the *Council’s City Plan 2030, Shaping our Future* are set out below:

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

Objective 2.4 Pleasant, well designed and sustainable neighbourhoods.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Other property owners within the Willow Bend Estate may have expectations that improvements will only be undertaken in accordance with Owner's Obligations Section of the LMA.

That the LMA includes a waiver clause indicates that it is recognised that over time there may be good reason (such as in this case to improve visual amenity) to depart from the Owner's Obligations.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

There could be a possible reputational risk if Council does not agree to the recommendation to waive Section 2.4 of the LMA. That is, that the Council continues to require the Owner's Obligations of the LMA to be met, with respect to the colour of fencing, there is a risk of being perceived as being unreasonably obstructive and not recognising the benefit of endorsing a more contemporary colour selection.

However, the risk is considered likely to be insignificant as identified in the Council's Risk Management Framework.

CONSULTATION

- **Elected Members**
  Not Applicable.

- **Community**
  Not Applicable.

- **Staff**
  General Manager, Urban Planning & Environment
  Manager, Development & Regulatory Services.

- **Other Agencies**
  Not Applicable.

DISCUSSION

Council Planning Staff are of the view that the proposed painting of the faded fence, in a more contemporary colour that complements the associated dwelling, is considered to assist in the achievement of Objective 2.4 of the City Plan 2030, which desires pleasant, well designed (and sustainable) neighbourhoods.

OPTIONS

The Council can resolve to authorise the Chief Executive Officer to execute on behalf of the Council, a waiver to Section 2.4, pursuant to Section 4.4 of the LMA, so that the proposed painting can occur.

Alternatively, Council could determine not to waive Section 2.4 of the LMA, nor authorise the Chief Executive Officer to the same.

In this instance, it is recommended that the Council authorises the Chief Executive Officer, the ability to execute a waiver of the LMA.

CONCLUSION

The Council has been requested to waive Section 2.4 of the LMA as it relates to the colour of a side boundary fence and internal gate colour for a site within the Willow Bend Estate.

The request has been made by the owner of the land and is considered by Planning Staff to assist in the achievement of Objective 2.4 of the City Plan 2030 plan.

It is recommended that the Council authorises the Chief Executive Officer to execute on behalf of the Council, a waiver to Section 2.4 of the LMA to allow the painting of a side boundary fence and internal gate at 4 Willow Bend, Marden.

COMMENTS

Nil

RECOMMENDATION

That in respect to the proposed painting of a fence and internal gate at 4 Willow Bend, Marden as requested in **Attachment B** of this report, the Council hereby authorises the Chief Executive Officer to execute on behalf of the Council, a waiver to Section 2.4 of the LMA, pursuant to Section 4.4 of the Land Management Agreement between McLaren Vale Properties Pty Ltd and the City of Norwood Payneham & St Peters.

Attachments – Item 13.9

Attachment A

Variation to a Land Management Agreement
Willow Bend Estate
4 Willow Bend, Marden

LAND MANAGEMENT AGREEMENT

BETWEEN:

McLAREN VALE PROPERTIES PTY LTD
(the "Owner")

AND:

CITY OF NORWOOD, PAYNEHAM & ST PETERS
(the "Council")

Richard Phillips
Solicitor and Barrister

Ground Floor
Roper Street Chambers
21 Roper Street
Adelaide, SA 5000
Email: richardp@senet.com.au
Telephone: (08) 8232 0855 ❖ Facsimile: (08) 8232 3003

COMMISSIONER OF STATE TAXATION

THIS DEED IS MADE THE 8th DAY OF March 2001

S.A. STAMP DUTY PAID $10.00
ASSESSED DULY STAMPED
ORIGINAL WITH 5 copies
07/03/2001 08:34:14 00616934.1

BETWEEN: **McLAREN VALE PROPERTIES PTY LTD** ACN 008 091 656 of 503 Lower North East Road, Campbelltown SA 5074
(hereinafter with their successors and assigns collectively called the "Owner") of the one part

AND: **CITY OF NORWOOD, PAYNEHAM & ST PETERS** of 175 The Parade, Norwood SA 5067
(hereinafter with its successors and assigns called the "Council") of the other part

WHEREAS:-

A. The Owner is the registered proprietor of an estate in fee simple in the whole of the land described as:
   a) Allotment 151 in Deposited Plan 53101 in the area named Marden, Hundred of Adelaide being the whole of the Land comprised in Certificate of Title Register Book Volume 5717 Folio 210; and
   b) Allotment 152 in Deposited Plan 53101 in the area named Marden, Hundred of Adelaide being the whole of the Land comprised in Certificate of Title Register Book Volume 5717 Folio 211.

NO ✓

B. Lots 151 and 152 are hereinafter collectively called the "Land" for the purposes of this Deed and the proposed development.

C. By a Development Application numbered 155/0054/99 (hereinafter called the "Development Application") the Owner applied to the Council for approval to undertake a land division to create fifty one (51) allotments on the Land (the "proposed development"). A copy of the Plan of Division is attached in the First Schedule.

D. There are a number of existing mature trees on the Land (which has an overall area of approximately 3.12 hectares) and both the Owner and the Council want to protect those trees from being cut down or removed.

E. The Owner and the Council have agreed that a Land Management Agreement:

   a) which requires existing and future owners of the Land to maintain and care for the trees, (including trees on those allotments which will become Council reserves following approval of the proposed development), is the most effective protection for the Trees; and
   b) which includes obligations relating to noise protection and building design guidelines will assist in the creation and maintenance of a good quality property development for the public benefit.

F. Pursuant to the provisions of section 57(2) of the Development Act, 1993 (hereinafter called the "Act") the Owner has agreed with the Council to enter into this Deed relating to the development, future management, preservation and conservation of the Land subject to the terms and conditions that follows.

NOW THIS DEED WITNESSES as follows:

1. Interpretation

1.1 The parties acknowledge that the matters set out in clauses A to F inclusive are true and accurate and agree that they will form part of the terms of this Deed.

1.2 In the interpretation of this Deed unless the context will otherwise require to admit:

1.2.1 words and phrases used in this Deed which are defined in the Act, will unless otherwise defined by the provisions of this Deed, have the meanings ascribed to the by the Act;

1.2.2 references to a statute or subordinate legislation or to the Development Plan made pursuant to the Act, will include all statutes, subordinate legislation and Development plans amending, consolidating or replacing the statute or subordinate legislation or Development Plan referred to;

1.2.3 the term "clear" in relation to Trees, means cutting down, killing or destruction, removal, burning or poisoning, severing of branches, limbs, stems, roots or trunks (other than when required for the purposes of safety or for the health of the relevant tree) or other substantial damage to the Tree and the term "cleared" has a corresponding meaning;

1.2.4 the term the "Owner", where the Owner is a company includes its successors, assigns and transferees and where the Owner is a person, includes his or her heirs, executors, administrators and transferees and where the owner consists of more than one person or company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs executors, administrators and transferees of the companies or persons being registered as the proprietor of an estate in fee simple in the Land subject however to such encumbrances, liens and interests as are registered and notified by memoranda endorsed on the Title thereof;

1.2.5 the term "person" will include a corporate body;

1.2.6 the term the "Land" will include any part or part of the Land;

1.2.7 the term "Plan of Division" means the Plan of Division attached in the First Schedule;

1.2.8 the term "Tree" or "Trees" means or refers to the trees (or any of them) specified in the Tree Retention Plan;

1.2.9 the term "Tree Retention Plan" means the Tree Retention Plan attached in the Second Schedule;

1.2.10 the term "Tree Management Plan" means the Tree Management Plan attached in the Third Schedule;

1.2.11 the term "Urban Design Guidelines" means the Urban Design Guidelines attached in the Fourth Schedule;

1.2.12 the term "Building Envelope Plan" means the Building Envelope Plan that is an appendice to the Fourth Schedule;

1.2.13 the term "Car Parking Plan" means the Car Parking Plan that is an appendice to the Fourth Schedule;

1.2.14 references to Schedules mean Schedules to this Deed;

1.2.15 words importing the singular number or plural number will be deemed to include the plural number and the singular number respectively;

1.2.16 words importing any gender will include all genders; and

1.2.17 any clause, headings or marginal notes are for reference purposes only and will not be resorted to in the interpretation of this Deed.

1.3 If any provision of this Deed is found by a Court of competent jurisdiction to be invalid or unenforceable in law then in such case the parties hereby request and direct such Court to sever such provision from this Deed.

1.4 The law governing the interpretation and implementation of the provisions of this Deed will be the law of South Australia.

1.5 The parties expressly declare and agree that where an inconsistency exists between the provisions of this Deed and the provisions of the Development Plan, the provisions of this Deed prevail.

2. <u>The Owner's Obligations</u>

2.1 <u>Trees</u>

2.1.1 The Owner will ensure that the Trees identified on the Tree Retention Plan are:-

2.1.1.1 retained and not cleared;

2.1.1.2 maintained and cared for in a manner which will best ensure the Trees' ongoing good health and vitality

2.1.2 The Owner will ensure that the Tree Management Plan is adhered to.

2.2 <u>Noise Protection</u>

The Owner will ensure that Allotments 8 to 30 inclusive as depicted in the Plan of Division will be given noise protection by the erection and maintenance of a suitably designed masonry wall or fence at least 2 metres

high along the rear boundary (facing Lower Portrush Road) to the reasonable satisfaction of the Council, and in respect of Allotments 16 and 17 as depicted in the Plan of Division, also along the first 10 metres of the side boundary abutting the reserve.

2.3 Two Storey Buildings

2.3.1 The Owner will ensure that any two storey building erected on Allotments 8 to 30 inclusive as depicted in the Plan of Division, will be built with specifications aimed at reducing noise inside the building, particularly in the design and construction of walls and windows and the provision of insulation.

2.3.2 The Owner will before any such two storey building is occupied, obtain a certificate from a suitably qualified acoustic engineer to the effect that the building complies with the following published standard:

"AS2107 – Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors"

2.4 Building and Design Guidelines

The Owner will in the design, erection and maintenance of any building or other improvement on any allotment or other portion of the Land, observe and comply with:

2.4.1 the Urban Design Guidelines;

2.4.2 the Building Envelope Plan; and

2.4.3 the Car Parking Plan.

3. Operation of this Deed

The parties expressly declare and agree that the provisions of this Deed will not be binding or impose any obligation upon them unless and until the following events have occurred:-

3.1 the Registrar-General has deposited the Plan of Division in the Land Titles Registration Office pursuant to the provisions of the Real Property Act, 1886.

4. Miscellaneous Provisions

4.1 The Council and any employee or agent of the Council may at any reasonable time enter the Land for the purposes of exercising any powers of the Council under this Deed pursuant to law.

4.2 If the Owner is in breach of any provision of this Deed, the Council may, by notice in writing served on the Owner, specify the nature of the breach and require the Owner to remedy the breach within such time as may be

nominated by the Council in the notice (being not less than twenty-eight (28) days from the date of the service of this notice) and if the Owner fails to so remedy the breach, the Council or its servants or agents may carry out the requirements of the notice and in doing so may enter and perform any necessary works upon the Land and recover any costs thereby incurred from the Owner.

4.3 This Deed may not be varied except by a Supplementary Deed signed by the Council and the Owner

4.4 The Council may waive compliance by the Owner with the whole or any part of the obligations on the part of the Owner herein contained provided that no such waiver will be effective unless expressed in writing and signed by the Council.

4.5 This Deed contains the whole agreement between the parties in respect of the matters referred to herein.

4.6 Notice for the purpose of this Deed will be deemed to be served on the Council if it is in writing and signed for or on behalf of the Owner and either delivered by hand or sent by post to the Council to the last known address of the Council. Such notice will be deemed to have been given at the time of such delivery or upon the date five (5) days after such posting.

4.7 Notice for the purposes of this Deed will be deemed to be served on the Owner if it is in writing and signed or on behalf of the Council and either delivered by hand or sent by post to the Owner to the last known address of the Owner. Such notice will be deemed to have been given at the time of such delivery or upon the date of five (5) days after such posting.

4.8 The Council may delegate any of its powers under this Deed to any person.

4.9 The requirements of this Deed are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land.

4.10 Each party will bear its own costs of and incidental to this Deed but the Owner will pay all stamp duty and registration fees applicable to it.

4.11 Each party will do and execute all such acts documents and things as will be necessary to ensure that this Deed is noted against the relevant

instrument of title and a memorial thereof entered on the Certificate of Title for the Land pursuant to the provisions of Section 57(5) of the Act.

IN WITNESS WHEREOF the parties have executed this Deed.

THE COMMON SEAL of)
McLAREN VALE PROPERTIES PTY LTD)
was hereunto affixed in accordance with its)
Articles of Association and in the presence)
of:)

COMMON SEAL
McLAREN VALE PROPERTIES PTY. LTD.
A.C.N. 008 091 656

.....
Director

.....
Director/Secretary

THE COMMON SEAL OF **CITY OF NORWOOD, PAYNEHAM & ST PETERS**)
was hereunto affixed in the presence of:)

THE CORPORATION OF THE CITY OF NORWOOD, PAYNEHAM AND ST PETERS
COMMON SEAL
1997

.....
Mayor

.....
Chief Executive Officer

ST. GEORGE BANK LTD
A.C.N. 055 513 070 By its Attorney
ROBERT ALAN SPORTON
who certifies that he is the
Divisional Lending Manager
of the said bank and that he has no notice of any
revocation of the said Power of Attorney.

..... date
Power of Attorney No. 8459031

.....
Signatuure of Witness

Malcolm Russell Anderson
Full Name of Witness

145 The Parade Norwood 5067
Address

(08) 8364 4413
Telephone No.

CONSENTS

ST GEORGE BANK LTD ACN 055 513 070 being a person with a legal interest in the Land by virtue of Memorandum of Mortgage No 8776518 registered over Lot 152 (comprised in Certificate of Title Register Book Volume 5717 Folio 211) **hereby consents** to the Owner entering into this Deed.

Refer Page 6

CITY OF NORWOOD, PAYNEHAM & ST PETERS being a person with a legal interest in the Land by virtue of holding an EASEMENT OVER THE LAND MARKED A in Certificate of Title Register Book Volume 5717 Folio 211 **hereby consents** to the Owner entering into this Deed.

DISTRIBUTION LESSOR CORPORATION of 1 Anzac Highway Keswick SA 5035 being a person with a legal interest in the Land by virtue of holding an EASEMENT OVER THE LAND MARKED B, C, D AND F in Certificate of Title Register Book Volume 5717 Folio 211 **hereby consents** to the Owner entering into this Deed.

Refer Annexure "A"

SOUTH AUSTRALIAN WATER CORPORATION being a person with a legal interest in the Land by virtue of holding an EASEMENT OVER THE LAND MARKED E and an EASEMENT AND AN EASEMENT AND RIGHT OF WAY OVER THE LAND MARKED F in Certificate of Title Volume 5717 Folio 211 hereby consents to the Owner entering into this Deed.

Vide Annexure "B"

THE OWNER HEREBY CERTIFIES pursuant to section 57(4) of the Act that no other person has a legal interest in the Land.

THE COMMON SEAL of)
McLAREN VALE PROPERTIES PTY LTD)
was hereunto affixed in the presence of:)

COMMON SEAL
McLAREN VALE
PROPERTIES
PTY. LTD.
A.C.N. 008 091 656

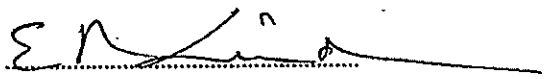
.....
Director

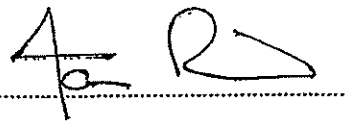
.....
Director/Secretary

ANNEXURE "A"

DISTRIBUTION LESSOR CORPORATION of 1 Anzac Highway Keswick SA 5035 and **CKI UTILITIES DEVELOPMENT LTD ABN 65 090 718 880 HEI UTILITIES DEVELOPMENT LTD ABN 82 090 718 951 CKI UTILITIES HOLDINGS LTD ABN 54 091 142 380 HEI UTILITIES HOLDINGS LTD ABN 50 091 142 362 and CKI/HEI UTILITIES DISTRIBUTION LTD ABN 19 091 143 038** each incorporated in Malaysia all of 1 Anzac Highway Keswick SA 5035 ("ETSA Lessees") as the lessees pursuant to Lease no. 8890000 **CONSENT** to the Deed

SIGNED in my presence by)
DISTRIBUTION LESSOR CORPORATION)
by its attorneys pursuant to Power of Attorney No.)
8895055 AND by the Attorneys of each of the)
ETSA Lessees)
CKI UTILITIES DEVELOPMENT LIMITED)
ABN 65 090 718 880 Pursuant to)
Power of Attorney No. 8857195)
HEI UTILITIES DEVELOPMENT LIMITED)
ABN 82 090 718 951 Pursuant to)
Power of Attorney No. 8857196)
CKI UTILITIES HOLDINGS LIMITED)
ABN 54 091 142 380 Pursuant to)
Power of Attorney No. 8857197)
HEI UTILITIES HOLDINGS LIMITED)
ABN 50 091 142 362 Pursuant to)
Power of Attorney No. 8857198)
CKI/HEI UTILITIES DISTRIBUTION)
LIMITED ABN 19 091 143 038)
Pursuant to Power of Attorney No. 8857199)
)
ERIC RODNEY LINDNER)
who certifies that he is the)
COMPANY SECRETARY of)
Utilities Management Pty Ltd ABN 25 090 664 878)
and)
IAN MITCHELL READ)
who certifies that he is the)
Acting MANAGER PROPERTY SERVICES of)
Utilities Management Pty Ltd ABN 25 090 664 878)
both of 1 Anzac Highway Keswick SA 5035)
who are personally known to me)





Signature of Witness: .....

Angela Jayne Clark
1 Anzac Highway Keswick 5035
ph: 8404 5897

ANNEXURE " B "

SIGNED for and on behalf of the South Australian Water Corporation by a person duly authorised by an Instrument of Authority dated 5 July 1996

.....

Manager Property the person duly authorised by the above Instrument in the presence of:

.....

Witness

.....JEFFREY WILLIAM HART.....

Print Name of Witness

.....SENIOR PROPERTY CONSULTANT.....

Print Title/Position

Address: C/- South Australian Water Corporation
GPO Box 1751, Adelaide SA 5001

Telephone No: .....8204 1673.....

THE FIRST SCHEDULE

Plan of Division is attached

THE SECOND SCHEDULE

Tree Retention Plan is attached

A15

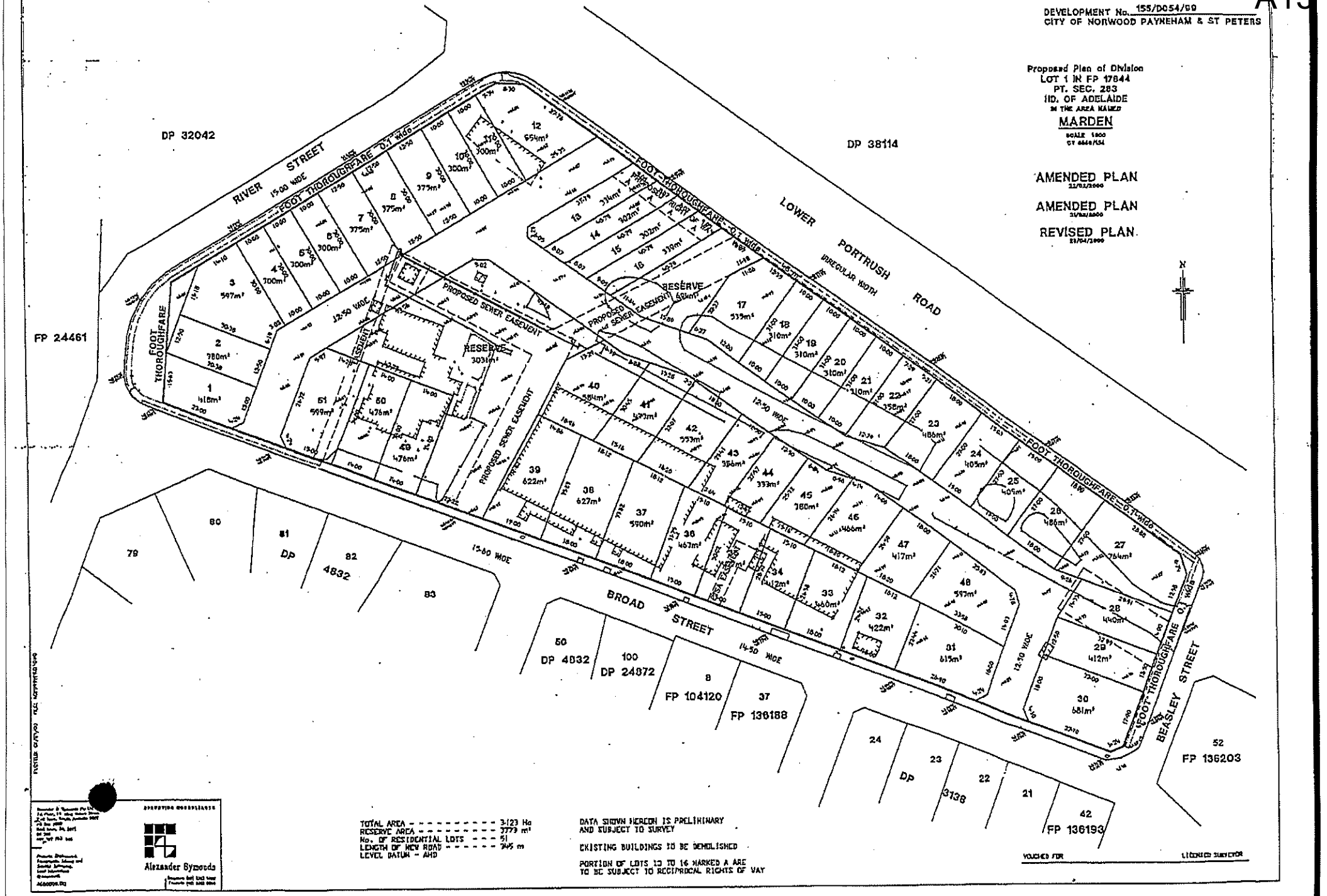
DEVELOPMENT No. 155/D054/99
CITY OF NORWOOD PAYNEHAM & ST PETERS

Proposed Plan of Division
LOT 1 IN FP 17844
PT. SEC. 283
HD. OF ADELAIDE
IN THE AREA NAMED
MARDEN
SCALE 1:500
CT 6446/434

AMENDED PLAN
22/02/2000

AMENDED PLAN
31/03/2000

REVISED PLAN
23/04/2000



Alexander Symonds

TOTAL AREA - - - - - - - - - - - 3.123 Ha
RESERVE AREA - - - - - - - - - - 3779 m²
No. OF RESIDENTIAL LOTS - - - - 51
LENGTH OF NEW ROAD - - - - - - - 345 m
LEVEL DATUM - AHD

DATA SHOWN HEREON IS PRELIMINARY AND SUBJECT TO SURVEY

EXISTING BUILDINGS TO BE DEMOLISHED

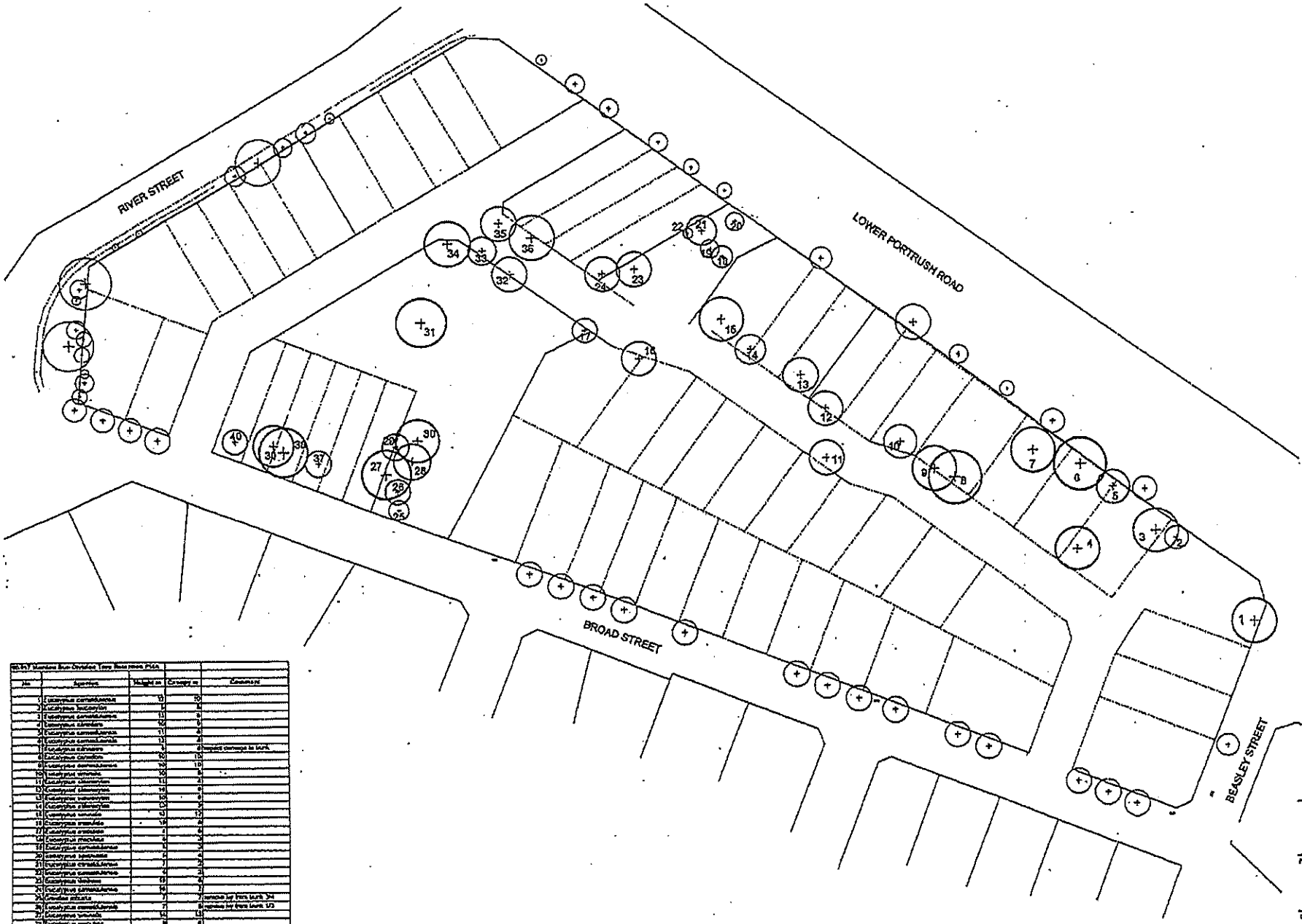
PORTION OF LOTS 13 TO 16 MARKED A ARE TO BE SUBJECT TO RECIPROCAL RIGHTS OF WAY

VOUCHED FOR

LICENSED SURVEYOR

THE THIRD SCHEDULE

Tree Management Plan is attached



No.	Species	Height m	Canopy m	Comments
1	Eucalyptus camaldulensis	18	20	
2	Eucalyptus leucoxylon	12	8	
3	Eucalyptus camaldulensis	12	8	
4	Eucalyptus camaldulensis	12	8	
5	Eucalyptus camaldulensis	11	8	
6	Eucalyptus camaldulensis	11	8	
7	Eucalyptus camaldulensis	11	8	
8	Eucalyptus camaldulensis	8	8	major damage to trunk
9	Eucalyptus camaldulensis	10	10	
10	Eucalyptus camaldulensis	12	10	
11	Eucalyptus camaldulensis	12	8	
12	Eucalyptus camaldulensis	12	8	
13	Eucalyptus camaldulensis	14	8	
14	Eucalyptus camaldulensis	10	8	
15	Eucalyptus camaldulensis	12	8	
16	Eucalyptus camaldulensis	12	8	
17	Eucalyptus camaldulensis	12	8	
18	Eucalyptus camaldulensis	12	8	
19	Eucalyptus camaldulensis	12	8	
20	Eucalyptus camaldulensis	12	8	
21	Eucalyptus camaldulensis	12	8	
22	Eucalyptus camaldulensis	12	8	
23	Eucalyptus camaldulensis	12	8	
24	Eucalyptus camaldulensis	12	8	
25	Corymbia ficifolia	10	8	
26	Eucalyptus camaldulensis	12	8	
27	Eucalyptus camaldulensis	12	8	
28	Eucalyptus camaldulensis	8	8	
29	Eucalyptus camaldulensis	8	8	
30	Casuarina cunninghamiana	12	8	
31	Eucalyptus leucoxylon	10	8	
32	Eucalyptus camaldulensis	12	8	trunk damage
33	Eucalyptus camaldulensis	8	8	
34	Eucalyptus camaldulensis	8	8	
35	Eucalyptus camaldulensis	8	8	
36	Eucalyptus camaldulensis	8	8	
37	Eucalyptus camaldulensis	8	8	
38	Eucalyptus camaldulensis	8	8	
39	Eucalyptus camaldulensis	8	8	
40	Eucalyptus camaldulensis	8	8	
41	Eucalyptus camaldulensis	8	8	
42	Eucalyptus camaldulensis	8	8	
43	Eucalyptus camaldulensis	8	8	

James Hayter + Associates
Landscape Architecture
Urban Design

PROJECT
Land SA: Sub-Division
MARDEN

DRAWING TITLE
TREE RETENTION PLAN

DATE 27.07.09 NOTES
SCALE 1:500
DRAWN JW CHECKED JH
DRAWING NO. 00.017/03

TREE MANAGEMENT PLAN

INTRODUCTION:

The character of an area is often defined by the quality of the buildings and surrounding vegetation. In the Marden subdivision there are a significant number of trees being retained because of the contribution they make to the habitat and amenity of the area. They provide shade and shelter for the community, habitats for birds and animals and improve views throughout the area. The development of new buildings and gardens can have very adverse effects on the health of these established trees unless due care and consideration is taken during construction.

SITE:

The Land SA subdivision at Marden is located on the western side of Lower Portrush Road with its other boundaries being River Street, Broad Street and Beasley Street. Throughout the site there are a variety of trees that are to be retained for use on private and public land in residential allotments, open space areas and as street trees.

TREES:

There are forty existing trees that will be retained as part of a tree retention plan for the Marden sub-division. They vary in height and canopy size from smaller developing trees to established trees above ten metres. They include the following species:

- Eucalyptus camaldulensis
- Eucalyptus citriodora
- Eucalyptus leucoxylon
- Eucalyptus maculata
- Eucalyptus sideroxylon
- Eucalyptus spathulata
- Eucalyptus viminalis
- Grevillea robusta
- Lophostemon confertus

CARE DURING CONSTRUCTION:

Every effort will be made by the 'purchaser' to maintain the health and vigour of existing trees being retained as part of the Marden sub-division. During the construction of houses, driveways and other outdoor structures such as garages or sheds it is important to observe the following guidelines to protect the trees from damage:

- Ensure vehicular access is kept away from the drip zone of trees to avoid any excess compaction of soil and damage which could dramatically affect the function of the trees root system.

- Maintain a minimum distance of four metres around the base of trees during construction where possible. Individual situations should be assessed on their own merit by a Council representative with no tree having building works closer than two metres to the base of the tree.
- Erect protective bunting around trees to the distances indicated above, to ensure protection at all times from vehicular damage and other incidental damage.
- Ensure that no building spoil including rubbish, soil or unused materials are stored beneath the dripzone of trees.
- Protect tree roots within the dripzone by ensuring that no roots with a diameter of fifty millimetres or more are severed. Roots within the dripzone should not be left uncovered or allowed to dry out.

PRUNING TREES:

The 'purchaser' may wish to prune a tree for safety or aesthetic reasons, or to allow a building to be constructed. If they wish to do so they must inform the Council in writing and proceed only after written permission has been granted.

- Ensure all pruning and lopping is carried out by a recognised arborist and correct procedures are followed, maintaining good form and avoiding the chance of disease.
- Locate scaffolding used during building construction in positions that minimise the need for pruning.

PROTECTION OF SIGNIFICANT TREES:

The Development Act 1993 and the Native Vegetation Act are controls that provide protection for significant trees. Information about these controls is available at the Council offices and cover many of the trees being retained within the Marden subdivision. It is necessary to consult these documents before considering any development that might adversely affect the health of these trees, or if contemplating their removal.

APPENDIX 1
GUIDELINES FOR TREES

Tree Canopy

Contractors should not perform any work on the canopy of a client's tree without an instruction to do so. Such instructions should not be given without appropriate specialist advice that such action is either warranted or advisable.

Tree Trunk

If machinery is kept away from trees, bark damage is unlikely to occur. Damage is important to avoid as it permits pathogen entry, shortened life expectancy of trees, decay and the development of cavities. Bark damage is also unsightly and large wounds may not heal. Small wounds may heal naturally or from a *bark-graft*, however a specialist arborist may be needed to carry out this kind of repair.

Contractor Responsibility

Workers, building materials, site offices and compounds do not belong within a tree's zone of influence and should not be placed there.

When scheduled for retention, a tree should not be pruned or interfered with in any way if it is only for the contractor's convenience. The contractor should allow in their tender for the untouched survival of the tree.

Where one or two limbs of a retained tree interfere with the eaves of a building or where scaffolding or other building materials are unavoidably required, there may be a need for pruning. Any pruning must first be agreed with the client.

If agreed, the situation should be referred to a qualified arborist or equivalent professional for advice on how to provide access with the minimum disturbance to the tree. Offending limbs can be temporarily tied back or minor surgery may be satisfactory.

APPENDIX 1
GUIDELINES FOR TREES

These guidelines have been set out to highlight some of the means by which trees can be damaged, followed by ways to prevent that damage from occurring. In the case of trees, prevention is always better than cure.

Trees survive best when subjected to the least amount of damage. After damage has been inflicted on a tree, it may be too late to apply a cure.

DAMAGE TO TREES:

Tree Roots

The severing or scarring of a tree's roots will significantly shorten its life. It may take 3-4 years to be noticed, and up to 10 years before tree death occurs. Root damage poses two significant problems:

- Major root severance threatens the stability of the tree as roots are structural components that anchor the tree in the ground.
- Lesser roots supply moisture and nutrients acting as a food supply line.

The removal or damage to either of these root systems may cause the tree to shed limbs, suffer dieback in the crown or experience leaf shrinkage and thinning canopy. It may lead to the tree becoming unsafe and eventually dying.

Roots need air and water to survive and soil compaction can deny the tree roots access to these two vital elements. It is therefore imperative that no activity should occur on a building site, which causes compaction, or trafficking within a tree's root zone.

If vehicular access is necessary in the vicinity of retained trees, it should be undertaken using vehicles with low axle loads or deflated tyres. Failing this, protective planking, plating or mulching should be considered. Contractors should care for retained trees under threat from ground level activity.

Trenching should not occur within the root zone. If it is not possible to avoid trenching, a risk to the tree will exist and should be pointed out to the client. To minimise this risk, trenching near structural roots should occur below them, not through them, taking great care with any tools or trenching machinery.

Where tree roots are exposed to air, for exploratory or trenching purposes, they should not be left exposed for more than two hours on hot days. While exposed, they should be wrapped in moist hessian. When backfilled, the backfill density should not exceed the density of the natural soil.

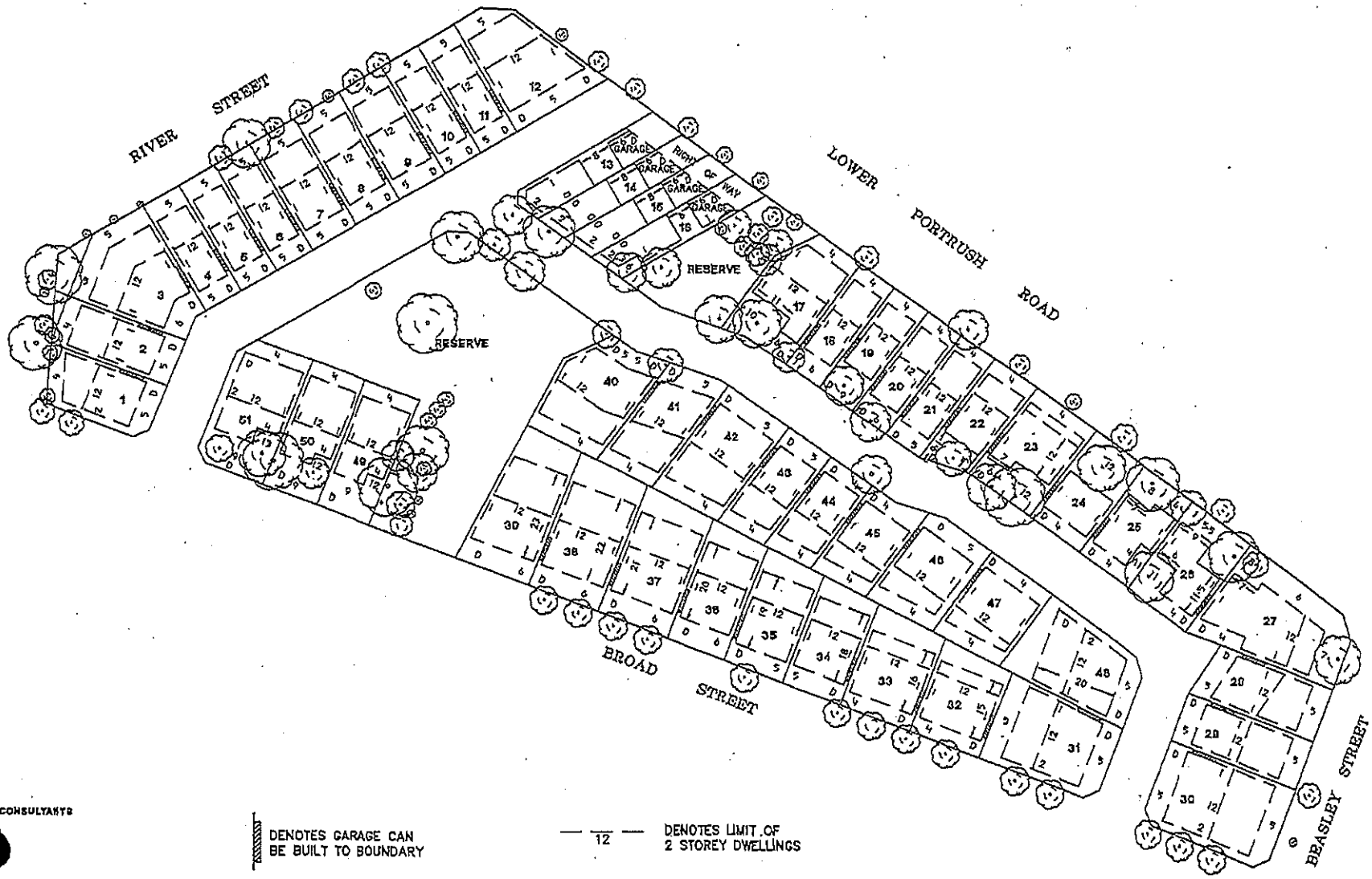
Trees should not be deprived of their normal water supply. If this is likely, the contractor should provide a supplementary source of water to keep the tree root-zone moist, at all necessary times, noting that irrigation, after rain, can do more harm than good.

CONNOR HOLMES CONSULTING

APPENDIX 1

BUILDING ENVELOPE PLAN

MARDEN
BUILDING ENVELOPE PLAN



SURVEYING CONSULTANTS

Alexander Symonds

Telephone (08) 8363 1800
Facsimile (08) 8332 0099

DENOTES GARAGE CAN BE BUILT TO BOUNDARY

12 DENOTES LIMIT OF 2 STOREY DWELLINGS

1, 2, 4 DENOTES BUILDING SETBACK FROM BOUNDARY

D DENOTES DRIVEWAY LOCATION

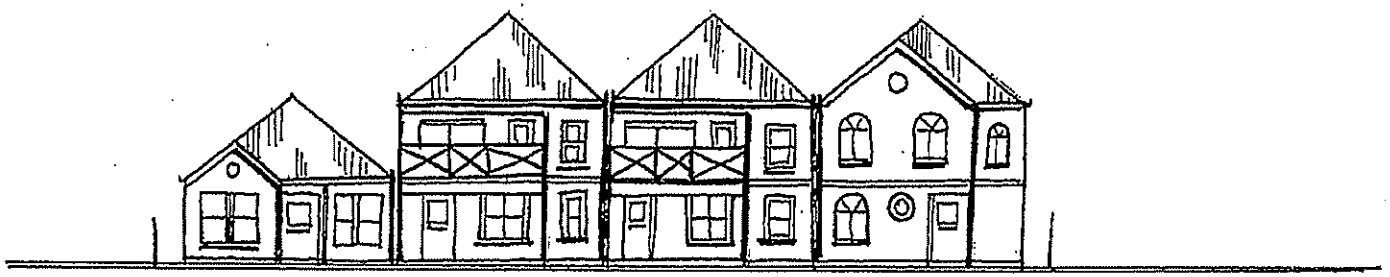
WHERE 2 D's ARE SHOWN ON AN ALLOTMENT ONLY ONE MAY BE USED

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DATE OF ISSUE 5/02/2001 REV 0

APPENDIX 2

CONCEPT PLANS – LOTS 13-16

CONNOR HOLMES CONSULTING



Lot 13 Lot 14 Lot 15 Lot 16

Elevation – Lots 13-16

MARDEN

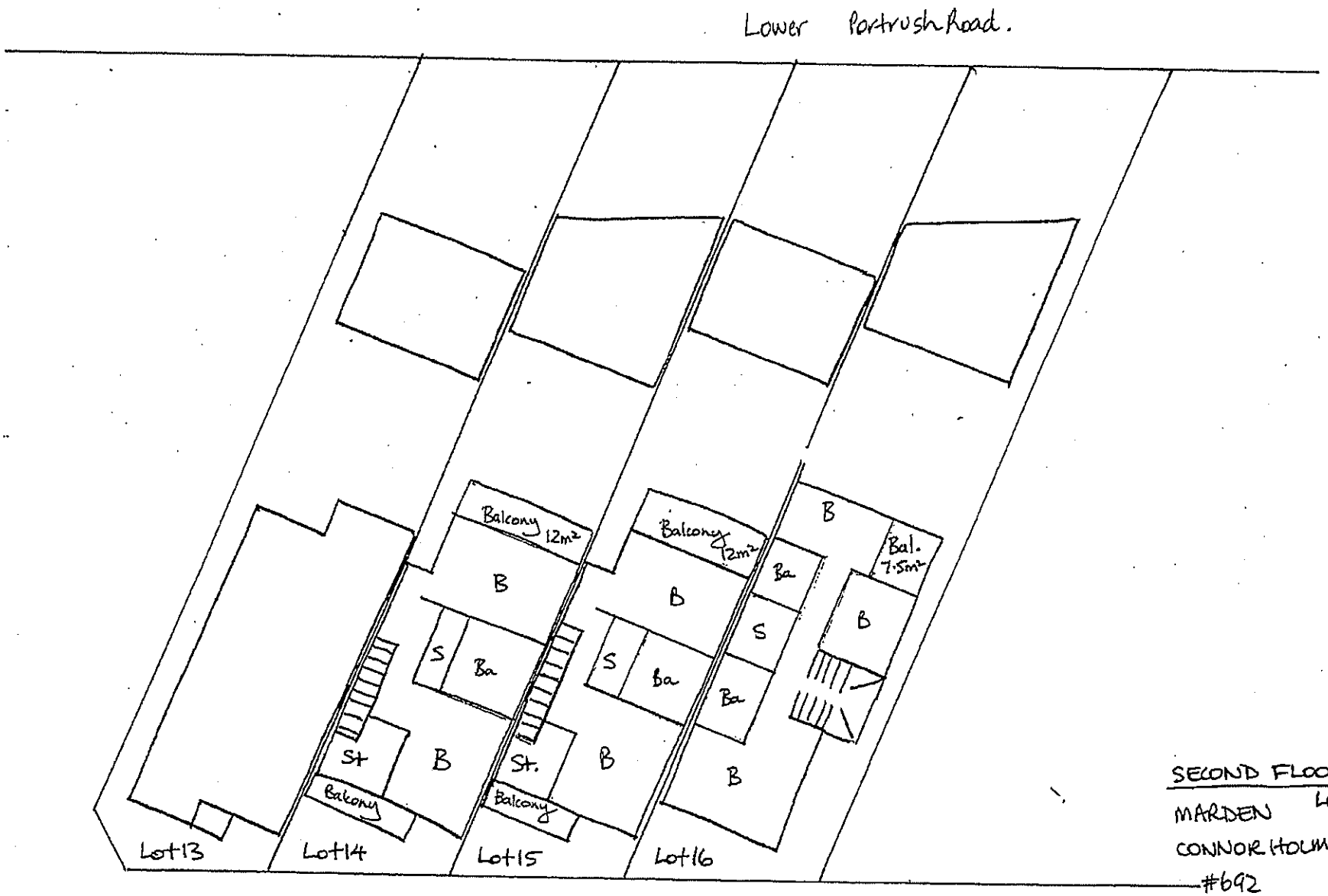
CONNOR HOLMES

#692

MARCH 2000

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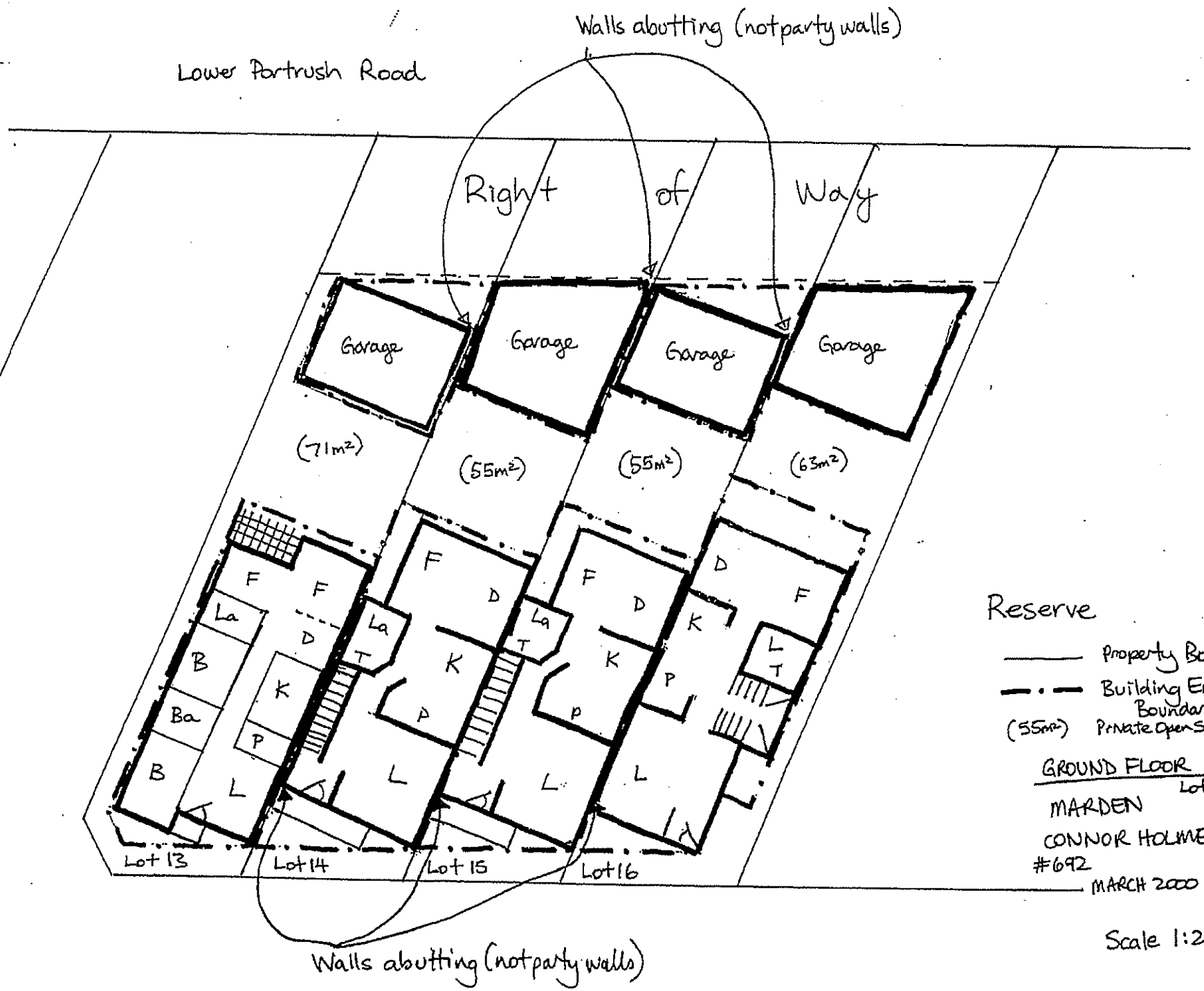
CONNOR HOLMES CONSULTING



SECOND FLOOR PLAN
Lots 13-16
MARDEN
CONNOR HOLMES
#692
MARCH 2000

Scale 1:250

CONNOR HOLMES CONSULTING



Reserve

——— Property Boundary

—·— Building Envelope Boundary

(55m²) Private Open Space

GROUND FLOOR PLAN
Lots 13-16

MARDEN

CONNOR HOLMES

#692

MARCH 2000

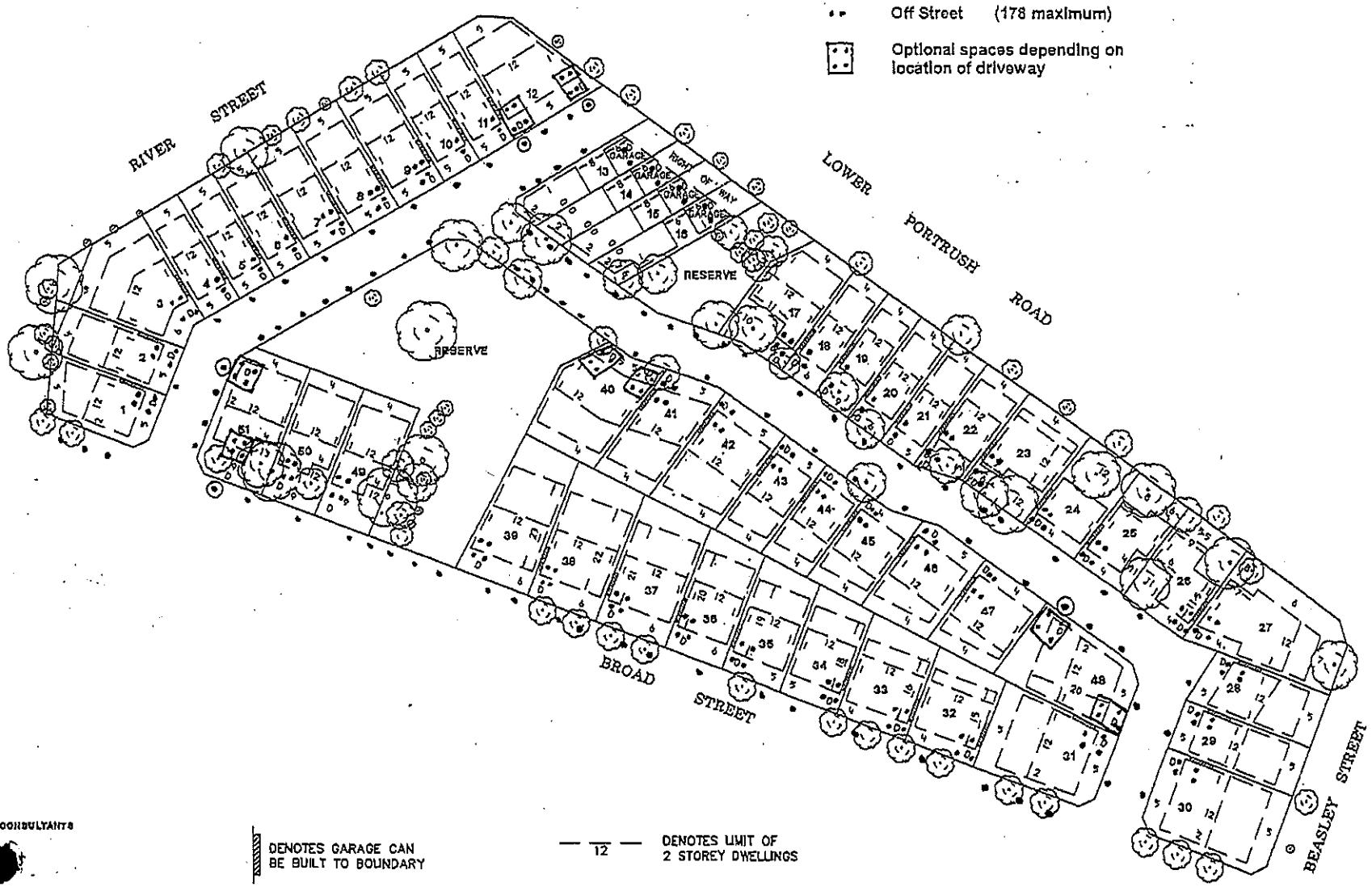
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APPENDIX 3

CAR PARKING PLAN

CARPARKING PLAN

- • On Street (92 maximum)
- •• Off Street (178 maximum)
- Optional spaces depending on location of driveway



SURVEYING CONSULTANTS

Alexander Symonds

Telephone (08) 8363 1600
Facsimile (08) 8332 1099

DENOTES GARAGE CAN BE BUILT TO BOUNDARY

1, 2, 4 DENOTES BUILDING SETBACK FROM BOUNDARY

— 12 — DENOTES LIMIT OF 2 STOREY DWELLINGS

D DENOTES DRIVEWAY LOCATION

WHERE 2 D's ARE SHOWN ON AN ALLOTMENT ONLY ONE MAY BE USED

DWG FILE ADB0999BLDG.DWG
DATE OF ISSUE 5/02/2001 REV D

THE FOURTH SCHEDULE

Urban Design Guidelines are attached

CONNOR HOLMES CONSULTING

MARDEN
(former SA Water Depot Site)

URBAN DESIGN GUIDELINES

Prepared on behalf of
LAND SA

7 February 2001

CONNOR HOLMES CONSULTING

CONTENTS

		Page No.
1.	INTRODUCTION	1
2.	PROCESS	2
3.	NUMBER AND ORIENTATION OF DWELLINGS AND SETBACKS	3
3.1	Number of Dwellings	3
3.2	Orientation	3
3.3	Setbacks	6
3.4	Site Coverage	8
4.	BUILDING HEIGHT	9
5.	NOISE	10
6.	VEHICLE PARKING	11
6.1	Number of Spaces	11
6.2	Size of Spaces	11
6.3	Recreational/Commercial Vehicles	11
6.4	Design of Garages and Carports	11
7.	PRIVATE OPEN SPACE	12
8.	PRIVACY	13
8.1	Explanation	13
8.2	Privacy Standards	13
9.	FENCING	15
10.	LANDSCAPING	16
11.	OTHER	17
11.1	Outbuilding Materials	17
11.2	Commencement	17
11.3	Allotments 13-16 and 52-57	17

APPENDIX 1 Building Envelope Plan
APPENDIX 2 Concept Plans – Lots 13-16, 52-57
APPENDIX 3 Car Parking Plan

CONNOR HOLMES CONSULTING

1. INTRODUCTION

The land division (155/D059/99) on the former SA Water Depot at Marden provides an opportunity to redevelop part of inner suburban Adelaide. The density of development reflects the site's proximity to the Central Business District (CBD). The project is being undertaken by Land SA.

In order to ensure the Marden development is attractive, of high quality and is environmentally responsible, these Urban Design Guidelines have been prepared. Given the range of allotment sizes and housing types that will be developed, it is considered necessary to ensure that new housing conforms to a set of guidelines and standards that will protect the rights of individual residents with regard to adjoining development and therefore their investment.

Most of the guidelines relate to design factors which need to be taken into account when designing the dwelling and its siting on the allotments.

It is expected that if residents develop their properties in line with this document, the character and quality of the development will be enhanced, as will residents' enjoyment of their homes.

2. PROCESS

When you purchase an allotment of land at the Marden site, a Land Management Agreement is attached to the title which requires that prior to any development on the allotment, approval must be sought and gained from the City of Norwood Payneham & St Peters.

All development at the Marden site must conform with the Urban Design Guidelines. This includes:

- new dwellings;
- outbuildings;
- garages and carports.

If applicants are unsure of whether or not their proposed dwelling meets the requirements of the Urban Design Guidelines, a sketch plan should be prepared and submitted to the Council for preliminary discussion prior to finalising plans and specifications.

In the assessment process the assessor may agree to approve proposed developments that do not strictly meet with the Urban Design Guidelines provided the non-conformities of the proposal are minor in nature and that the quality and character of the development is not detrimentally affected.

There are a number of critical issues for various allotments on the site. These include protection from noise emanating from Lower Portrush Road, retention of certain significant trees, siting of the various elements of the dwelling to ensure adequate private outdoor open space. Care should be taken to ensure that house designs are suitable for the particular orientation of the allotment. Factors to consider when matching your desired dwelling design and a potential allotment include:

- solar access to main family living areas and private garden areas;
- relationship between living spaces and private garden areas;
- position of driveways, garages and carports.

A development application pursuant to the Development Act (SA) 1993 also needs to be approved by the City of Norwood Payneham & St Peters.

CONNOR HOLMES CONSULTING

3. NUMBER AND ORIENTATION OF DWELLINGS AND SETBACKS

3.1 Number of Dwellings

Only one dwelling per allotment is permitted.

3.2 Orientation

Introduction

The layout of allotments on the site has been prepared with the orientation of houses in mind.

The orientation of your house on the allotment can increase the ability to heat, or cool the dwelling with minimum use of other forms of energy.

Sunlight provides both a source of energy and amenity, contributing to an important quality of life for Adelaide residents. Sunlight to private gardens makes a variety of activities more pleasant – entertaining, leisure past times, horticulture and various hobbies. In winter, a sunlit, protected garden can make a big difference to the enjoyment that a dwelling provides.

Adopting energy efficient practices therefore benefits two groups – the householders, through reduced operating costs and higher levels of natural comfort and light; and the community, through reduced environmental impact.

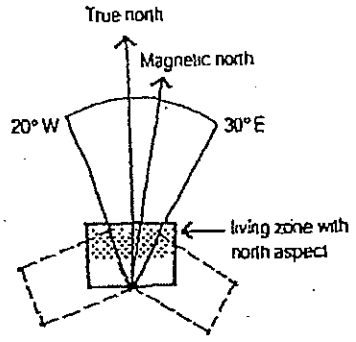
Orientation of Living Areas and Private Open Space

The required orientation of the living zones within houses is shown in Figure 1, that is, dwellings should have a north-facing (ie. between 30° east and 20° west) room capable of being used as a living area.

Orientation of private open space is also important in terms of enjoyment of private gardens and the ability to develop attractive gardens. The main part of the private open space should be capable of serving as an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play, and of being accessed from a main living area off the main dwelling. The prime area of open space should also be generally oriented in a northerly direction.

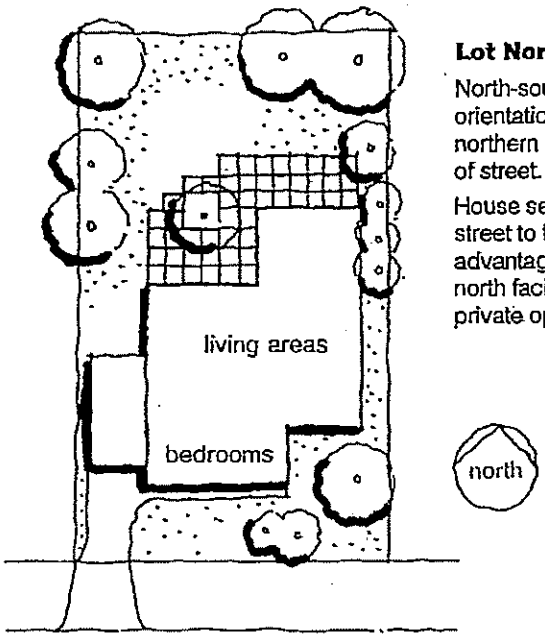
The degree to which living areas and areas of private open space can achieve the desired orientation depends on the orientation of its allotment relative to the road layout.

Figure 1



Figures 2.1-2.4 indicate the required general layout for dwellings and private gardens for different orientations, highlighting how best to achieve good solar access.

Figure 2.1



Lot North

North-south orientation, northern side of street.

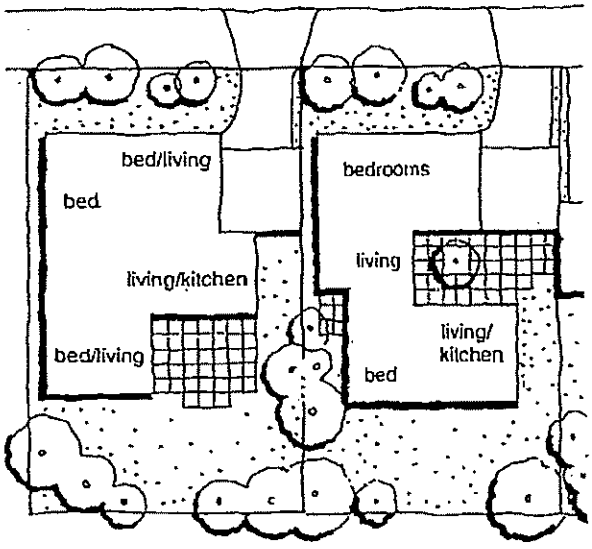
House set towards street to take full advantage of north facing private open space.

Figure 2.2

Lot South

North-south orientation, southern side of street.

Family, kitchen and/or living rooms oriented to rear private open space



Option:
House set close to street to allow sufficient space at rear for solar access semi-private front garden – no fence, or low-level fence. Courtyard allows winter sun to rear living areas.

Figure 2.3

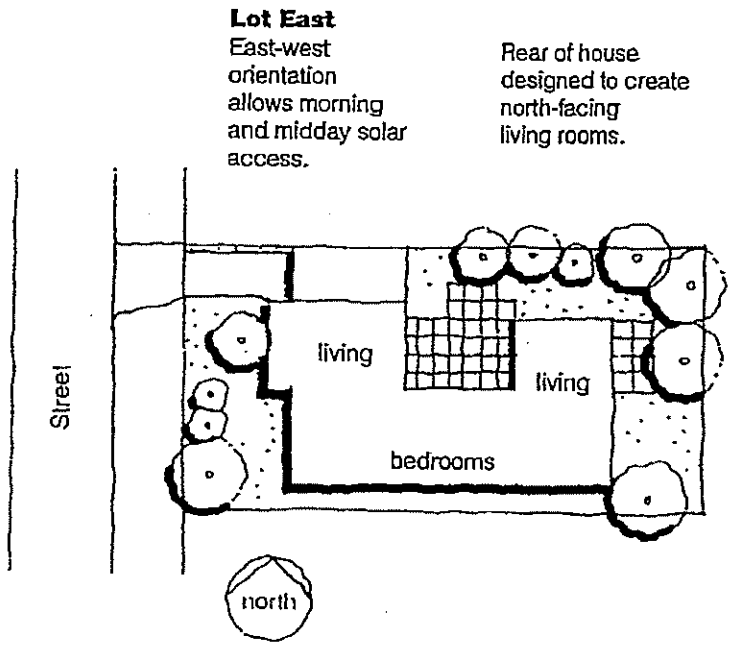
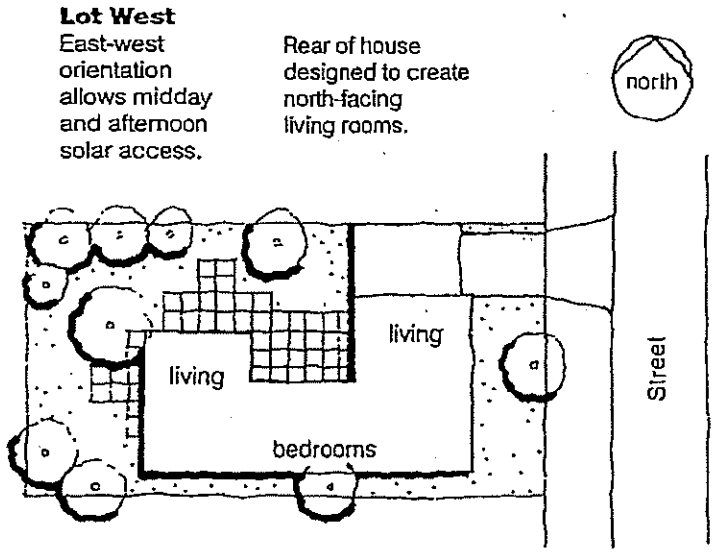


Figure 2.4



3.3 Setbacks

Minimum Setbacks are defined on the Building Envelope Plan (see Appendix 1). Whilst the Building Envelope Plan may indicate a large proportion of the site may have a building on it the requirements for Site Coverage and Private Open Space must also be complied with.

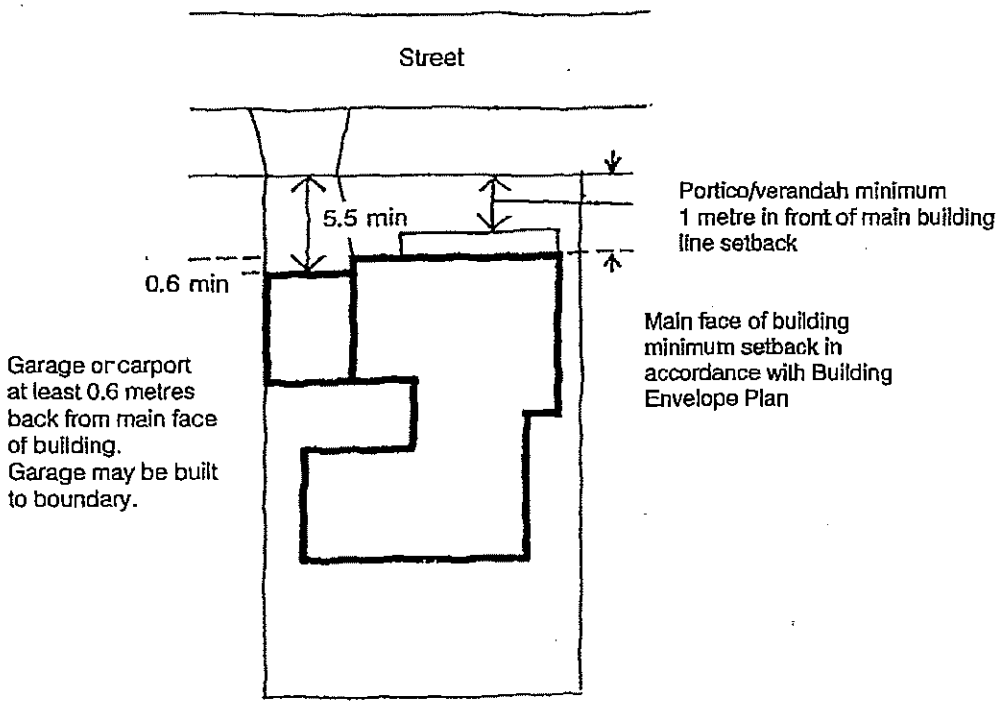
3.3.1 Front Boundary Setbacks

Front boundary setbacks should comply with the distance specified on the Building Envelope Plan.

As general design principles:

- Garages and carports should be setback at least 0.6 metres behind the main façade of the dwelling;
- Verandahs and porticos may be located 1 m closer to the front property boundary than is indicated on the Building Envelope Plan.

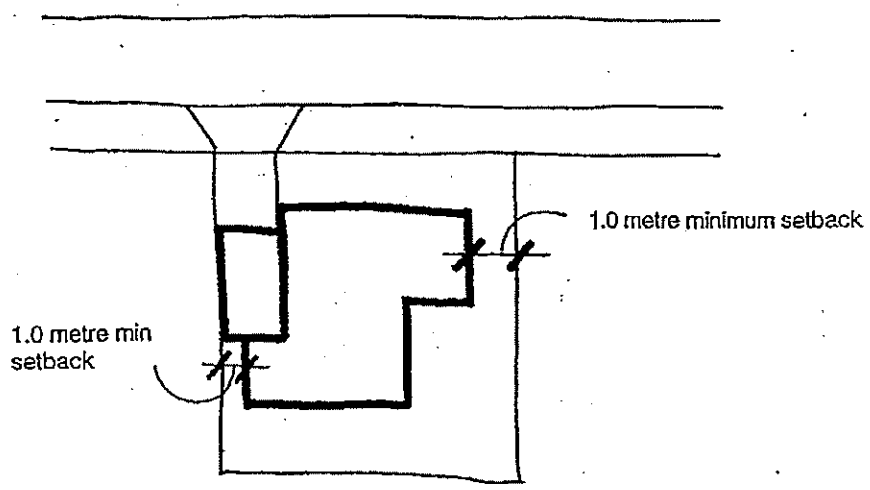
Figure 3 – example



3.3.2 Side Boundary Setbacks

- Dwellings must be set back a minimum of 1.0 metres from a side boundary as indicated on the Building Envelope Plan.
- Garages and carports may be constructed on the side boundary (not including a road boundary). Garages on lots 13-16 must be built to the side boundaries as indicated on the Building Envelope Plan to assist with the reduction of noise from Lower Portrush Road.
- Dwellings must present their primary face to the front boundary not a second road frontage.

Figure 4



3.3.3 Rear Boundary Setbacks

- Rear boundary setbacks for a single storey dwelling (building) should be in accordance with the Building Envelope Plan and in any case be at least 4 metres.
- For two storey dwellings, or a two storey component of a dwelling, the rear boundary setback should be in accordance with the Building Envelope Plan, at least 6 metres. Where the two storey dwelling is located within 9 metres of the rear boundary, upper level windows will need to comply with the privacy guideline contained in Section 8.

3.3.4 Zero Lot Line Dwellings (excluding Lots 13-16)

A dwelling (including carports and garages) may be located on one side boundary only so long as the maximum distance of buildings on the boundary does not exceed 12 metres.

3.3.5 Row Dwellings (Lots 13-16)

A dwelling (including carports and garages) may be located on both side boundaries (lots 14 and 15) and one side boundary (Lots 13 and 16) in accordance with the Building Envelope Plan.

3.3.6 Dwellings (Lots 49-51)

A dwelling must be located on the allotment with the primary façade (frontage) of the dwelling overlooking the reserve (north) in accordance with the Building Envelope Plan. The private open space will be located between the dwelling and the Broad Street boundary.

3.4 Site Coverage

Site coverage of dwellings and outbuildings including verandahs and vergolas but excluding non-roofed structures (eg. pergolas) and driveways, pools, patios, spas, shall not exceed 55% of an allotment's area.

3.5 Corner Allotments

To ensure that the appearance of secondary road frontages is of a high quality, the design of dwellings on corner allotments (numbered 1, 13, 30, 31, 48, and 51) shall provide a dwelling façade that addresses the secondary road frontage (as well as the primary road frontage) through architectural styling, articulation and detailing.

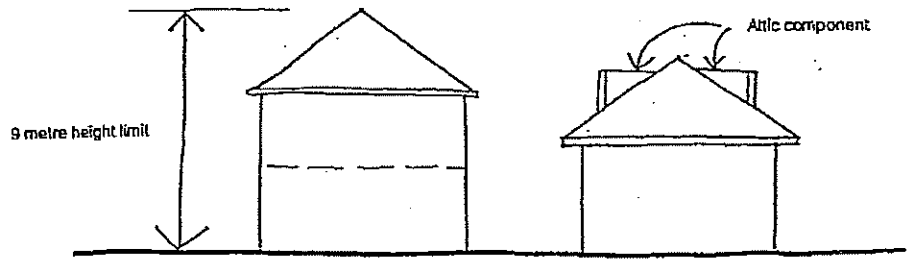
3.5.1 Access for Corner Allotments (31, 48 and 51)

Vehicular access is nominated on the Building Envelope Plan for allotments 31, 48 and 51 on the primary road frontage. However it is considered suitable for the vehicular access to be to a carport or garage from the secondary road frontage. In this instance the alternative Building Envelope Plan must be complied with. (see Appendix 1).

4. BUILDING HEIGHT

- Dwellings must not exceed two storeys in height.
- The ridge line of the roof of a two storey dwelling must not exceed 9 metres above finished floor level.
- An attic storey may be constructed in the roof line of a single storey dwelling providing it does not diminish the amenity of the adjoining dwellings or their private open space through overlooking.

Figure 5



- The roof form should contain articulated shapes with hips, gables or other forms being encouraged.
- Roofs shall be constructed with a minimum pitch of 25°.

CONNOR HOLMES CONSULTING

5. NOISE

The second storey component of two storey dwellings on allotments 8-30 must be designed and built in accordance with an acoustic engineer's report to reduce noise levels in side the dwelling to acceptable standards. Measures to reduce noise include:

- Laminated or double glazed windows which are non-openable that face Lower Portrush Road.
- "True Blue" or similar acoustic insulation to upper floor ceiling and walls with a minimum STC 40.
- Install acoustic door seals.
- Seal all air gaps externally and internally on dwellings to prevent noise break out.

6. VEHICLE PARKING

6.1 Number of Spaces

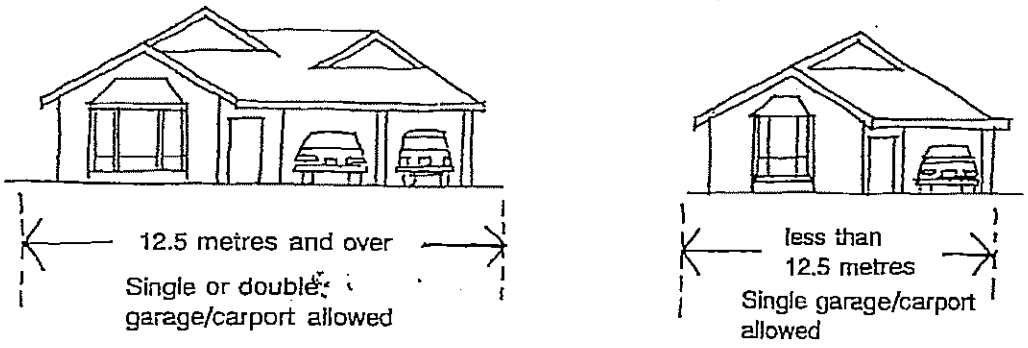
- On-site vehicular parking shall comply with the following table and the car parking plan in Appendix 3:

Table A

Bedrooms in Dwelling	Car Parking Spaces
1,2,3	2
4 <	3

- At least one car parking space must be covered (ie. carport or garage).
- Additional car parks can be covered or uncovered, and if uncovered, spaces can be located in the driveway immediately in front of the garage or carport and within the minimum setback distance.
- Garages and carports on allotments less than 12.5 metres in width should only be single vehicle width.

Figure 8



6.2 Size of Spaces

The minimum dimensions of a parking space are 2.5 metres x 5.4 metres.

6.3 Recreational/Commercial Vehicles

Recreational vehicles (eg. caravans, boats etc.) and commercial vehicles (over 3 tonnes) must not be parked on a regular basis on properties forward of any part of the building.

Vehicles of 3 tonnes or more are not permitted.

6.4 Design of Garages and Carports

Garages and carports must be provided either under the main roof, or if freestanding, the roof form and materials must complement those of the associated dwelling.

7. PRIVATE OPEN SPACE

- Dwellings must comply with Table B with regard to the provision of private open space on an allotment.

Table B

Number of Bedrooms	Car Parking Spaces
1-2	50 m^2
3	70 m^2

- For each additional bedroom, an additional 20 m^2 of private open space must be provided.

- All areas of private open space must:

  (a) have a minimum dimension of 2.0 metres;
  (b) be directly accessible to the dwellings;
  (c) be appropriately screened from the street or other public areas (such as the reserve);
  (d) one part of the total private open space area must be able to contain a rectangle measuring 6 metres x 4 metres that is directly accessible from the dwelling.

- Private open space may take the form of rear yards, courtyards, balconies and roof gardens.

8. PRIVACY

8.1 Explanation

The aim of this part of the guidelines is to ensure that owners of two storey dwellings are able to take advantage of views from upper storey windows and the owners of adjoining properties are able to enjoy certain levels of privacy. There are different ways of achieving privacy.

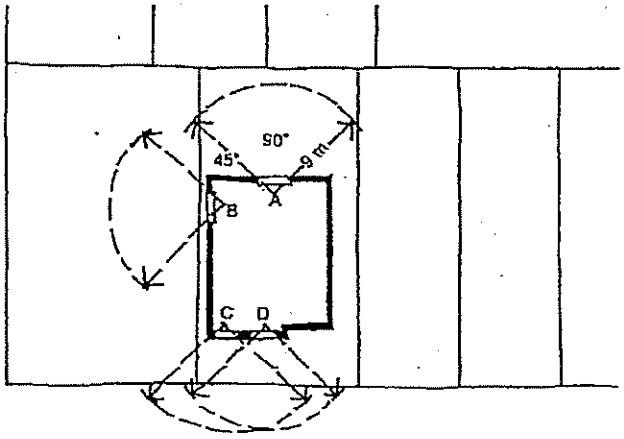
8.2 Privacy Standards

If an upper storey window is within a 9 metre arc that is 90° of an adjoining dwelling's habitable room windows or private open space, the window shall be screened as per Figure 9 below by one of the following methods:

- clear windows with a sill height of at least 1.7 metres (see Figure 10 below);
- fixed opaque glass to a height of 1.7 metres above the upper floor level (see Figure 11 below);
- the provision of external screening to a height of 1.7 metres above the upper floor level (see Figure 12 below);
- where side views are an overlooking problem, the use of side screens are required to a level of 1.7 metres above the upper floor level (see Figure 13).

Figure 9

- Window A does not require treatment to restrict views
- Window B does require treatment to restrict views.
- Window C and D do not require treatment to restrict views.
- Measurement of 9 metre view field commences at wall face.



- If no dwelling exists on an adjoining allotment, then consideration must be given to potential overlooking;
- external screening must be architecturally integrated with the dwelling's design.

Figure 10

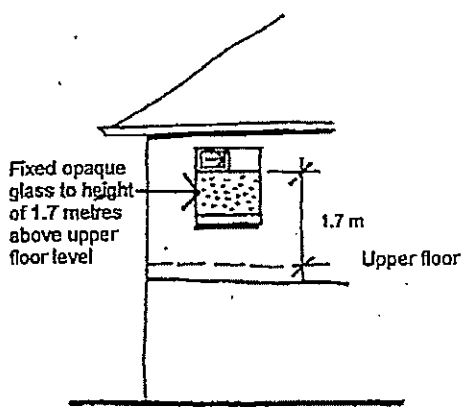


Figure 11

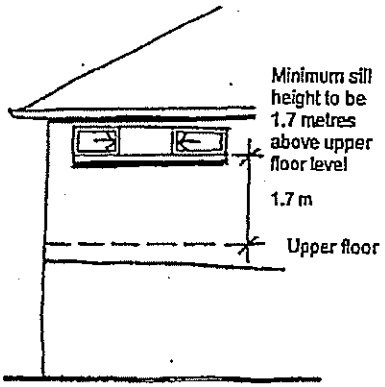


Figure 12

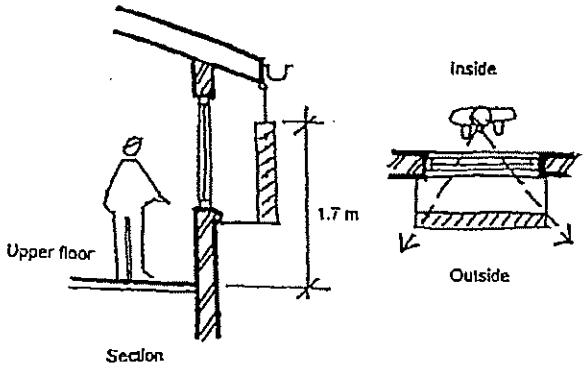
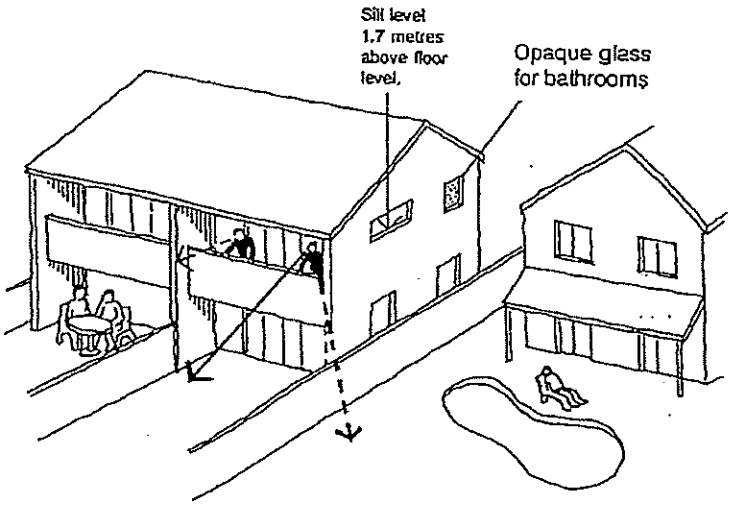


Figure 13



9. FENCING

- No fencing may be erected forward of the front façade of the dwelling for Lots 1-12, 17-30, 31 and 40-48.
- Fencing may be erected forward of the front façade for Lots 13-16. The fencing must be open in nature, no more than 1.6 metres high and complement the dwelling in material and style.
- Fencing along the Broad Street boundary of Lots 49-51 may be a maximum of 1.8 metres high 'Caulfield Green' colorbond.
- Side boundary fencing and rear boundary fencing shall be no higher than 1.8 metres in height and colorbond (BHP Caulfield Green).
- Fencing along the rear boundary of allotments 8-30 and for 10 metres along the side boundaries of Lots 16 and 17 abutting the reserve will be provided in masonry 2.0 metres high by the developer. Fencing along the remainder of the side boundaries to the reserve for Lots 16 and 17 will be in 1.8 metres high 'Caulfield Green' colorbond.
- Fencing along the rear boundary of allotments 1-7 of the side boundaries of allotments 39, 40 and 49 will be provided by the developer in 1.8 metres high 'Caulfield Green' colorbond.
- Fencing along the rear boundary of allotments 49-51 will be provided by the developer in 1.5 metres high open style tubular fencing (preprinted 'Caulfield Green') with masonry pillars at 7 metre centres.
- Fencing on the Broad Street boundary of allotments 1 and 31 must be a maximum of 1.8 m high 'Caulfield Green' colorbond.

10. LANDSCAPING

- Landscaping of front garden areas to the kerb line shall be established within 6 months of completion of the dwelling.

- Regular maintenance must be carried out.

- The nature strip between the front boundary and the kerb line and in the case of a corner allotment between the side boundary and the kerb line shall be topsoiled, sown with grass seed (mix to be advised by Council) or covered with fine grade mulch and low ground cover plants, irrigated and subsequently maintained and kept in a neat and tidy condition. An area at least one metre in width shall be available, where a footpath is not proposed, for pedestrians to traverse the verge. This area should be planted only with grass.

- A suitable selection of ground covers are:

  - Myoporum parvifolium (all forms);
  - Gazania rigens (flowering);
  - Juniperus conferta (non-flowering);
  - Grevillea thelmanniana (flowering);
  - Coprosma kirkii (non flowering);
  - Grevillea obturifolia;
  - Aptenia cordifolia;
  - Grevillea juniperina "Molongolo".

- There are numerous existing trees that have been retained on-site and are an integral part of the Willow Bend development. As such a Tree Management Plan (see Land Management Agreement) has been prepared. It details the responsibilities of the purchasers and all future owners of the allotments in terms of ensuring the health of the trees is maintained.

11. OTHER

11.1 Outbuilding Materials

- Materials used for outbuildings must complement the dwelling – no galvanised iron or other highly reflective material.

11.2 Commencement

- Substantial commencement of the construction of the dwelling shall occur within 24 months of the first owner of an allotment created by land division 155/D059/99 becoming the registered proprietor.

11.3 Allotments 13-16

These allotments are intended to have attached housing. The walls of each dwelling on these allotments, where they abut an adjoining property, are to be abutting walls, not party walls. If party walls are to be proposed as part of an integrated development then a subsequent land division providing the details will be necessary.

A Concept Plan for these allotments is contained in Appendix 2. This Plan is an example of how the allotments can be developed. They are to be developed with an integrated architectural style (which may be different from the examples shown in Appendix 2).

On site parking for allotments 13-16 is to be provided from the rear right of way into garages as indicated on the Building Envelope Plan.

11.4 Allotments 49-51

These allotments are intended to have detached dwellings that face the reserve. The private open space is to be located predominantly at the rear (southern) part of the allotment adjacent the Broad Street boundary.

Attachment B

Variation to a Land Management Agreement
Willow Bend Estate
4 Willow Bend, Marden

From: Lucio Mazzeo < >
Sent: Thursday, 29 May 2025 9:10 AM
To: Townhall <townhall@npsp.sa.gov.au>
Cc:
Subject: Request for LMA Waiver – Fence and Gate Colour Change - 4 Willow Bend Marden

Attention: Planning Department

To whom it may concern,

I am writing to formally request a Land Management Agreement (LMA) waiver in accordance with Section 9 of the Willow Bend LMA, to permit a change in colour of the side fence and gates at my property located at 4 Willow Bend Marden.

Proposed Works:

I am proposing to repaint the side fence and gates, which are currently in **Caufield Green**, to match the garage doors, front porch gate, gutters, and outdoor shades. The proposed new colour is Monument (ie Colorbond colour).

https://colorbond.com/colours?product=roofing&finish=classic&material=colorbond-steel

Reason for the Change:

The current fence and gates have significantly faded over time, and I have recently undertaken repainting of the home's exterior. To maintain a cohesive and well-presented streetscape, I wish to

repaint the fence and gates in the same colour as the garage doors, front porch gate, gutters, and outdoor shades. This would enhance the property's appearance and align the fencing with the refreshed look of the home.

I understand that Section 9 of the Willow Bend LMA specifies Caufield Green as the designated fence and gate colour. However, given the fading of the existing paint and the recent updates to the home's appearance, I kindly request that a waiver be granted to allow this change.

Supporting Documentation:

Please find attached photographs of the existing fence showing its current condition.

If any further information or documentation is required to process this application, I would be more than happy to provide it. I appreciate your time and consideration of this request.

Kind Regards,

Lucio Mazzeo

B3

B4

B5

B6

13.10 VARIATION TO A LAND MANAGEMENT AGREEMENT – WILLOW BEND ESTATE – 7 WILLOW BEND, MARDEN

REPORT AUTHOR:	Urban Planner
GENERAL MANAGER:	General Manager, Urban Planning & Environment
CONTACT NUMBER:	8366 4501
FILE REFERENCE:	Development Application No. 25001745
ATTACHMENTS:	A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a request that has been received seeking approval to grant a waiver of Sections 2.3 and 2.4 of the Land Management Agreement (LMA) for the Willow Bend Estate, to enable the construction of a two-storey dwelling addition and swimming pool at 7 Willow Bend, Marden (Allotment 27).

BACKGROUND

During the assessment of the Development Application for the Willow Bend Estate (the former SA Water depot site) in 1999, the Council requested that the developer enter into a LMA to ensure that a range of urban design and amenity issues which were not regulated by legislation at the time, could be dealt with effectively.

A copy of the LMA, is contained in **Attachment A**.

On 30 January 2025, Development Application Number 25001745 was lodged with the Council. The Applicant is seeking Development Approval for a two-storey dwelling addition and swimming pool at 7 Willow Bend, Marden. The application documents are contained in **Attachment B**.

Since this time, Planning Staff have been negotiating an amended proposal, that is more consistent with the Planning & Design Code (the Code) and seeking additional information to ensure that a Significant Tree on adjoining land is not unduly compromised. The Code is the State Government framework for development assessment, which applications for Planning Consent are required to be assessed against.

The development proposal is for internal alterations, including conversion of the current garage to a kitchen and separate laundry, new garage extending to the western side boundary with upper-level bedroom addition above and separate single-storey bedroom addition on the eastern side of the existing dwelling. The completed dwelling will comprise five (5) bedrooms, separate study and retreat rooms, open-plan kitchen, dining and family room with rear alfresco/verandah under main roof. The proposed swimming pool is located between the rear of the dwelling and the Lower Portrush Road boundary.

The application triggered public notification in accordance with the Code's procedural requirements. The public notification period commenced on 9 July and will finish at the on 29 July 2025.

Section 4.4 of the LMA provides that the Council may waive compliance by a property owner with the whole or any part of the obligations set out in the LMA, provided that no such waiver will be effective unless it is approved in writing by the Council.

In the event that the Development Application to construct the two-storey dwelling addition and swimming pool is approved, the owners of 7 Willow Bend, Marden are seeking approval to waive Owner's Obligation Sections 2.3 and 2.4 of the LMA, in accordance with Section 4.4 of the LMA.

Section 2.3 in the LMA applies to two-storey buildings on allotments 8 to 30 and requires via two (2) clauses, that any such building shall be built with specifications aimed at reducing noise inside the buildings; and that prior to occupation, a certificate is provided from a suitably qualified Acoustic Engineer that the building complies with "AS2107 – Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors".

Allotments 8 to 30 of Willow Bend Estate are near to, or have a secondary frontage to Lower Portrush Road, which is why these sites are included in Section 2.3 of the LMA.

Section 2.4 of the LMA applies to any building or other improvement on any allotment; and that such features comply with the Urban Design Guidelines, the Building Envelope Plan and the Car Parking Plan. The Urban Design Guideline covers off setback, site coverage, building height, noise, private open space, landscaping, fencing and privacy matters. It is only the Urban Design Guidelines document and Building Envelope Plan of the LMA that the Development Approval proposal is contrary to.

The specific parts of Urban Design Guidelines that the Development Application is contrary to are below:

Section 3.3 Setbacks

3.3.1 As general design principles, garages and carports should be setback at least 0.6m behind the main facade of the dwelling.

3.3.2 Side Boundary Setbacks
Dwellings must be setback a minimum of 1.0 metres from a side boundary as indicated on the Building Envelope Plan.

3.2.3 Rear Boundary Setbacks
For two-storey dwellings, or a two-storey component of a dwelling, the rear boundary setback should be in accordance with the Building Envelope Plan, at least 6 metres. Where the two-storey dwelling is located within 9 metres of the rear boundary, upper-level windows will need to comply with the privacy guideline contained in Section 8.

Section 4 Noise
The second storey component of two-storey dwellings on allotments 8-30 must be designed and built in accordance with an acoustic engineer's report to reduce noise levels inside the dwelling to acceptable standards.

Section 8 Privacy

8.2 If an upper storey window is within a 9m arc that is 90 degrees of an adjoining dwelling's habitable room windows or private open space, the window shall be screened as per Figure 9 below by one of the following methods:

- Clear windows with a sill height of at least 1.7 metres
- Fixed opaque glass to a height of 1.7 metres above the upper floor level
- The provision of external screening to a height of 1.7 metres above the upper floor level
- Where side views are an overlooking problem, the use of side screens are required to a level of 1.7 metres above the upper floor level.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the *Council's City Plan 2030, Shaping our Future* are set out below:

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

Objective 2.4 Pleasant, well designed and sustainable neighbourhoods.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Other property owners within the Willow Bend Estate may have expectations that development will only be undertaken in accordance with Owner's Obligations Section of the LMA.

However, the LMA is now 26 years old and has been superseded by the current development application assessment framework.

That the LMA includes a waiver clause indicates that it is recognised that over time there may be good reason (such as in this cased updated legislation) to depart from the Owner's Obligations.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

There is a possible reputational risk if Council does not agree to the recommendation to waive Sections 2.3 and 2.4 of the LMA. That is, that the Council continues to require the Owner's Obligations of the LMA are met, which are now superseded by the current development application assessment framework.

However, the risk is considered likely to be of an insignificant level as identified in the Council's Risk Management Framework.

CONSULTATION

- **Elected Members**
  Not Applicable.

- **Community**
  Not Applicable.

- **Staff**
  General Manager, Urban Planning & Environment
- Manager, Development & Regulatory Services.

- **Other Agencies**
  Not Applicable.

DISCUSSION

From a Development Application assessment perspective, the Code now supersedes the design matters in the LMA.

With respect to Section 2.3 of the LMA, the Code includes a Noise and Air Emissions Overlay. The desired outcome of this Overlay is to ensure community health and amenity is protected from adverse impacts of noise and air emissions. Performance Outcome 1.1 of this Overlay, specifically requires for sensitive receivers adjoining high noise (and/or air pollution) sources to be designed and sited to shield sensitive receivers from the emission source using design measures such as siting living rooms and bedrooms away from the emission source and including design elements such as noise attenuation barriers.

Within the City of Norwood Payneham & St Peters, this Overlay is only applicable to sections of some arterial roadways that are within Urban Corridor Zones. That being portions of Hackney Road, Dequetteville Terrace, Fullarton Road and The Parade. No portion of Lower Portrush Road is located within the Overlay.

As this does not include the Willow Bend Estate within the Noise and Air Emissions Overlay, signals that traffic from the adjoining Lower Portrush Road is not considered to be an unreasonably high noise source. More specifically, in this instance, the proposed dwelling addition includes an upper-level retreat and bathroom. The bathroom is not considered to be a sensitive noise receiver and the retreat only has two narrow windows with widths of 500mm facing towards Lower Portrush Road, which will minimise noise intrusion into the retreat room. As such, Section 2.3 is considered by Planning Staff to now be an unduly onerous Owner's Obligation to fulfill.

With respect to Section 2.4 of the LMA, the Development Application proposes reduced setbacks and varied privacy treatment to the upper-level windows relative to the Urban Design Guidelines document.

However, the Development Application exceeds the rear and eastern side boundary setbacks anticipated in the Code. Further, the Code anticipates in the location that a dwelling can include a wall on one (1) side boundary.

The proposed garage is technically forward of the main facade of the existing dwelling, which is not desired by the Code. However, due to the irregular arrangement and layout of the site, the proposed garage siting is accepted by Planning Staff.

Regarding privacy, the rear facing upper floor windows are obscure glazed to 1.5m above floor level. This meets the Code expectation to mitigate direct overlooking.

It is necessary to ascertain the Council's position with respect to the requested waiver of Sections 2.3 and 2.4 of the LMA as this will inform the remainder of the assessment of the Development Application for the two-storey dwelling addition and swimming pool.

OPTIONS

The Council can resolve to authorise the Chief Executive Officer to execute on behalf of the Council, a waiver to Sections 2.3 and or 2.4, pursuant to Section 4.4 of the LMA, so that in the event that Development Application Number 25001745 is granted Development Approval, the LMA can be subsequently waived, and construction of the two-storey dwelling addition and swimming pool can occur.

Alternatively, Council could determine not to waive Sections 2.3 and or 2.4 of the LMA, nor authorise the Chief Executive Officer to the same.

In this instance, it is recommended that the Council authorises the Chief Executive Officer, the ability to execute a waiver of the LMA.

CONCLUSION

The Council's Planning Staff are undertaking a planning assessment of Development Application Number 25001745 in order to determine its merits (or otherwise) for the construction of a two-storey dwelling addition and swimming pool. If it is determined that the Development Application is sufficiently consistent with the Planning & Design Code and approval is given, there will be a separate need for a waiver to be issued to Sections 2.3 and 2.4 of the LMA.

Conversely, if it is determined that the Development Application 25001745 is refused, then a waiver to the LMA is not required.

In this context, it is recommended that the Council authorises the Chief Executive Officer to execute on behalf of the Council, a waiver to Sections 2.3 and 2.4 of the LMA to allow the construction of a two-storey dwelling addition at 7 Willow Bend, Marden.

COMMENTS

Nil

RECOMMENDATION

That in respect to the proposed two-storey dwelling addition and swimming pool at 7 Willow Bend, Marden as shown in the plans contained in **Attachment B** of this report, the Council hereby authorises the Chief Executive Officer to execute on behalf of the Council, a waiver to Sections 2.3 and 2.4, pursuant to Section 4.4 of the Land Management Agreement between McLaren Vale Properties Pty Ltd and the City of Norwood Payneham & St Peters.

Attachments – Item 13.10

Attachment A

Variation to Land Management Agreement
Willow Bend Estate
7 Willow Bend, Marden

LAND MANAGEMENT AGREEMENT

BETWEEN:

McLAREN VALE PROPERTIES PTY LTD
(the "Owner")

AND:

CITY OF NORWOOD, PAYNEHAM & ST PETERS
(the "Council")

Richard Phillips
Solicitor and Barrister

Ground Floor
Roper Street Chambers
21 Roper Street
Adelaide, SA 5000
Email: richardp@senet.com.au
Telephone: (08) 8232 0855 ❖ Facsimile: (08) 8232 3003

COMMISSIONER OF STATE TAXATION

THIS DEED IS MADE THE 8th DAY OF March 2001

S.A. STAMP DUTY PAID $10.00
ASSESSED DULY STAMPED
ORIGINAL WITH 5 copies
07/03/2001 08:34:14 00616934.1

BETWEEN: **McLAREN VALE PROPERTIES PTY LTD** ACN 008 091 656 of 503 Lower North East Road, Campbelltown SA 5074
(hereinafter with their successors and assigns collectively called the "Owner") of the one part

AND: **CITY OF NORWOOD, PAYNEHAM & ST PETERS** of 175 The Parade, Norwood SA 5067
(hereinafter with its successors and assigns called the "Council") of the other part

WHEREAS:-

A. The Owner is the registered proprietor of an estate in fee simple in the whole of the land described as:
   a) Allotment 151 in Deposited Plan 53101 in the area named Marden, Hundred of Adelaide being the whole of the Land comprised in Certificate of Title Register Book Volume 5717 Folio 210; and
   b) Allotment 152 in Deposited Plan 53101 in the area named Marden, Hundred of Adelaide being the whole of the Land comprised in Certificate of Title Register Book Volume 5717 Folio 211.

NO ✓

B. Lots 151 and 152 are hereinafter collectively called the "Land" for the purposes of this Deed and the proposed development.

C. By a Development Application numbered 155/0054/99 (hereinafter called the "Development Application") the Owner applied to the Council for approval to undertake a land division to create fifty one (51) allotments on the Land (the "proposed development"). A copy of the Plan of Division is attached in the First Schedule.

D. There are a number of existing mature trees on the Land (which has an overall area of approximately 3.12 hectares) and both the Owner and the Council want to protect those trees from being cut down or removed.

E. The Owner and the Council have agreed that a Land Management Agreement:

   a) which requires existing and future owners of the Land to maintain and care for the trees, (including trees on those allotments which will become Council reserves following approval of the proposed development), is the most effective protection for the Trees; and
   b) which includes obligations relating to noise protection and building design guidelines will assist in the creation and maintenance of a good quality property development for the public benefit.

F. Pursuant to the provisions of section 57(2) of the Development Act, 1993 (hereinafter called the "Act") the Owner has agreed with the Council to enter into this Deed relating to the development, future management, preservation and conservation of the Land subject to the terms and conditions that follows.

NOW THIS DEED WITNESSES as follows:

1. Interpretation

1.1 The parties acknowledge that the matters set out in clauses A to F inclusive are true and accurate and agree that they will form part of the terms of this Deed.

1.2 In the interpretation of this Deed unless the context will otherwise require to admit:

1.2.1 words and phrases used in this Deed which are defined in the Act, will unless otherwise defined by the provisions of this Deed, have the meanings ascribed to the by the Act;

1.2.2 references to a statute or subordinate legislation or to the Development Plan made pursuant to the Act, will include all statutes, subordinate legislation and Development plans amending, consolidating or replacing the statute or subordinate legislation or Development Plan referred to;

1.2.3 the term "clear" in relation to Trees, means cutting down, killing or destruction, removal, burning or poisoning, severing of branches, limbs, stems, roots or trunks (other than when required for the purposes of safety or for the health of the relevant tree) or other substantial damage to the Tree and the term "cleared" has a corresponding meaning;

1.2.4 the term the "Owner", where the Owner is a company includes its successors, assigns and transferees and where the Owner is a person, includes his or her heirs, executors, administrators and transferees and where the owner consists of more than one person or company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs executors, administrators and transferees of the companies or persons being registered as the proprietor of an estate in fee simple in the Land subject however to such encumbrances, liens and interests as are registered and notified by memoranda endorsed on the Title thereof;

1.2.5 the term "person" will include a corporate body;

1.2.6 the term the "Land" will include any part or part of the Land;

1.2.7 the term "Plan of Division" means the Plan of Division attached in the First Schedule;

1.2.8 the term "Tree" or "Trees" means or refers to the trees (or any of them) specified in the Tree Retention Plan;

1.2.9 the term "Tree Retention Plan" means the Tree Retention Plan attached in the Second Schedule;

1.2.10 the term "Tree Management Plan" means the Tree Management Plan attached in the Third Schedule;

1.2.11 the term "Urban Design Guidelines" means the Urban Design Guidelines attached in the Fourth Schedule;

1.2.12 the term "Building Envelope Plan" means the Building Envelope Plan that is an appendice to the Fourth Schedule;

1.2.13 the term "Car Parking Plan" means the Car Parking Plan that is an appendice to the Fourth Schedule;

1.2.14 references to Schedules mean Schedules to this Deed;

1.2.15 words importing the singular number or plural number will be deemed to include the plural number and the singular number respectively;

1.2.16 words importing any gender will include all genders; and

1.2.17 any clause, headings or marginal notes are for reference purposes only and will not be resorted to in the interpretation of this Deed.

1.3 If any provision of this Deed is found by a Court of competent jurisdiction to be invalid or unenforceable in law then in such case the parties hereby request and direct such Court to sever such provision from this Deed.

1.4 The law governing the interpretation and implementation of the provisions of this Deed will be the law of South Australia.

1.5 The parties expressly declare and agree that where an inconsistency exists between the provisions of this Deed and the provisions of the Development Plan, the provisions of this Deed prevail.

2. <u>The Owner's Obligations</u>

2.1 <u>Trees</u>

2.1.1 The Owner will ensure that the Trees identified on the Tree Retention Plan are:-

2.1.1.1 retained and not cleared;

2.1.1.2 maintained and cared for in a manner which will best ensure the Trees' ongoing good health and vitality

2.1.2 The Owner will ensure that the Tree Management Plan is adhered to.

2.2 <u>Noise Protection</u>

The Owner will ensure that Allotments 8 to 30 inclusive as depicted in the Plan of Division will be given noise protection by the erection and maintenance of a suitably designed masonry wall or fence at least 2 metres

high along the rear boundary (facing Lower Portrush Road) to the reasonable satisfaction of the Council, and in respect of Allotments 16 and 17 as depicted in the Plan of Division, also along the first 10 metres of the side boundary abutting the reserve.

2.3 Two Storey Buildings

2.3.1 The Owner will ensure that any two storey building erected on Allotments 8 to 30 inclusive as depicted in the Plan of Division, will be built with specifications aimed at reducing noise inside the building, particularly in the design and construction of walls and windows and the provision of insulation.

2.3.2 The Owner will before any such two storey building is occupied, obtain a certificate from a suitably qualified acoustic engineer to the effect that the building complies with the following published standard:

"AS2107 – Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors"

2.4 Building and Design Guidelines

The Owner will in the design, erection and maintenance of any building or other improvement on any allotment or other portion of the Land, observe and comply with:

2.4.1 the Urban Design Guidelines;

2.4.2 the Building Envelope Plan; and

2.4.3 the Car Parking Plan.

3. Operation of this Deed

The parties expressly declare and agree that the provisions of this Deed will not be binding or impose any obligation upon them unless and until the following events have occurred:-

3.1 the Registrar-General has deposited the Plan of Division in the Land Titles Registration Office pursuant to the provisions of the Real Property Act, 1886.

4. Miscellaneous Provisions

4.1 The Council and any employee or agent of the Council may at any reasonable time enter the Land for the purposes of exercising any powers of the Council under this Deed pursuant to law.

4.2 If the Owner is in breach of any provision of this Deed, the Council may, by notice in writing served on the Owner, specify the nature of the breach and require the Owner to remedy the breach within such time as may be

nominated by the Council in the notice (being not less than twenty-eight (28) days from the date of the service of this notice) and if the Owner fails to so remedy the breach, the Council or its servants or agents may carry out the requirements of the notice and in doing so may enter and perform any necessary works upon the Land and recover any costs thereby incurred from the Owner.

4.3 This Deed may not be varied except by a Supplementary Deed signed by the Council and the Owner

4.4 The Council may waive compliance by the Owner with the whole or any part of the obligations on the part of the Owner herein contained provided that no such waiver will be effective unless expressed in writing and signed by the Council.

4.5 This Deed contains the whole agreement between the parties in respect of the matters referred to herein.

4.6 Notice for the purpose of this Deed will be deemed to be served on the Council if it is in writing and signed for or on behalf of the Owner and either delivered by hand or sent by post to the Council to the last known address of the Council. Such notice will be deemed to have been given at the time of such delivery or upon the date five (5) days after such posting.

4.7 Notice for the purposes of this Deed will be deemed to be served on the Owner if it is in writing and signed or on behalf of the Council and either delivered by hand or sent by post to the Owner to the last known address of the Owner. Such notice will be deemed to have been given at the time of such delivery or upon the date of five (5) days after such posting.

4.8 The Council may delegate any of its powers under this Deed to any person.

4.9 The requirements of this Deed are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land.

4.10 Each party will bear its own costs of and incidental to this Deed but the Owner will pay all stamp duty and registration fees applicable to it.

4.11 Each party will do and execute all such acts documents and things as will be necessary to ensure that this Deed is noted against the relevant

instrument of title and a memorial thereof entered on the Certificate of Title for the Land pursuant to the provisions of Section 57(5) of the Act.

IN WITNESS WHEREOF the parties have executed this Deed.

THE COMMON SEAL of)
McLAREN VALE PROPERTIES PTY LTD)
was hereunto affixed in accordance with its)
Articles of Association and in the presence)
of:)

COMMON SEAL
McLAREN VALE PROPERTIES PTY. LTD.
A.C.N. 008 091 656

.....
Director

.....
Director/Secretary

THE COMMON SEAL OF **CITY OF NORWOOD, PAYNEHAM & ST PETERS**)
was hereunto affixed in the presence of:)

THE CORPORATION OF THE CITY OF NORWOOD, PAYNEHAM AND ST PETERS
COMMON SEAL
1997

.....
Mayor

.....
Chief Executive Officer

ST. GEORGE BANK LTD
A.C.N. 055 513 070 By its Attorney
ROBERT ALAN SPORTON
who certifies that he is the
Divisional Lending Manager
of the said bank and that he has no notice of any
revocation of the said Power of Attorney.

..... date
Power of Attorney No. 8459031

.....
Signatuure of Witness

Malcolm Russell Anderson
Full Name of Witness

145 The Parade Norwood 5067
Address

(08) 8364 4413
Telephone No.

CONSENTS

ST GEORGE BANK LTD ACN 055 513 070 being a person with a legal interest in the Land by virtue of Memorandum of Mortgage No 8776518 registered over Lot 152 (comprised in Certificate of Title Register Book Volume 5717 Folio 211) **hereby consents** to the Owner entering into this Deed.

Refer Page 6

CITY OF NORWOOD, PAYNEHAM & ST PETERS being a person with a legal interest in the Land by virtue of holding an EASEMENT OVER THE LAND MARKED A in Certificate of Title Register Book Volume 5717 Folio 211 **hereby consents** to the Owner entering into this Deed.

DISTRIBUTION LESSOR CORPORATION of 1 Anzac Highway Keswick SA 5035 being a person with a legal interest in the Land by virtue of holding an EASEMENT OVER THE LAND MARKED B, C, D AND F in Certificate of Title Register Book Volume 5717 Folio 211 **hereby consents** to the Owner entering into this Deed.

Refer Annexure "A"

SOUTH AUSTRALIAN WATER CORPORATION being a person with a legal interest in the Land by virtue of holding an EASEMENT OVER THE LAND MARKED E and an EASEMENT AND AN EASEMENT AND RIGHT OF WAY OVER THE LAND MARKED F in Certificate of Title Volume 5717 Folio 211 hereby consents to the Owner entering into this Deed.

Vide Annexure "B"

THE OWNER HEREBY CERTIFIES pursuant to section 57(4) of the Act that no other person has a legal interest in the Land.

THE COMMON SEAL of)
McLAREN VALE PROPERTIES PTY LTD)
was hereunto affixed in the presence of:)

COMMON SEAL
McLAREN VALE
PROPERTIES
PTY. LTD.
A.C.N. 008 091 656

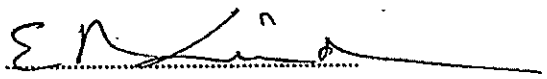
.....
Director

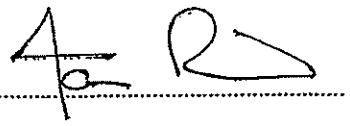
.....
Director/Secretary

ANNEXURE "A"

DISTRIBUTION LESSOR CORPORATION of 1 Anzac Highway Keswick SA 5035 and **CKI UTILITIES DEVELOPMENT LTD ABN 65 090 718 880 HEI UTILITIES DEVELOPMENT LTD ABN 82 090 718 951 CKI UTILITIES HOLDINGS LTD ABN 54 091 142 380 HEI UTILITIES HOLDINGS LTD ABN 50 091 142 362 and CKI/HEI UTILITIES DISTRIBUTION LTD ABN 19 091 143 038** each incorporated in Malaysia all of 1 Anzac Highway Keswick SA 5035 ("ETSA Lessees") as the lessees pursuant to Lease no. 8890000 **CONSENT** to the Deed

SIGNED in my presence by)
DISTRIBUTION LESSOR CORPORATION)
by its attorneys pursuant to Power of Attorney No.)
8895055 AND by the Attorneys of each of the)
ETSA Lessees)
CKI UTILITIES DEVELOPMENT LIMITED)
ABN 65 090 718 880 Pursuant to)
Power of Attorney No. 8857195)
HEI UTILITIES DEVELOPMENT LIMITED)
ABN 82 090 718 951 Pursuant to)
Power of Attorney No. 8857196)
CKI UTILITIES HOLDINGS LIMITED)
ABN 54 091 142 380 Pursuant to)
Power of Attorney No. 8857197)
HEI UTILITIES HOLDINGS LIMITED)
ABN 50 091 142 362 Pursuant to)
Power of Attorney No. 8857198)
CKI/HEI UTILITIES DISTRIBUTION)
LIMITED ABN 19 091 143 038)
Pursuant to Power of Attorney No. 8857199)
)
ERIC RODNEY LINDNER)
who certifies that he is the)
COMPANY SECRETARY of)
Utilities Management Pty Ltd ABN 25 090 664 878)
and)
IAN MITCHELL READ)
who certifies that he is the)
Acting MANAGER PROPERTY SERVICES of)
Utilities Management Pty Ltd ABN 25 090 664 878)
both of 1 Anzac Highway Keswick SA 5035)
who are personally known to me)





Signature of Witness: .....

Angela Jayne Clark
1 Anzac Highway Keswick 5035
ph: 8404 5897

ANNEXURE " B "

SIGNED for and on behalf of the South Australian Water Corporation by a person duly authorised by an Instrument of Authority dated 5 July 1996

.....

Manager Property the person duly authorised by the above Instrument in the presence of:

.....

Witness

.....JEFFREY WILLIAM HART.....

Print Name of Witness

.....SENIOR PROPERTY CONSULTANT.....

Print Title/Position

Address: C/- South Australian Water Corporation
GPO Box 1751, Adelaide SA 5001

Telephone No: .....8204 1673.....

THE FIRST SCHEDULE

Plan of Division is attached

THE SECOND SCHEDULE

Tree Retention Plan is attached

A15

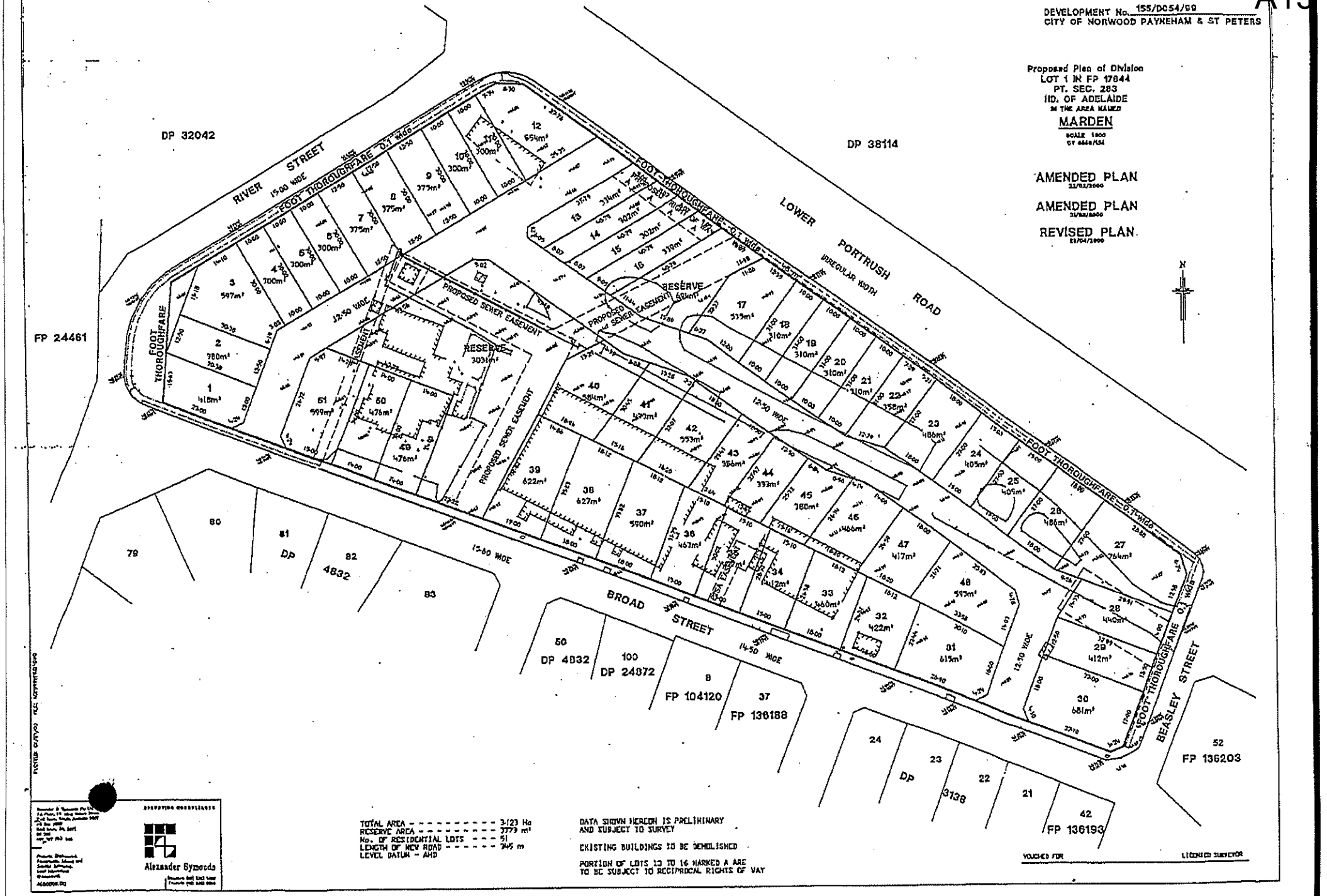
DEVELOPMENT No. 155/D054/99
CITY OF NORWOOD PAYNEHAM & ST PETERS

Proposed Plan of Division
LOT 1 IN FP 17844
PT. SEC. 283
HD. OF ADELAIDE
IN THE AREA NAMED
MARDEN
SCALE 1:500
CT 6446/434

AMENDED PLAN
22/02/2000

AMENDED PLAN
31/03/2000

REVISED PLAN
23/04/2000



Alexander Symonds

TOTAL AREA - - - - - - - - - - - 3.123 Ha
RESERVE AREA - - - - - - - - - - 3779 m²
No. OF RESIDENTIAL LOTS - - - - 51
LENGTH OF NEW ROAD - - - - - - - 345 m
LEVEL DATUM - AHD

DATA SHOWN HEREON IS PRELIMINARY AND SUBJECT TO SURVEY

EXISTING BUILDINGS TO BE DEMOLISHED

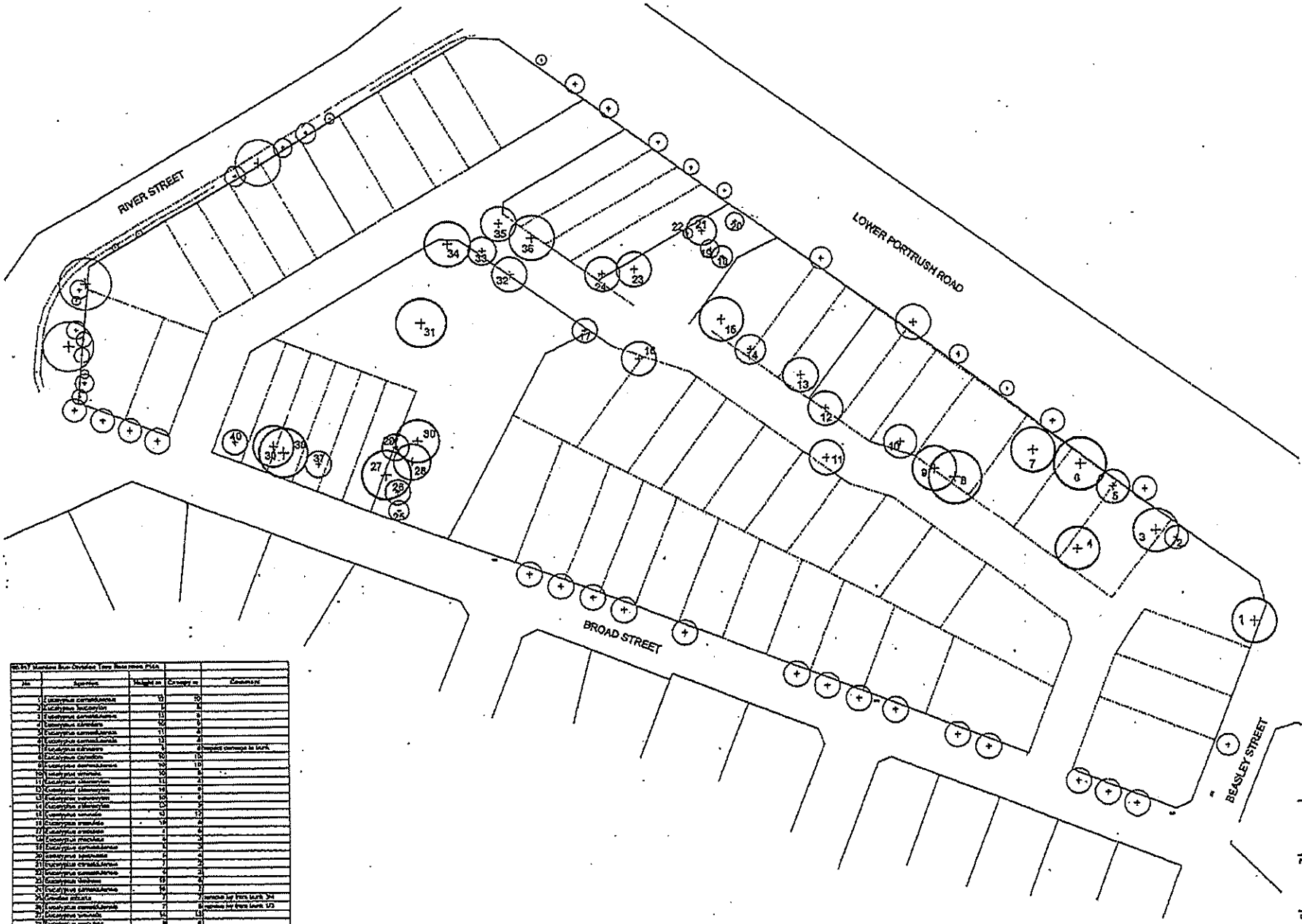
PORTION OF LOTS 13 TO 16 MARKED A ARE TO BE SUBJECT TO RECIPROCAL RIGHTS OF WAY

VOUCHED FOR

LICENSED SURVEYOR

THE THIRD SCHEDULE

Tree Management Plan is attached



No.	Species	Height m	Canopy m	Comments
1	Eucalyptus camaldulensis	18	20	
2	Eucalyptus leucoxylon	12	8	
3	Eucalyptus camaldulensis	12	8	
4	Eucalyptus camaldulensis	12	8	
5	Eucalyptus camaldulensis	11	8	
6	Eucalyptus camaldulensis	11	8	
7	Eucalyptus camaldulensis	11	8	
8	Eucalyptus camaldulensis	8	8	major damage to trunk
9	Eucalyptus camaldulensis	10	10	
10	Eucalyptus camaldulensis	12	10	
11	Eucalyptus camaldulensis	12	8	
12	Eucalyptus camaldulensis	12	8	
13	Eucalyptus camaldulensis	14	8	
14	Eucalyptus camaldulensis	10	8	
15	Eucalyptus camaldulensis	12	8	
16	Eucalyptus camaldulensis	12	8	
17	Eucalyptus camaldulensis	12	8	
18	Eucalyptus camaldulensis	12	8	
19	Eucalyptus camaldulensis	12	8	
20	Eucalyptus camaldulensis	12	8	
21	Eucalyptus camaldulensis	12	8	
22	Eucalyptus camaldulensis	12	8	
23	Eucalyptus camaldulensis	12	8	
24	Eucalyptus camaldulensis	12	8	
25	Corymbia ficifolia	10	8	
26	Eucalyptus camaldulensis	12	8	
27	Eucalyptus camaldulensis	12	8	
28	Eucalyptus camaldulensis	8	8	
29	Eucalyptus camaldulensis	8	8	
30	Casuarina cunninghamiana	12	8	
31	Eucalyptus leucoxylon	10	8	
32	Eucalyptus camaldulensis	12	8	trunk damage
33	Eucalyptus camaldulensis	8	8	
34	Eucalyptus camaldulensis	8	8	
35	Eucalyptus camaldulensis	8	8	
36	Eucalyptus camaldulensis	8	8	
37	Eucalyptus camaldulensis	8	8	
38	Eucalyptus camaldulensis	8	8	
39	Eucalyptus camaldulensis	8	8	
40	Eucalyptus camaldulensis	8	8	
41	Eucalyptus camaldulensis	8	8	
42	Eucalyptus camaldulensis	8	8	
43	Eucalyptus camaldulensis	8	8	

James Hayter + Associates
Landscape Architecture
Urban Design

PROJECT
Land SA: Sub-Division
MARDEN

DRAWING TITLE
TREE RETENTION PLAN

DATE 27.07.09 NOTES
SCALE 1:500
DRAWN JW CHECKED JH
DRAWING NO. 00.017/03

TREE MANAGEMENT PLAN

INTRODUCTION:

The character of an area is often defined by the quality of the buildings and surrounding vegetation. In the Marden subdivision there are a significant number of trees being retained because of the contribution they make to the habitat and amenity of the area. They provide shade and shelter for the community, habitats for birds and animals and improve views throughout the area. The development of new buildings and gardens can have very adverse effects on the health of these established trees unless due care and consideration is taken during construction.

SITE:

The Land SA subdivision at Marden is located on the western side of Lower Portrush Road with its other boundaries being River Street, Broad Street and Beasley Street. Throughout the site there are a variety of trees that are to be retained for use on private and public land in residential allotments, open space areas and as street trees.

TREES:

There are forty existing trees that will be retained as part of a tree retention plan for the Marden sub-division. They vary in height and canopy size from smaller developing trees to established trees above ten metres. They include the following species:

- Eucalyptus camaldulensis
- Eucalyptus citriodora
- Eucalyptus leucoxylon
- Eucalyptus maculata
- Eucalyptus sideroxylon
- Eucalyptus spathulata
- Eucalyptus viminalis
- Grevillea robusta
- Lophostemon confertus

CARE DURING CONSTRUCTION:

Every effort will be made by the 'purchaser' to maintain the health and vigour of existing trees being retained as part of the Marden sub-division. During the construction of houses, driveways and other outdoor structures such as garages or sheds it is important to observe the following guidelines to protect the trees from damage:

- Ensure vehicular access is kept away from the drip zone of trees to avoid any excess compaction of soil and damage which could dramatically affect the function of the trees root system.

- Maintain a minimum distance of four metres around the base of trees during construction where possible. Individual situations should be assessed on their own merit by a Council representative with no tree having building works closer than two metres to the base of the tree.
- Erect protective bunting around trees to the distances indicated above, to ensure protection at all times from vehicular damage and other incidental damage.
- Ensure that no building spoil including rubbish, soil or unused materials are stored beneath the dripzone of trees.
- Protect tree roots within the dripzone by ensuring that no roots with a diameter of fifty millimetres or more are severed. Roots within the dripzone should not be left uncovered or allowed to dry out.

PRUNING TREES:

The 'purchaser' may wish to prune a tree for safety or aesthetic reasons, or to allow a building to be constructed. If they wish to do so they must inform the Council in writing and proceed only after written permission has been granted.

- Ensure all pruning and lopping is carried out by a recognised arborist and correct procedures are followed, maintaining good form and avoiding the chance of disease.
- Locate scaffolding used during building construction in positions that minimise the need for pruning.

PROTECTION OF SIGNIFICANT TREES:

The Development Act 1993 and the Native Vegetation Act are controls that provide protection for significant trees. Information about these controls is available at the Council offices and cover many of the trees being retained within the Marden subdivision. It is necessary to consult these documents before considering any development that might adversely affect the health of these trees, or if contemplating their removal.

APPENDIX 1
GUIDELINES FOR TREES

Tree Canopy

Contractors should not perform any work on the canopy of a client's tree without an instruction to do so. Such instructions should not be given without appropriate specialist advice that such action is either warranted or advisable.

Tree Trunk

If machinery is kept away from trees, bark damage is unlikely to occur. Damage is important to avoid as it permits pathogen entry, shortened life expectancy of trees, decay and the development of cavities. Bark damage is also unsightly and large wounds may not heal. Small wounds may heal naturally or from a *bark-graft*, however a specialist arborist may be needed to carry out this kind of repair.

Contractor Responsibility

Workers, building materials, site offices and compounds do not belong within a tree's zone of influence and should not be placed there.

When scheduled for retention, a tree should not be pruned or interfered with in any way if it is only for the contractor's convenience. The contractor should allow in their tender for the untouched survival of the tree.

Where one or two limbs of a retained tree interfere with the eaves of a building or where scaffolding or other building materials are unavoidably required, there may be a need for pruning. Any pruning must first be agreed with the client.

If agreed, the situation should be referred to a qualified arborist or equivalent professional for advice on how to provide access with the minimum disturbance to the tree. Offending limbs can be temporarily tied back or minor surgery may be satisfactory.

APPENDIX 1
GUIDELINES FOR TREES

These guidelines have been set out to highlight some of the means by which trees can be damaged, followed by ways to prevent that damage from occurring. In the case of trees, prevention is always better than cure.

Trees survive best when subjected to the least amount of damage. After damage has been inflicted on a tree, it may be too late to apply a cure.

DAMAGE TO TREES:

Tree Roots

The severing or scarring of a tree's roots will significantly shorten its life. It may take 3-4 years to be noticed, and up to 10 years before tree death occurs. Root damage poses two significant problems:

- Major root severance threatens the stability of the tree as roots are structural components that anchor the tree in the ground.
- Lesser roots supply moisture and nutrients acting as a food supply line.

The removal or damage to either of these root systems may cause the tree to shed limbs, suffer dieback in the crown or experience leaf shrinkage and thinning canopy. It may lead to the tree becoming unsafe and eventually dying.

Roots need air and water to survive and soil compaction can deny the tree roots access to these two vital elements. It is therefore imperative that no activity should occur on a building site, which causes compaction, or trafficking within a tree's root zone.

If vehicular access is necessary in the vicinity of retained trees, it should be undertaken using vehicles with low axle loads or deflated tyres. Failing this, protective planking, plating or mulching should be considered. Contractors should care for retained trees under threat from ground level activity.

Trenching should not occur within the root zone. If it is not possible to avoid trenching, a risk to the tree will exist and should be pointed out to the client. To minimise this risk, trenching near structural roots should occur below them, not through them, taking great care with any tools or trenching machinery.

Where tree roots are exposed to air, for exploratory or trenching purposes, they should not be left exposed for more than two hours on hot days. While exposed, they should be wrapped in moist hessian. When backfilled, the backfill density should not exceed the density of the natural soil.

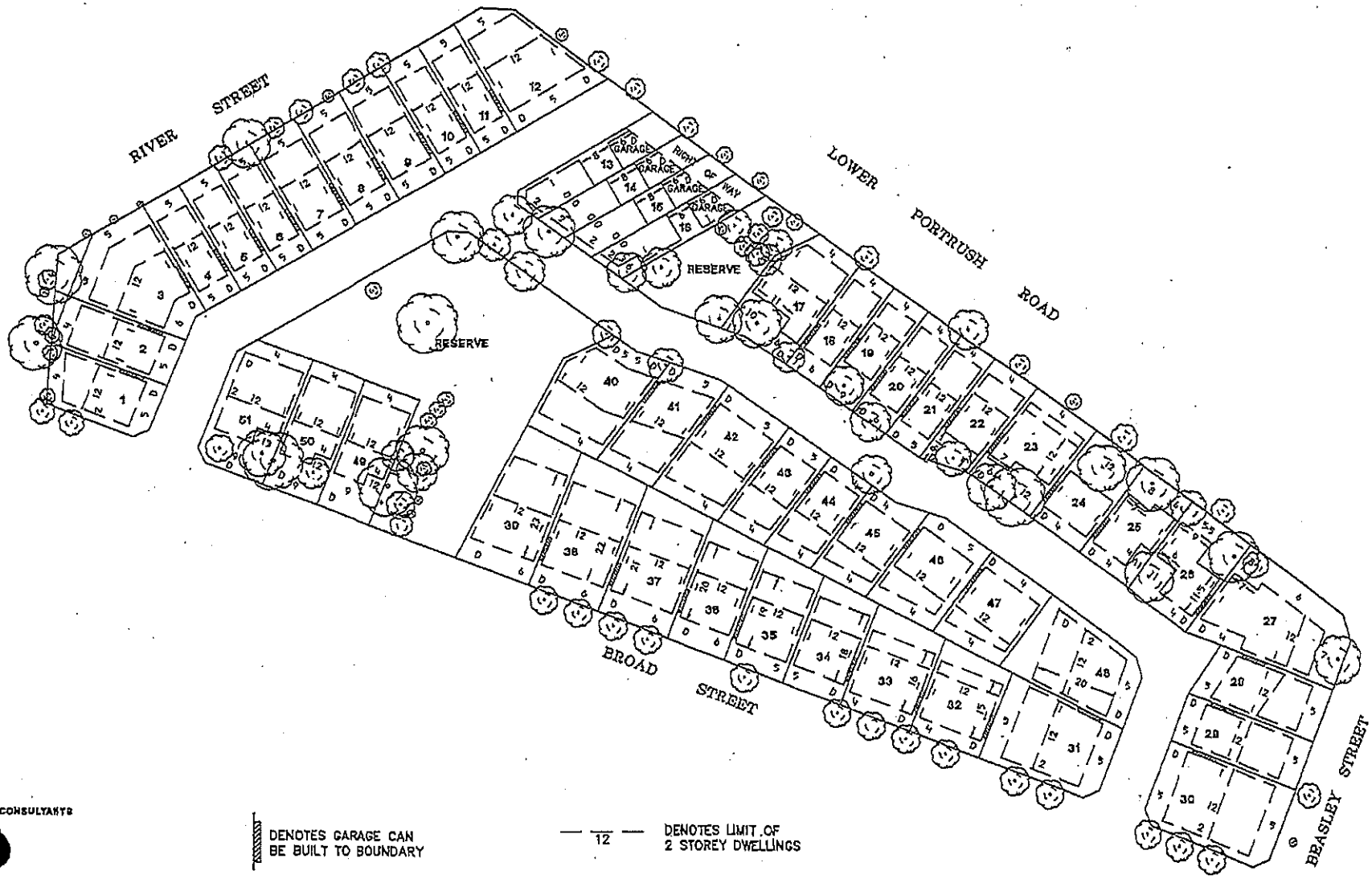
Trees should not be deprived of their normal water supply. If this is likely, the contractor should provide a supplementary source of water to keep the tree root-zone moist, at all necessary times, noting that irrigation, after rain, can do more harm than good.

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APPENDIX 1

BUILDING ENVELOPE PLAN

MARDEN
BUILDING ENVELOPE PLAN



SURVEYING CONSULTANTS

Alexander Symonds

Telephone (08) 8363 1800
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DENOTES GARAGE CAN BE BUILT TO BOUNDARY

12 DENOTES LIMIT OF 2 STOREY DWELLINGS

1, 2, 4 DENOTES BUILDING SETBACK FROM BOUNDARY

D DENOTES DRIVEWAY LOCATION

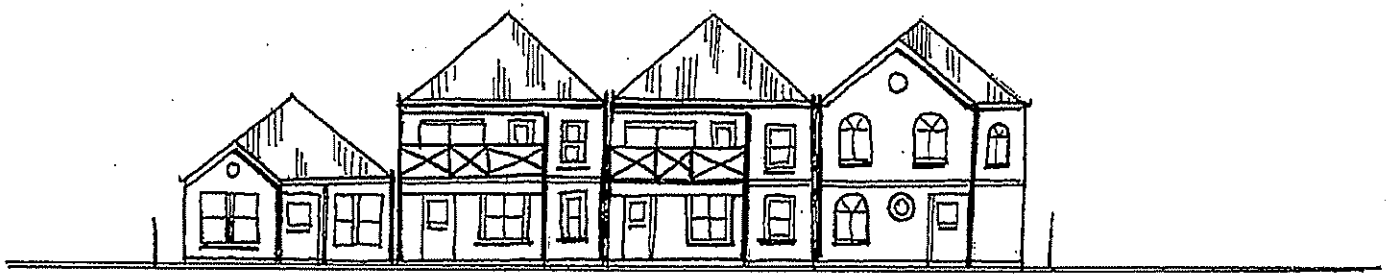
WHERE 2 D's ARE SHOWN ON AN ALLOTMENT ONLY ONE MAY BE USED

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APPENDIX 2

CONCEPT PLANS – LOTS 13-16

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Lot 13 Lot 14 Lot 15 Lot 16

Elevation – Lots 13-16

MARDEN

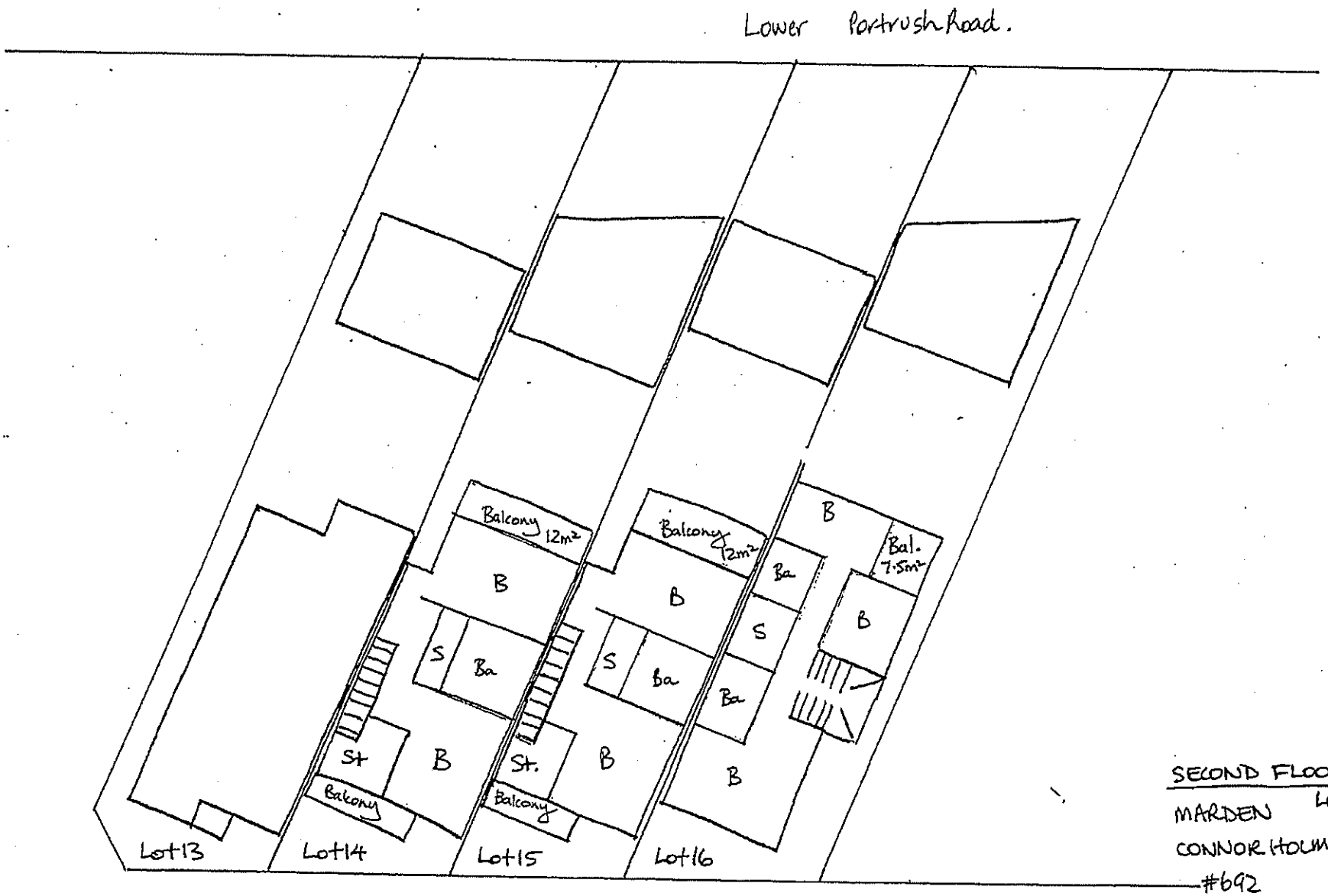
CONNOR HOLMES

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MARCH 2000

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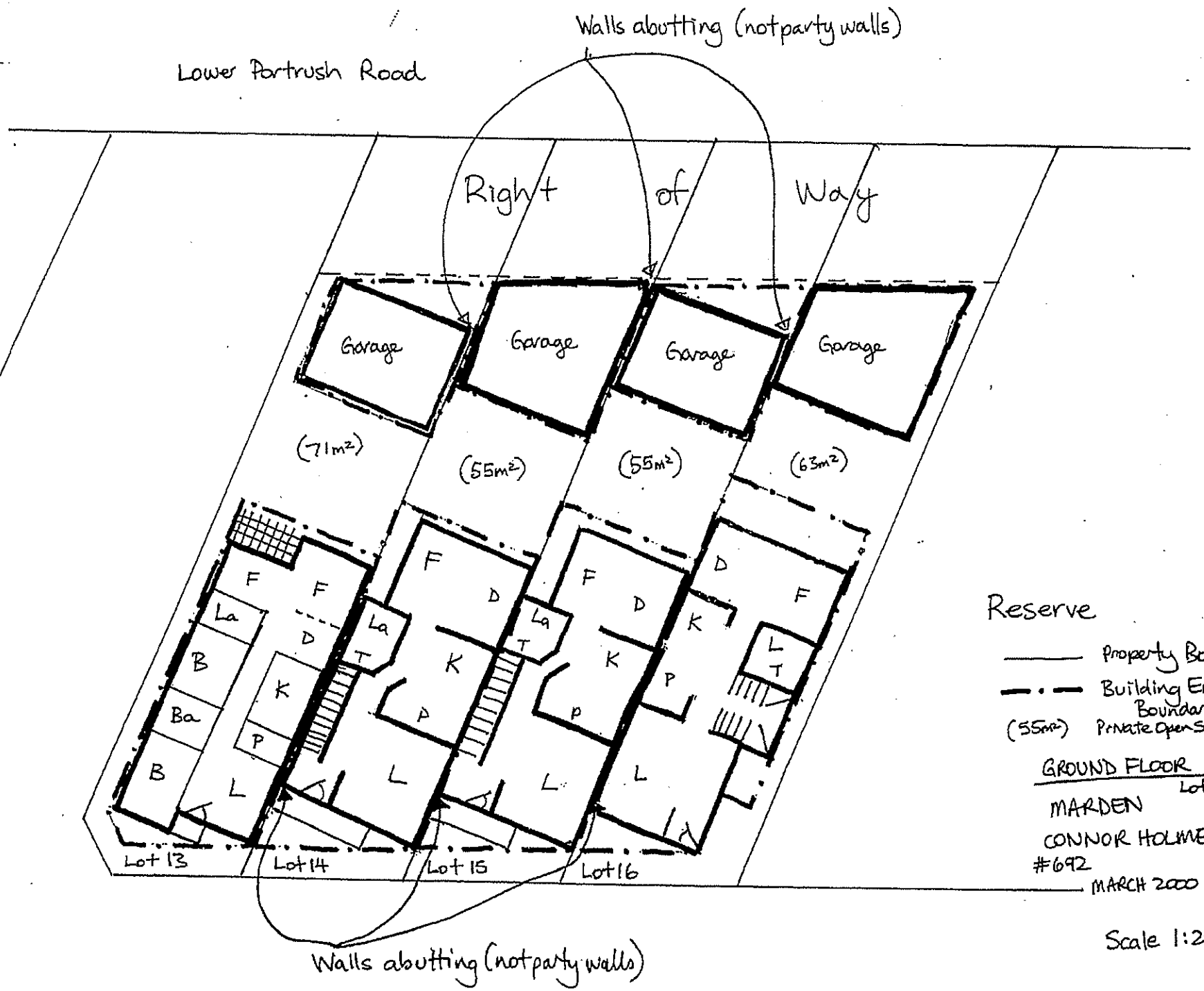
CONNOR HOLMES CONSULTING



SECOND FLOOR PLAN
Lots 13-16
MARDEN
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MARCH 2000

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Reserve

——— Property Boundary

—·— Building Envelope Boundary

(55m²) Private Open Space

GROUND FLOOR PLAN
Lots 13-16

MARDEN

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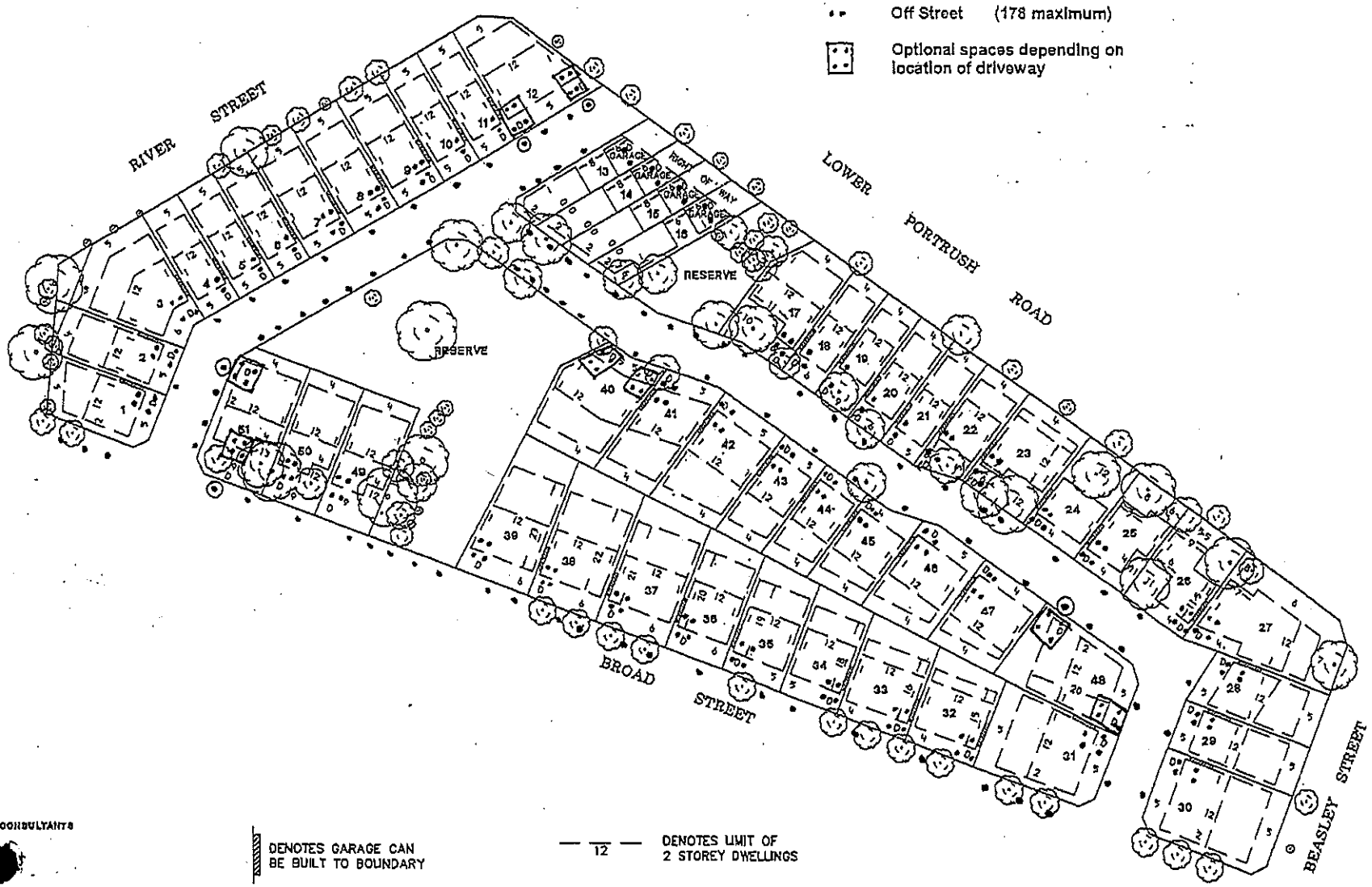
Scale 1:250

APPENDIX 3

CAR PARKING PLAN

CARPARKING PLAN

- • On Street (92 maximum)
- •• Off Street (178 maximum)
- Optional spaces depending on location of driveway



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DENOTES GARAGE CAN BE BUILT TO BOUNDARY

1, 2, 4 DENOTES BUILDING SETBACK FROM BOUNDARY

— 12 — DENOTES LIMIT OF 2 STOREY DWELLINGS

D DENOTES DRIVEWAY LOCATION

WHERE 2 D's ARE SHOWN ON AN ALLOTMENT ONLY ONE MAY BE USED

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THE FOURTH SCHEDULE

Urban Design Guidelines are attached

CONNOR HOLMES CONSULTING

MARDEN
(former SA Water Depot Site)

URBAN DESIGN GUIDELINES

Prepared on behalf of
LAND SA

7 February 2001

CONNOR HOLMES CONSULTING

CONTENTS

		Page No.
1.	INTRODUCTION	1
2.	PROCESS	2
3.	NUMBER AND ORIENTATION OF DWELLINGS AND SETBACKS	3
3.1	Number of Dwellings	3
3.2	Orientation	3
3.3	Setbacks	6
3.4	Site Coverage	8
4.	BUILDING HEIGHT	9
5.	NOISE	10
6.	VEHICLE PARKING	11
6.1	Number of Spaces	11
6.2	Size of Spaces	11
6.3	Recreational/Commercial Vehicles	11
6.4	Design of Garages and Carports	11
7.	PRIVATE OPEN SPACE	12
8.	PRIVACY	13
8.1	Explanation	13
8.2	Privacy Standards	13
9.	FENCING	15
10.	LANDSCAPING	16
11.	OTHER	17
11.1	Outbuilding Materials	17
11.2	Commencement	17
11.3	Allotments 13-16 and 52-57	17

APPENDIX 1 Building Envelope Plan
APPENDIX 2 Concept Plans – Lots 13-16, 52-57
APPENDIX 3 Car Parking Plan

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1. INTRODUCTION

The land division (155/D059/99) on the former SA Water Depot at Marden provides an opportunity to redevelop part of inner suburban Adelaide. The density of development reflects the site's proximity to the Central Business District (CBD). The project is being undertaken by Land SA.

In order to ensure the Marden development is attractive, of high quality and is environmentally responsible, these Urban Design Guidelines have been prepared. Given the range of allotment sizes and housing types that will be developed, it is considered necessary to ensure that new housing conforms to a set of guidelines and standards that will protect the rights of individual residents with regard to adjoining development and therefore their investment.

Most of the guidelines relate to design factors which need to be taken into account when designing the dwelling and its siting on the allotments.

It is expected that if residents develop their properties in line with this document, the character and quality of the development will be enhanced, as will residents' enjoyment of their homes.

2. PROCESS

When you purchase an allotment of land at the Marden site, a Land Management Agreement is attached to the title which requires that prior to any development on the allotment, approval must be sought and gained from the City of Norwood Payneham & St Peters.

All development at the Marden site must conform with the Urban Design Guidelines. This includes:

- new dwellings;
- outbuildings;
- garages and carports.

If applicants are unsure of whether or not their proposed dwelling meets the requirements of the Urban Design Guidelines, a sketch plan should be prepared and submitted to the Council for preliminary discussion prior to finalising plans and specifications.

In the assessment process the assessor may agree to approve proposed developments that do not strictly meet with the Urban Design Guidelines provided the non-conformities of the proposal are minor in nature and that the quality and character of the development is not detrimentally affected.

There are a number of critical issues for various allotments on the site. These include protection from noise emanating from Lower Portrush Road, retention of certain significant trees, siting of the various elements of the dwelling to ensure adequate private outdoor open space. Care should be taken to ensure that house designs are suitable for the particular orientation of the allotment. Factors to consider when matching your desired dwelling design and a potential allotment include:

- solar access to main family living areas and private garden areas;
- relationship between living spaces and private garden areas;
- position of driveways, garages and carports.

A development application pursuant to the Development Act (SA) 1993 also needs to be approved by the City of Norwood Payneham & St Peters.

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3. NUMBER AND ORIENTATION OF DWELLINGS AND SETBACKS

3.1 Number of Dwellings

Only one dwelling per allotment is permitted.

3.2 Orientation

Introduction

The layout of allotments on the site has been prepared with the orientation of houses in mind.

The orientation of your house on the allotment can increase the ability to heat, or cool the dwelling with minimum use of other forms of energy.

Sunlight provides both a source of energy and amenity, contributing to an important quality of life for Adelaide residents. Sunlight to private gardens makes a variety of activities more pleasant – entertaining, leisure past times, horticulture and various hobbies. In winter, a sunlit, protected garden can make a big difference to the enjoyment that a dwelling provides.

Adopting energy efficient practices therefore benefits two groups – the householders, through reduced operating costs and higher levels of natural comfort and light; and the community, through reduced environmental impact.

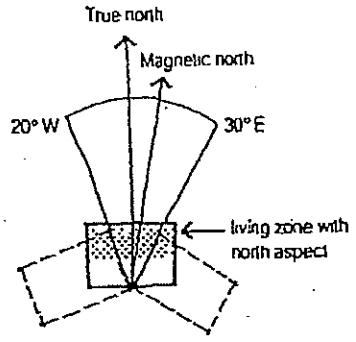
Orientation of Living Areas and Private Open Space

The required orientation of the living zones within houses is shown in Figure 1, that is, dwellings should have a north-facing (ie. between 30° east and 20° west) room capable of being used as a living area.

Orientation of private open space is also important in terms of enjoyment of private gardens and the ability to develop attractive gardens. The main part of the private open space should be capable of serving as an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play, and of being accessed from a main living area off the main dwelling. The prime area of open space should also be generally oriented in a northerly direction.

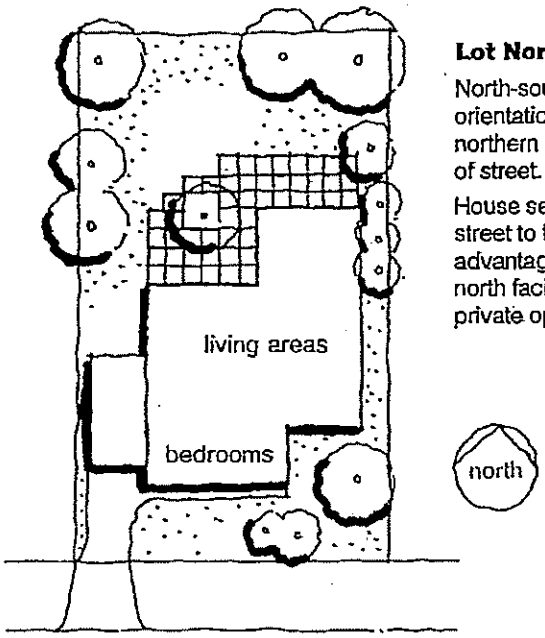
The degree to which living areas and areas of private open space can achieve the desired orientation depends on the orientation of its allotment relative to the road layout.

Figure 1



Figures 2.1-2.4 indicate the required general layout for dwellings and private gardens for different orientations, highlighting how best to achieve good solar access.

Figure 2.1



Lot North

North-south orientation, northern side of street.

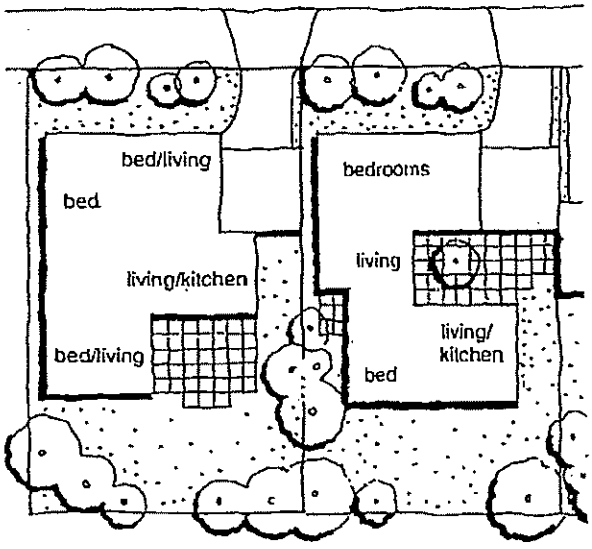
House set towards street to take full advantage of north facing private open space.

Figure 2.2

Lot South

North-south orientation, southern side of street.

Family, kitchen and/or living rooms oriented to rear private open space



Option:
House set close to street to allow sufficient space at rear for solar access semi-private front garden – no fence, or low-level fence. Courtyard allows winter sun to rear living areas.

Figure 2.3

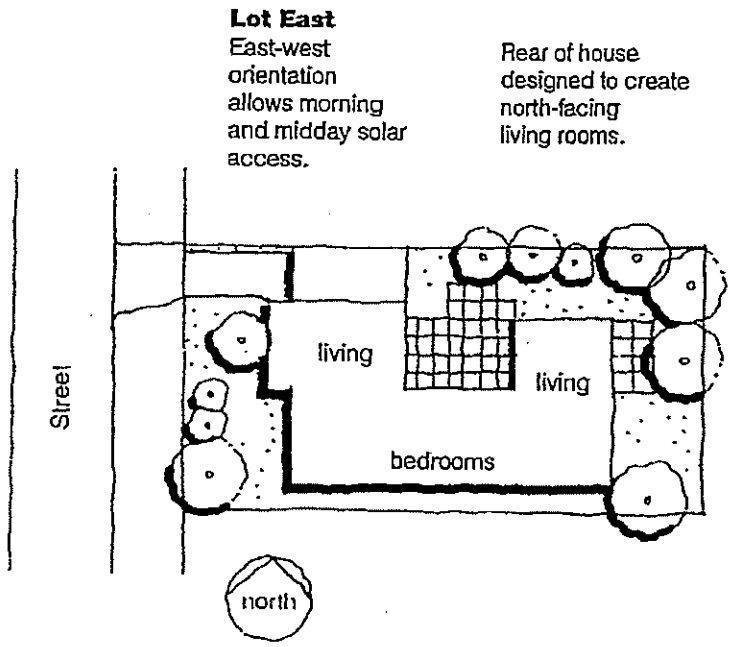
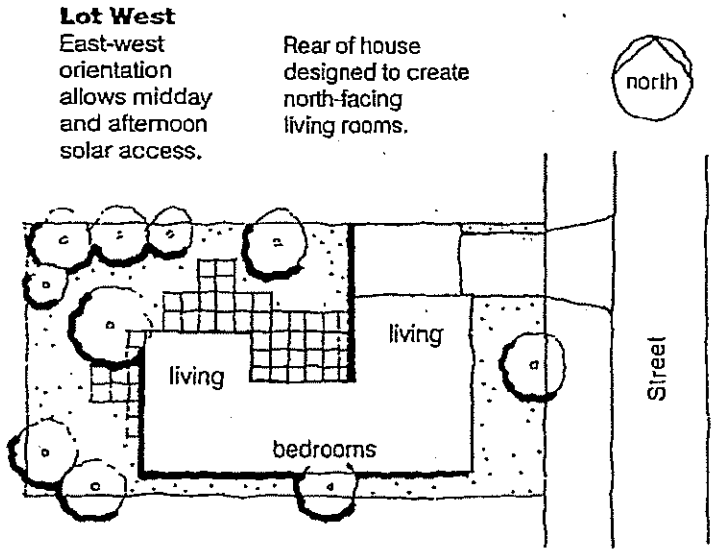


Figure 2.4



3.3 Setbacks

Minimum Setbacks are defined on the Building Envelope Plan (see Appendix 1). Whilst the Building Envelope Plan may indicate a large proportion of the site may have a building on it the requirements for Site Coverage and Private Open Space must also be complied with.

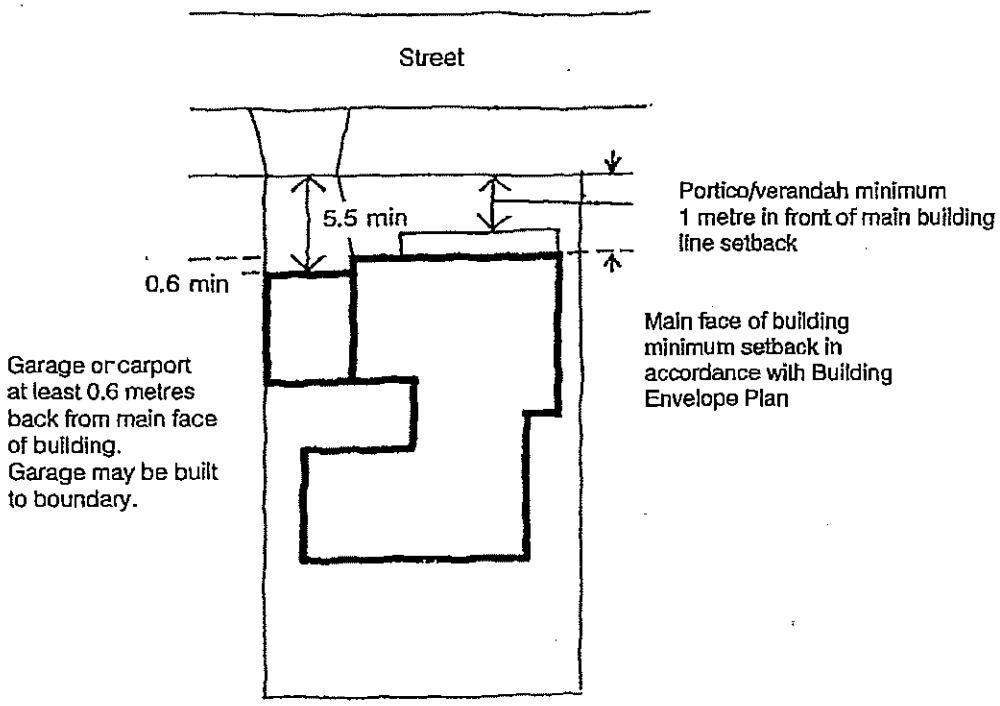
3.3.1 Front Boundary Setbacks

Front boundary setbacks should comply with the distance specified on the Building Envelope Plan.

As general design principles:

- Garages and carports should be setback at least 0.6 metres behind the main façade of the dwelling;
- Verandahs and porticos may be located 1 m closer to the front property boundary than is indicated on the Building Envelope Plan.

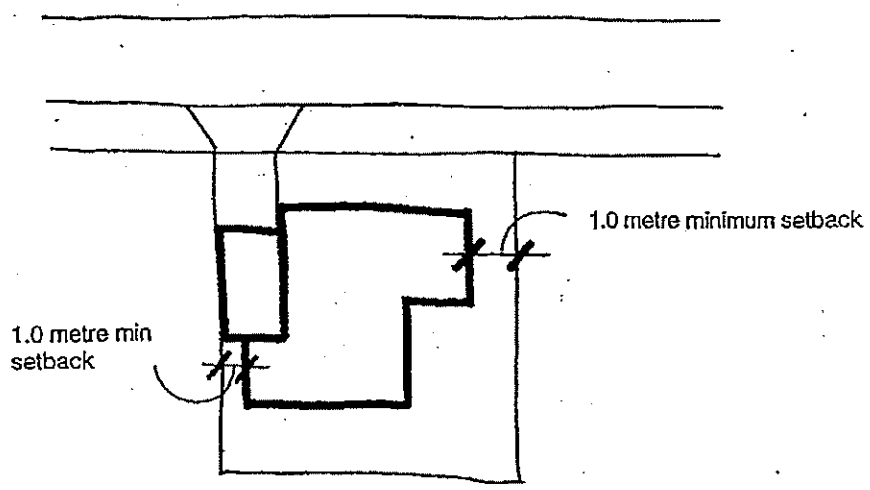
Figure 3 – example



3.3.2 Side Boundary Setbacks

- Dwellings must be set back a minimum of 1.0 metres from a side boundary as indicated on the Building Envelope Plan.
- Garages and carports may be constructed on the side boundary (not including a road boundary). Garages on lots 13-16 must be built to the side boundaries as indicated on the Building Envelope Plan to assist with the reduction of noise from Lower Portrush Road.
- Dwellings must present their primary face to the front boundary not a second road frontage.

Figure 4



3.3.3 Rear Boundary Setbacks

- Rear boundary setbacks for a single storey dwelling (building) should be in accordance with the Building Envelope Plan and in any case be at least 4 metres.
- For two storey dwellings, or a two storey component of a dwelling, the rear boundary setback should be in accordance with the Building Envelope Plan, at least 6 metres. Where the two storey dwelling is located within 9 metres of the rear boundary, upper level windows will need to comply with the privacy guideline contained in Section 8.

3.3.4 Zero Lot Line Dwellings (excluding Lots 13-16)

A dwelling (including carports and garages) may be located on one side boundary only so long as the maximum distance of buildings on the boundary does not exceed 12 metres.

3.3.5 Row Dwellings (Lots 13-16)

A dwelling (including carports and garages) may be located on both side boundaries (lots 14 and 15) and one side boundary (Lots 13 and 16) in accordance with the Building Envelope Plan.

3.3.6 Dwellings (Lots 49-51)

A dwelling must be located on the allotment with the primary façade (frontage) of the dwelling overlooking the reserve (north) in accordance with the Building Envelope Plan. The private open space will be located between the dwelling and the Broad Street boundary.

3.4 Site Coverage

Site coverage of dwellings and outbuildings including verandahs and vergolas but excluding non-roofed structures (eg. pergolas) and driveways, pools, patios, spas, shall not exceed 55% of an allotment's area.

3.5 Corner Allotments

To ensure that the appearance of secondary road frontages is of a high quality, the design of dwellings on corner allotments (numbered 1, 13, 30, 31, 48, and 51) shall provide a dwelling façade that addresses the secondary road frontage (as well as the primary road frontage) through architectural styling, articulation and detailing.

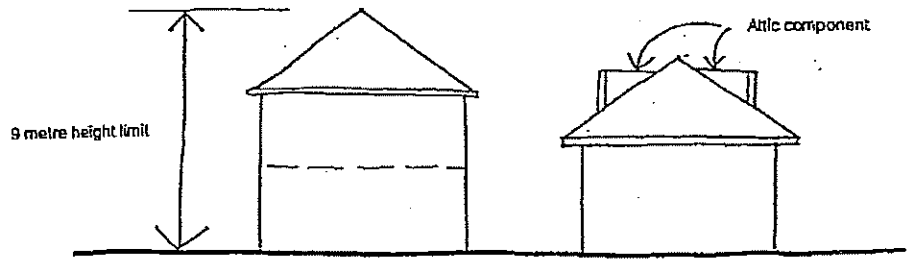
3.5.1 Access for Corner Allotments (31, 48 and 51)

Vehicular access is nominated on the Building Envelope Plan for allotments 31, 48 and 51 on the primary road frontage. However it is considered suitable for the vehicular access to be to a carport or garage from the secondary road frontage. In this instance the alternative Building Envelope Plan must be complied with. (see Appendix 1).

4. BUILDING HEIGHT

- Dwellings must not exceed two storeys in height.
- The ridge line of the roof of a two storey dwelling must not exceed 9 metres above finished floor level.
- An attic storey may be constructed in the roof line of a single storey dwelling providing it does not diminish the amenity of the adjoining dwellings or their private open space through overlooking.

Figure 5



- The roof form should contain articulated shapes with hips, gables or other forms being encouraged.
- Roofs shall be constructed with a minimum pitch of 25°.

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5. NOISE

The second storey component of two storey dwellings on allotments 8-30 must be designed and built in accordance with an acoustic engineer's report to reduce noise levels in side the dwelling to acceptable standards. Measures to reduce noise include:

- Laminated or double glazed windows which are non-openable that face Lower Portrush Road.
- "True Blue" or similar acoustic insulation to upper floor ceiling and walls with a minimum STC 40.
- Install acoustic door seals.
- Seal all air gaps externally and internally on dwellings to prevent noise break out.

6. VEHICLE PARKING

6.1 Number of Spaces

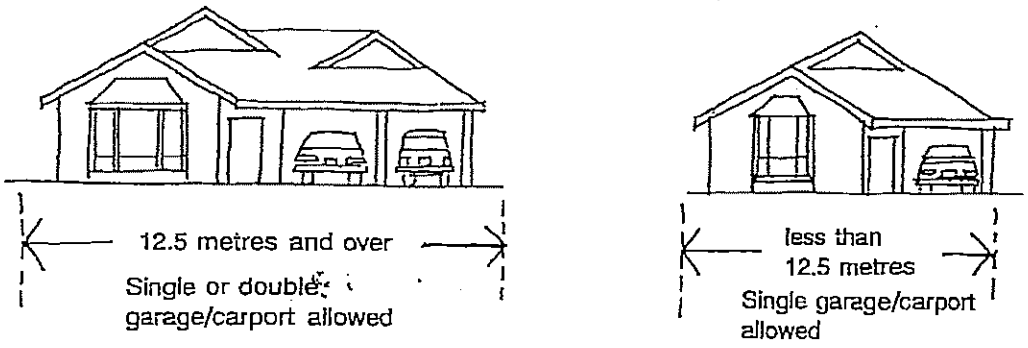
- On-site vehicular parking shall comply with the following table and the car parking plan in Appendix 3:

Table A

Bedrooms in Dwelling	Car Parking Spaces
1,2,3	2
4 <	3

- At least one car parking space must be covered (ie. carport or garage).
- Additional car parks can be covered or uncovered, and if uncovered, spaces can be located in the driveway immediately in front of the garage or carport and within the minimum setback distance.
- Garages and carports on allotments less than 12.5 metres in width should only be single vehicle width.

Figure 8



6.2 Size of Spaces

The minimum dimensions of a parking space are 2.5 metres x 5.4 metres.

6.3 Recreational/Commercial Vehicles

Recreational vehicles (eg. caravans, boats etc.) and commercial vehicles (over 3 tonnes) must not be parked on a regular basis on properties forward of any part of the building.

Vehicles of 3 tonnes or more are not permitted.

6.4 Design of Garages and Carports

Garages and carports must be provided either under the main roof, or if freestanding, the roof form and materials must complement those of the associated dwelling.

7. PRIVATE OPEN SPACE

- Dwellings must comply with Table B with regard to the provision of private open space on an allotment.

Table B

Number of Bedrooms	Car Parking Spaces
1-2	50 m^2
3	70 m^2

- For each additional bedroom, an additional 20 m^2 of private open space must be provided.

- All areas of private open space must:

  (a) have a minimum dimension of 2.0 metres;
  (b) be directly accessible to the dwellings;
  (c) be appropriately screened from the street or other public areas (such as the reserve);
  (d) one part of the total private open space area must be able to contain a rectangle measuring 6 metres x 4 metres that is directly accessible from the dwelling.

- Private open space may take the form of rear yards, courtyards, balconies and roof gardens.

8. PRIVACY

8.1 Explanation

The aim of this part of the guidelines is to ensure that owners of two storey dwellings are able to take advantage of views from upper storey windows and the owners of adjoining properties are able to enjoy certain levels of privacy. There are different ways of achieving privacy.

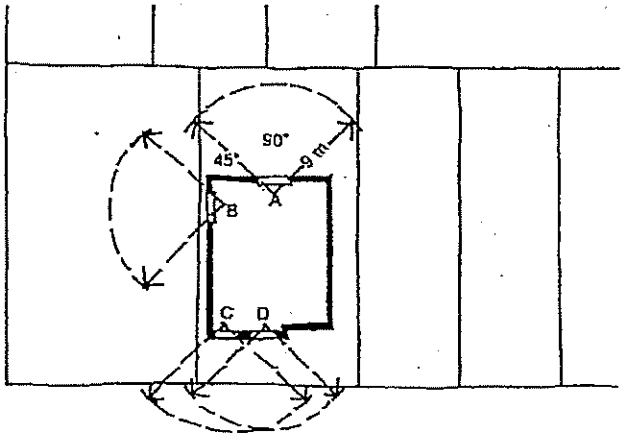
8.2 Privacy Standards

If an upper storey window is within a 9 metre arc that is 90° of an adjoining dwelling's habitable room windows or private open space, the window shall be screened as per Figure 9 below by one of the following methods:

- clear windows with a sill height of at least 1.7 metres (see Figure 10 below);
- fixed opaque glass to a height of 1.7 metres above the upper floor level (see Figure 11 below);
- the provision of external screening to a height of 1.7 metres above the upper floor level (see Figure 12 below);
- where side views are an overlooking problem, the use of side screens are required to a level of 1.7 metres above the upper floor level (see Figure 13).

Figure 9

- Window A does not require treatment to restrict views
- Window B does require treatment to restrict views.
- Window C and D do not require treatment to restrict views.
- Measurement of 9 metre view field commences at wall face.



- If no dwelling exists on an adjoining allotment, then consideration must be given to potential overlooking;
- external screening must be architecturally integrated with the dwelling's design.

Figure 10

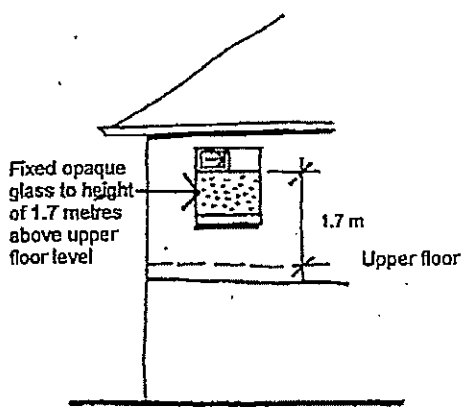


Figure 11

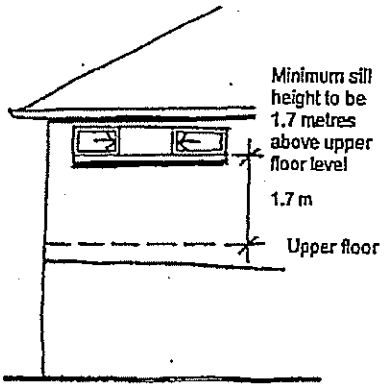


Figure 12

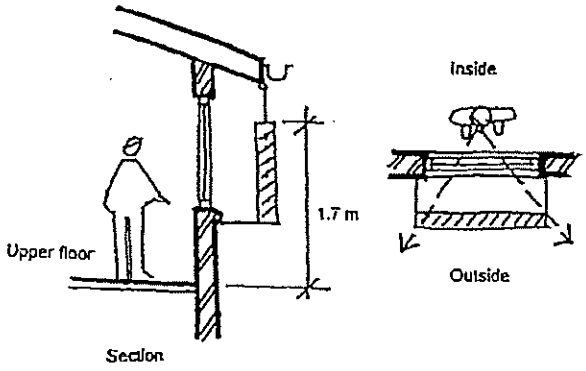
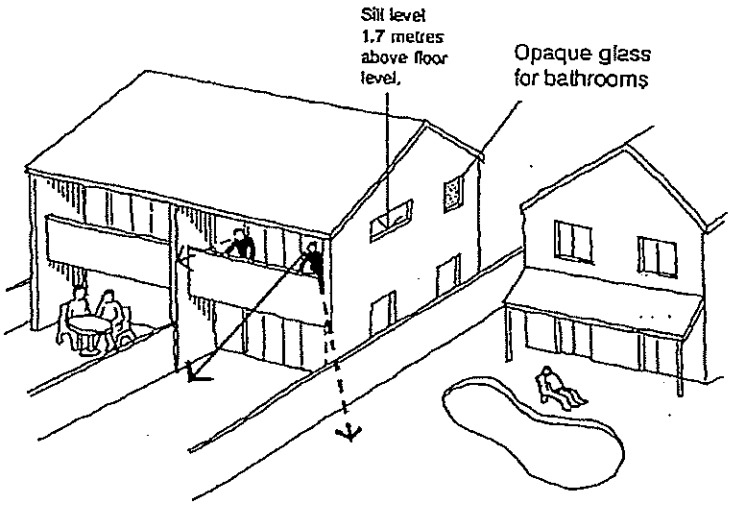


Figure 13



9. FENCING

- No fencing may be erected forward of the front façade of the dwelling for Lots 1-12, 17-30, 31 and 40-48.
- Fencing may be erected forward of the front façade for Lots 13-16. The fencing must be open in nature, no more than 1.6 metres high and complement the dwelling in material and style.
- Fencing along the Broad Street boundary of Lots 49-51 may be a maximum of 1.8 metres high 'Caulfield Green' colorbond.
- Side boundary fencing and rear boundary fencing shall be no higher than 1.8 metres in height and colorbond (BHP Caulfield Green).
- Fencing along the rear boundary of allotments 8-30 and for 10 metres along the side boundaries of Lots 16 and 17 abutting the reserve will be provided in masonry 2.0 metres high by the developer. Fencing along the remainder of the side boundaries to the reserve for Lots 16 and 17 will be in 1.8 metres high 'Caulfield Green' colorbond.
- Fencing along the rear boundary of allotments 1-7 of the side boundaries of allotments 39, 40 and 49 will be provided by the developer in 1.8 metres high 'Caulfield Green' colorbond.
- Fencing along the rear boundary of allotments 49-51 will be provided by the developer in 1.5 metres high open style tubular fencing (preprinted 'Caulfield Green') with masonry pillars at 7 metre centres.
- Fencing on the Broad Street boundary of allotments 1 and 31 must be a maximum of 1.8 m high 'Caulfield Green' colorbond.

10. LANDSCAPING

- Landscaping of front garden areas to the kerb line shall be established within 6 months of completion of the dwelling.

- Regular maintenance must be carried out.

- The nature strip between the front boundary and the kerb line and in the case of a corner allotment between the side boundary and the kerb line shall be topsoiled, sown with grass seed (mix to be advised by Council) or covered with fine grade mulch and low ground cover plants, irrigated and subsequently maintained and kept in a neat and tidy condition. An area at least one metre in width shall be available, where a footpath is not proposed, for pedestrians to traverse the verge. This area should be planted only with grass.

- A suitable selection of ground covers are:

  - Myoporum parvifolium (all forms);
  - Gazania rigens (flowering);
  - Juniperus conferta (non-flowering);
  - Grevillea thelmanniana (flowering);
  - Coprosma kirkii (non flowering);
  - Grevillea obturifolia;
  - Aptenia cordifolia;
  - Grevillea juniperina "Molongolo".

- There are numerous existing trees that have been retained on-site and are an integral part of the Willow Bend development. As such a Tree Management Plan (see Land Management Agreement) has been prepared. It details the responsibilities of the purchasers and all future owners of the allotments in terms of ensuring the health of the trees is maintained.

11. OTHER

11.1 Outbuilding Materials

- Materials used for outbuildings must complement the dwelling – no galvanised iron or other highly reflective material.

11.2 Commencement

- Substantial commencement of the construction of the dwelling shall occur within 24 months of the first owner of an allotment created by land division 155/D059/99 becoming the registered proprietor.

11.3 Allotments 13-16

These allotments are intended to have attached housing. The walls of each dwelling on these allotments, where they abut an adjoining property, are to be abutting walls, not party walls. If party walls are to be proposed as part of an integrated development then a subsequent land division providing the details will be necessary.

A Concept Plan for these allotments is contained in Appendix 2. This Plan is an example of how the allotments can be developed. They are to be developed with an integrated architectural style (which may be different from the examples shown in Appendix 2).

On site parking for allotments 13-16 is to be provided from the rear right of way into garages as indicated on the Building Envelope Plan.

11.4 Allotments 49-51

These allotments are intended to have detached dwellings that face the reserve. The private open space is to be located predominantly at the rear (southern) part of the allotment adjacent the Broad Street boundary.

Attachment B

Variation to Land Management Agreement
Willow Bend Estate
7 Willow Bend, Marden

LOWER PORTRUSH ROAD

vegetation to pool area to be low bushes, plantings, flowers only

FOOTPATH

TRAFFIC LIGHT

2.0m EXISTING BRICK WALL

EVERGREEN CAN: 3.0M HT: 4.0M TR: 0.1M

VERANDAH APPROX.

NATIVE CAN: 2.0M HT: 25.0M TR: 1.2M

9780 approx

1.8m EXISTING METAL FENCE

EXISTING SHED

PROPOSED POOL (8.0 X 2.5)

new 2000lt rainwater tank and connect to existing storm water run and discharge to street water table

No 9
EXISTING HOUSE
DOUBLE STOREY
GARAGE FFL 100.34

PORCH/ BALCONY

UPPER STOREY

LOWER STOREY

GARAGE

FL100.34

NEW DP

NEW DP

NEW DP

EX DP

EX DP

EX DP

PROPOSED ADDITION
FL 100.37

PROPOSED ALTERATIONS

EXISTING VERANDAH

FFL 100.42
EXISTING DWELLING

PROPOSED ADDITION
FL 100.42

27000

6740

3251

9170

8860 approx

30000

VERANDAH APPROX.

(APPROX.)

(APPROX.)

new 90mm down pipe and connect to existing storm water run

2.0m EXISTING BRICK WALL

NATIVE CAN: 2.0M HT: 3.0M TR: 0.1M

FOOTPATH

BEASLEY STREET

STOBIE

STOBIE/ LIGHT POLE

ROW OF HEDGE (APPROX. LOCATION)

BRICK DRIVEWAY

BRICK FOOTPATH

DECIDUOUS CAN: 4.0M HT: 4.0M TR: 0.2M

NATURE STRIP

ROLLOVER KERB

CROSSOVER

TBM TOP OF DISCHARGE POINT RL 100.00m

DISCHARGE POINTS

CROSSOVER

BRICK DRIVEWAY

GARAGE

PORCH FL100.35

No 5
EXISTING HOUSE
SINGLE STOREY
PORCH FFL 100.35
(VIEW OBSCURED)

VERANDAH APPROX.

EVERGREENS : 6
CAN: 1.0M HT: 6.0M TR: 0.1M

2.0m EXISTING METAL FENCE

TOP 99.99 INV 98.60

TOP 100.00 (CAPPED)

WILLOW BEND

NORTH

SITE PLAN

SCALE 1:200

0 1 2 5 10m

AREAS:

SITE AREA	:	763.70 sq.m
POS	:	303.50 sq.m
SOFT LANDSCAPING	:	174.50 (22.8%)

AMENDMENTS

CODE	DATE	DETAILS

New Dimension
Design + Drafting

409 MAGILL ROAD,
ST MORRIS, SA 5068
TEL. 0403 360 675
EMAIL: dlcondina@optusnet.com.au

PROJECT
PROPOSED RESIDENTIAL ADDITION

TITLE
FOR KJEO BUILDING SOLUTIONS
AT 24 CAVENDISH ST WEST CROYDON

DRAWN	DATE	SCALE
D.C	JULY 2024	AS SHOWN

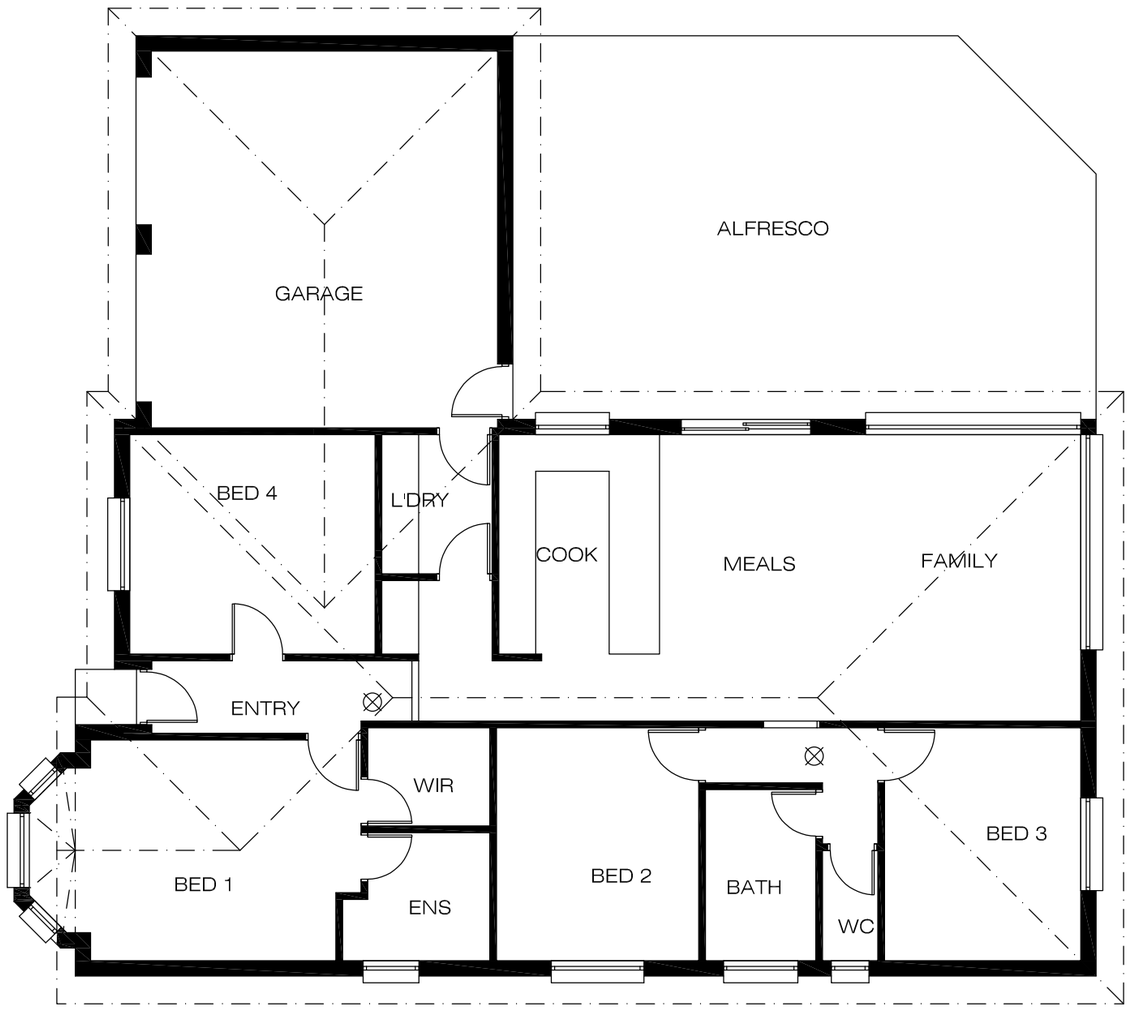
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EXISTING FLOOR PLAN

SCALE 1:100

0 1 2 3 4 5 10m

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TEL. 0403 360 675
EMAIL: dlcondina@optusnet.com.au

PROJECT
PROPOSED RESIDENTIAL ADDITION

TITLE
FOR MR AND MRS STANTON
AT 7 WILLOW BEND MARDEN

DRAWN	DATE	SCALE
D.C	OCT 2021	AS SHOWN

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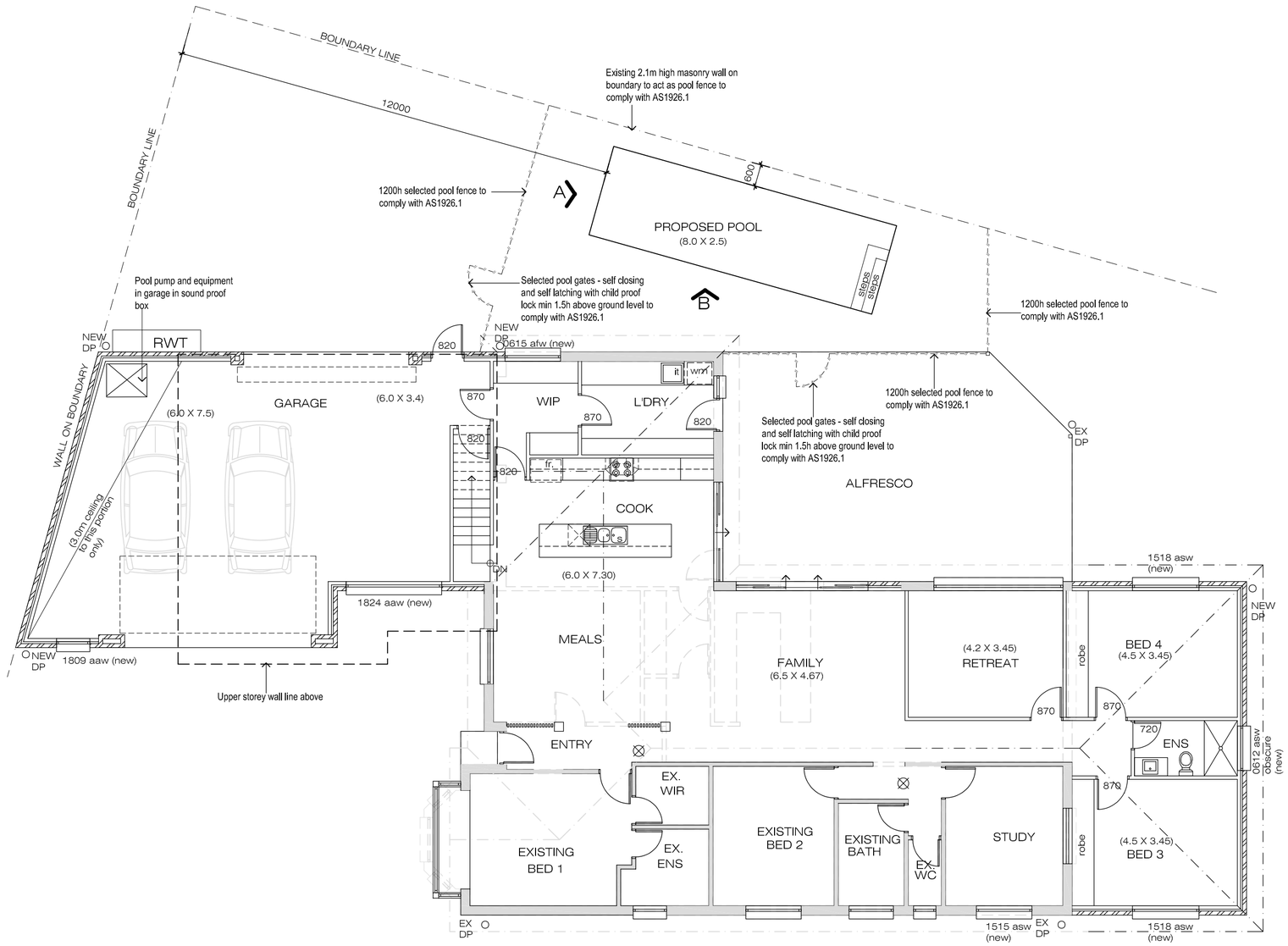
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CRITICAL BARRIER REQUIRMENTS

a. There is a 900mm non-climbable zone (NCZ) to the outside of the internal barrier
b. There is a 900mm NCZ on the inside of the barrier from top of fence down
c. The2100mm high boundary fence must extend no less than 900mm past the point of intersection of any intersecting internal fence
d. First aid and compulsory resuscitation sign attached to the barrier or displayed near the pool

Pump / Filtration System to have a
Twin pump outlet min 1200mm apart





PROPOSED FLOOR PLAN

SCALE 1:100 (A2)

0 1 2 3 4 5 10m

KEY B3

EXISTING MASONRY WALL

BRICK VENEER WALL
Wall dimensions: 250mm = 110 brick + 50mm cavity + 90mm timber stud frame
External - selected feature facebrick
Internal - 10mm plasterbord to 90mm stud wall + R2.5 Batt insulation

RENDAPANEL WALL
Wall dimensions: 190mm = 100mm RendaPanel + 90mm timber stud frame
External - flat texture render with selected paint finish
Internal - 10mm Plasterboard to 90mm stud wall + R2.5 Batt Insulation

TIMBER FRAMED INTERNAL WALL
90x45mm timber (or steel) studs,R2.0 Insulation. 1x10mm layer plasterboard to both sides. (Note: 6mm Villaboard to wet areas)

EXISTING WALLS TO BE REMOVED

Smoke detectors are to be installed in accordance with Part 3.7.2 of the BCA Vol. 2, comply with AS3786, be connected with mains power and be interconnected where there is more than one detector installed.

c.j. Denotes vertical control joints in accordance with engineer's details

GENERAL:

All Wet Area to the subject building shall be constructed in accordance with Table 3.8.1.1 and clause SA 3.8.1.2 of the BCA (Volume 2) and AS 3740

GLAZING :All glazing shall conform with AS1288

WC door to be installed with removeable hinges

Provide min 1000Lt rain water tank plumbed into house

Provide 75mm exposed concrete edge to footing for termite protection

AREAS :

EXISTING		
- LIVING	:	191.00 sq.m
- V'DAH	:	57.00 sq.m
PROPOSED		
- LOWER LIVING	:	43.00 sq.m
- UPPER LIVING	:	67.00 sq.m
- GARAGE	:	87.50 sq.m
TOTAL	:	445.50 sq.m

AMENDMENTS

CODE	DATE	DETAILS

New Dimension
Design + Drafting
409 MAGILL ROAD,
ST MORRIS, SA 5068
TEL. 0403 360 675
EMAIL: dlcondina@optusnet.com.au

PROJECT
PROPOSED RESIDENTIAL ADDITION

TITLE
FOR MR AND MRS STANTON
AT 7 WILLOW BEND MARDEN

DRAWN	DATE	SCALE
D.C	JULY 2024	AS SHOWN

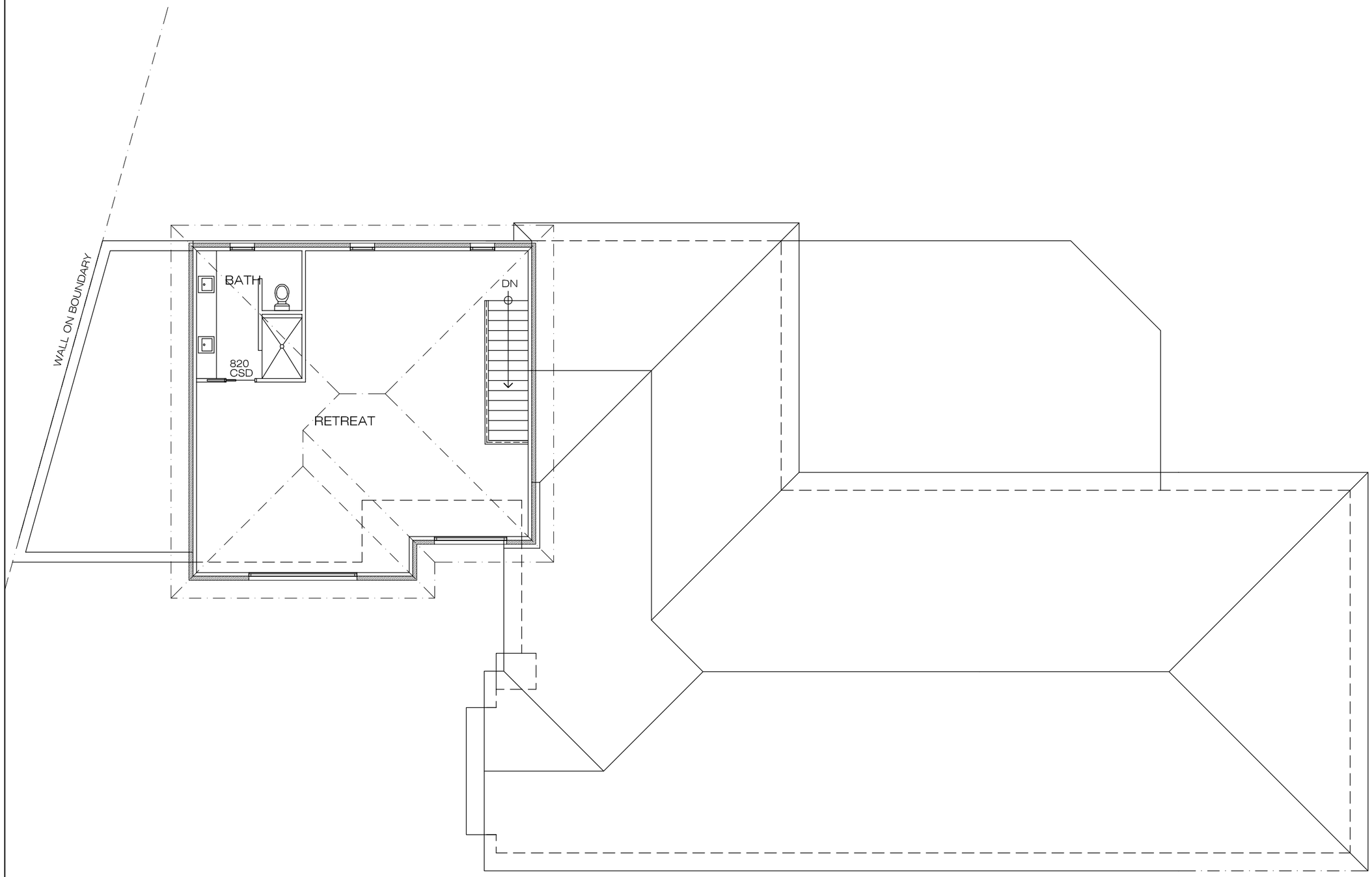
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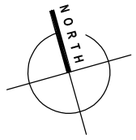
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PROPOSED UPPER FLOOR PLAN

SCALE 1:100 (A3)

0 1 2 3 4 5 10m

KEY B4

EXISTING MASONRY WALL

BRICK VENEER WALL
Wall dimensions: 250mm = 110 brick + 50mm cavity + 90mm timber stud frame
External - selected feature facebrick
Internal - 10mm plasterbord to 90mm stud wall + R2.5 Batt insulation

RENDAPANEL WALL
Wall dimensions: 190mm = 100mm RendaPanel + 90mm timber stud frame
External - flat texture render with selected paint finish
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GLAZING :All glazing shall conform with AS1288

WC door to be installed with removeable hinges

Provide min 1000Lt rain water tank plumbed into house

Provide 75mm exposed concrete edge to footing for termite protection

AREAS :

EXISTING		
- LIVING	:	191.00 sq.m
- V'DAH	:	57.00 sq.m
PROPOSED		
- LOWER LIVING	:	43.00 sq.m
- UPPER LIVING	:	67.00 sq.m
- GARAGE	:	87.50 sq.m
TOTAL	:	445.50 sq.m

New Dimension
Design + Drafting
409 MAGILL ROAD,
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PROJECT
PROPOSED RESIDENTIAL ADDITION

TITLE
FOR MR AND MRS STANTON
AT 7 WILLOW BEND MARDEN

DRAWN	DATE	SCALE
D.C	JULY 2024	AS SHOWN

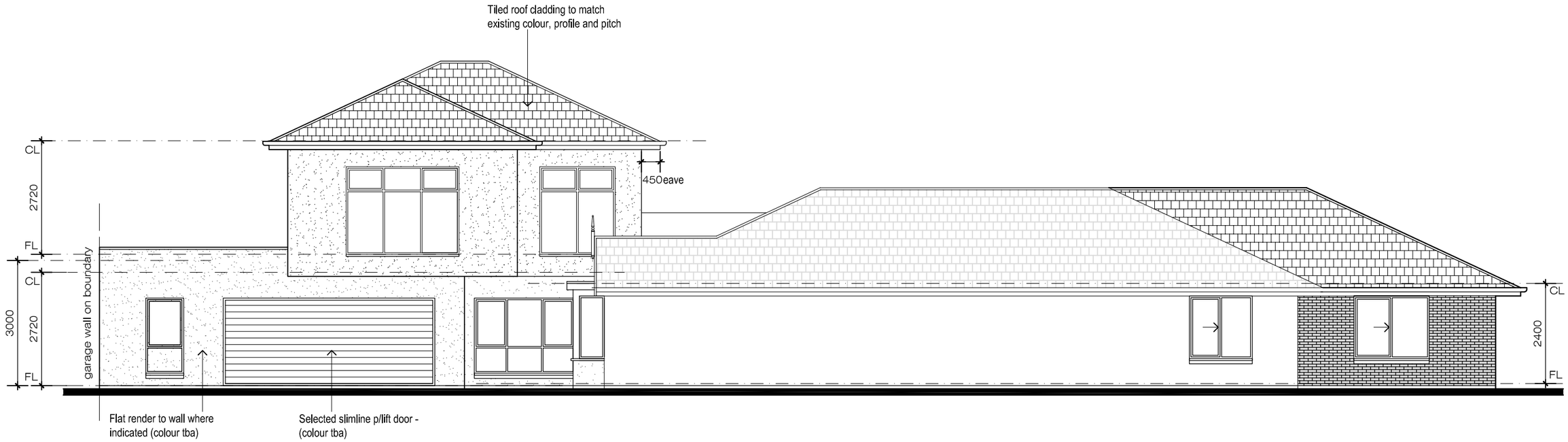
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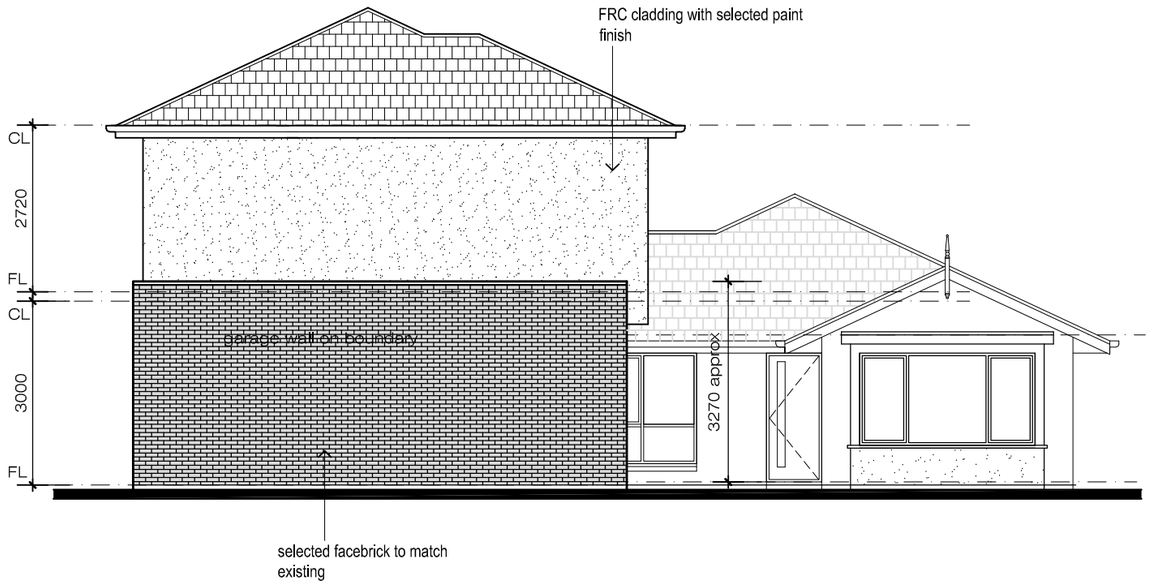
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PROPOSED SOUTH ELEVATION

SCALE 1:100



PROPOSED WEST ELEVATION

SCALE 1:100

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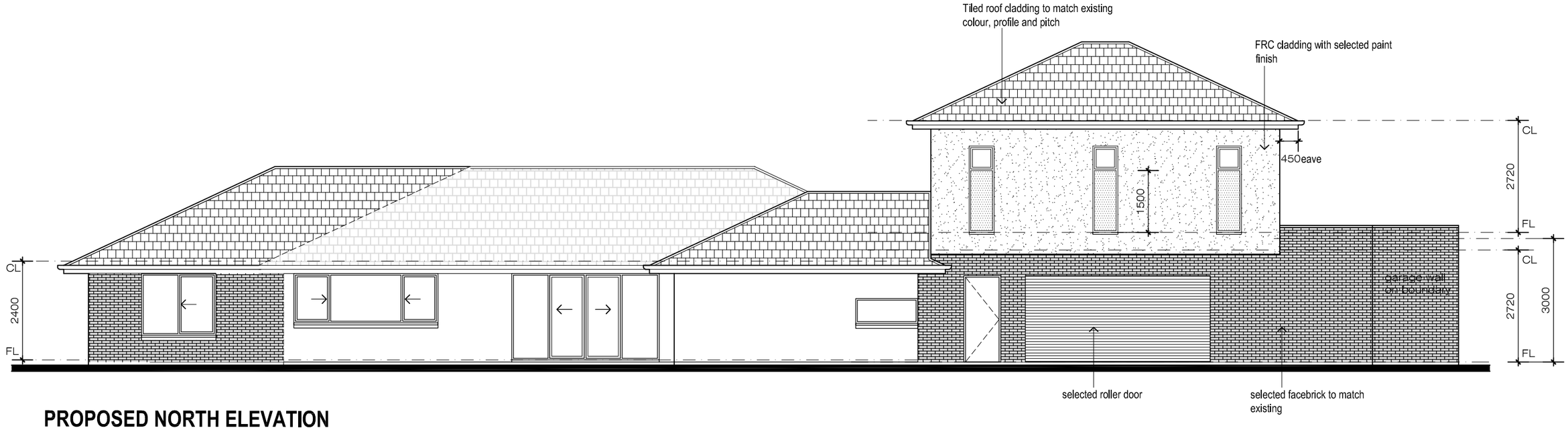
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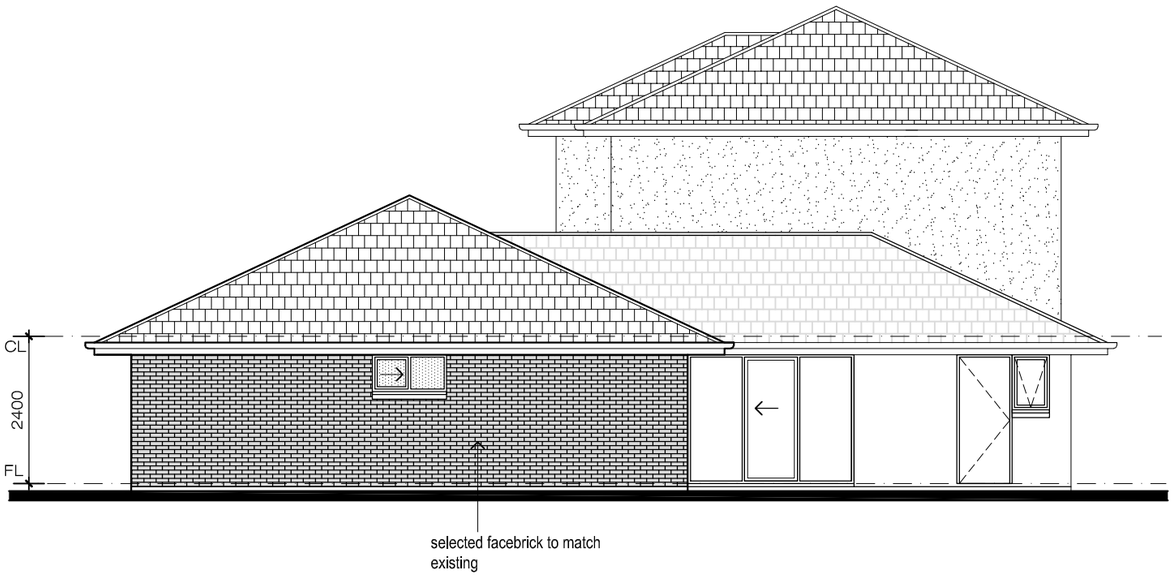
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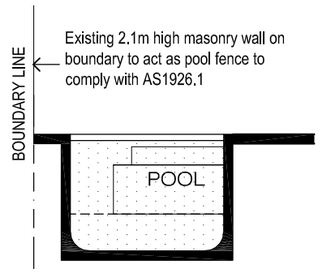
PROPOSED NORTH ELEVATION

SCALE 1:100



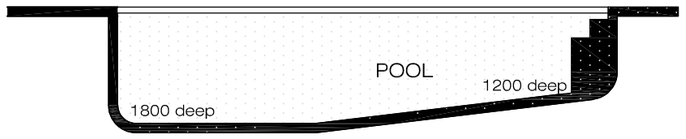
PROPOSED EAST ELEVATION

SCALE 1:100



POOL ELEVATION A

SCALE 1:100



POOL ELEVATION B

SCALE 1:100

New Dimension
Design + Drafting
409 MAGILL ROAD,
ST MORRIS, SA 5068
TEL. 0403 360 675
EMAIL: dlcondina@optusnet.com.au

PROJECT
PROPOSED RESIDENTIAL ADDITION

TITLE
FOR MR AND MRS STANTON
AT 7 WILLOW BEND MARDEN

DRAWN	DATE	SCALE
D.C	JULY 2024	AS SHOWN

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2021/480/06

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THE Adelaide TREE SURGERY
A division of tree aware

3 Ellemsea Circuit
LONSDALE SA 5160
ABN: 33 099 478 994
Phone: 8371 5955 **Mobile**: 0408 086 774 **Fax**: 8297 6885 **Email**: mark@adelaidetreesurgery.com

Impact Arboricultural Assessment and Report

Prepared for
Integra Projects
Domonic Condina

Site Address (Development)
7 Willow Bend
Marden SA 5070

In Regard to
1 *x Eucalyptus camaldulensis* (River Red Gum)



Prepared By:
Mark Elliott *Consulting Arborist/Diploma Arboriculture*

3 Ellemsea Circuit
LONSDALE SA 5160
ABN: 33 099 478 994
Phone: 8371 5955 **Mobile**: 0408 086 774 **Fax**: 8297 6885 **Email**: mark@adelaidetreesurgery.com

CONTENTS **Page No**

1.0 Introduction 3

2.0 Term of Reference 3

3.0 Caveat Emptor 3

4.0 The Site 3

5.0 Proposed Development 4

6.0 The Tree 5

7.0 Potential Impacts 6

8.0 Tree Discussion 7

9.0 Legislation 8

10.0 Recommendations 8

Appendix A: References 10

Appendix B: Disclaimer and Limitations 11

1.0 INTRODUCTION

1.1 This report has been prepared at the request of **Domonic Condina** from **Integra Projects,** and the report is in relation to the proposed development at **7 Willow Bend, Marden SA 5070** and one tree growing at **9 Willow Bend, Marden SA 5070.**

1.2 The subject trees have been identified as **Significant *Eucalyptus camaldulensis* (River Red Gum)** as per the ***Planning Development and Infrastructure March 2016.***

1.3 This report has been commissioned in relation to the proposed development at **7 Willow Bend, Marden SA 5070,** which involves an extension to the existing dwelling.

1.4 The report provides information on the health and condition of subject tree and provides recommendations for protecting the tree during any proposed development.

1.5 This arboricultural report references the **Australian Standards: AS4970 – 2009 Protection of Trees on Development Sites.**

2.0 TERMS OF REFERENCE

2.1 Email instructions were received in **April 2025.**

2.2 The instructions received for an arborist report for one **Significant *Eucalyptus camaldulensis* (River Red Gum)** which is growing at **9 Willow Bend, Marden SA 5070.**and the proposed development at **7 Willow Bend, Marden SA 5070.**

2.3 It is proposed to construct a new addition to the existing dwelling at **7 Willow Bend, Marden SA 5070.**

2.4 This report references the **Australian Standards: AS4970 – 2009 Protection of Trees on Development Sites** and **AS4373 – 2007 Pruning of Amenity Trees.**

3.0 CAVEAT EMPTOR

3.1 This is a stage 1 **'Ground Report'**. The tree was inspected from the ground only.

3.2 The report is limited by the time of the inspection.

3.3 The report reflects the tree as found on the day of inspection. Any changes to site conditions or surroundings, such as construction works, landscape works or further failures or pruning, may alter the findings of the report. The inspection period to which this report applies is three months from the date of the report.

4.0 THE SITE

4.1 The subject **River Red Gum** is in the rear yard of **9 Willow Bend, Marden SA 5070** which is located on the northern side of the property at **7 Willow Bend, Marden SA 5070.**



Figure 1 an aerial image of the property at 7 Willow Bend, Marden SA 5070 and the subject River Red Gum growing in the neighbouri9ng property is highlighted in red.

4.2 The local area is highly vegetated with a large number of mature trees growing in privately owned land, council owned reserves and verge area and also **Linear Park** along the **River Torrens** which is located approximately one kilometer north of **7 Willow Bend, Marden SA 5070.**

4.3 **Marden** is located with the council boundaries of the **City of Norwood Payneham & St Peters** and is located approximately 4 km east-northeast of the **Adelaide CBD.**

5.1 PROPOSED DEVELOPMENT

5.1 The proposed to construct a new addition to the existing dwelling located at **7 Willow Bend, Marden SA 5070 (refer Figure 2).**

5.2 The proposed new addition is to be constructed within the area that is currently paved of the existing driveway for the property at **7 Willow Bend, Marden SA 5070 (refer Figure 2).**

5.3 The proposed addition is to be located approximately six metres from the base of the **River Red Gum.**

5.4 The proposed addition to **7 Willow Bend, Marden SA 5070** encroaches the **Tree Protection Zone (TPZ)** of the **River Red Gum** by an additional **6.6% (19.1 m2)**

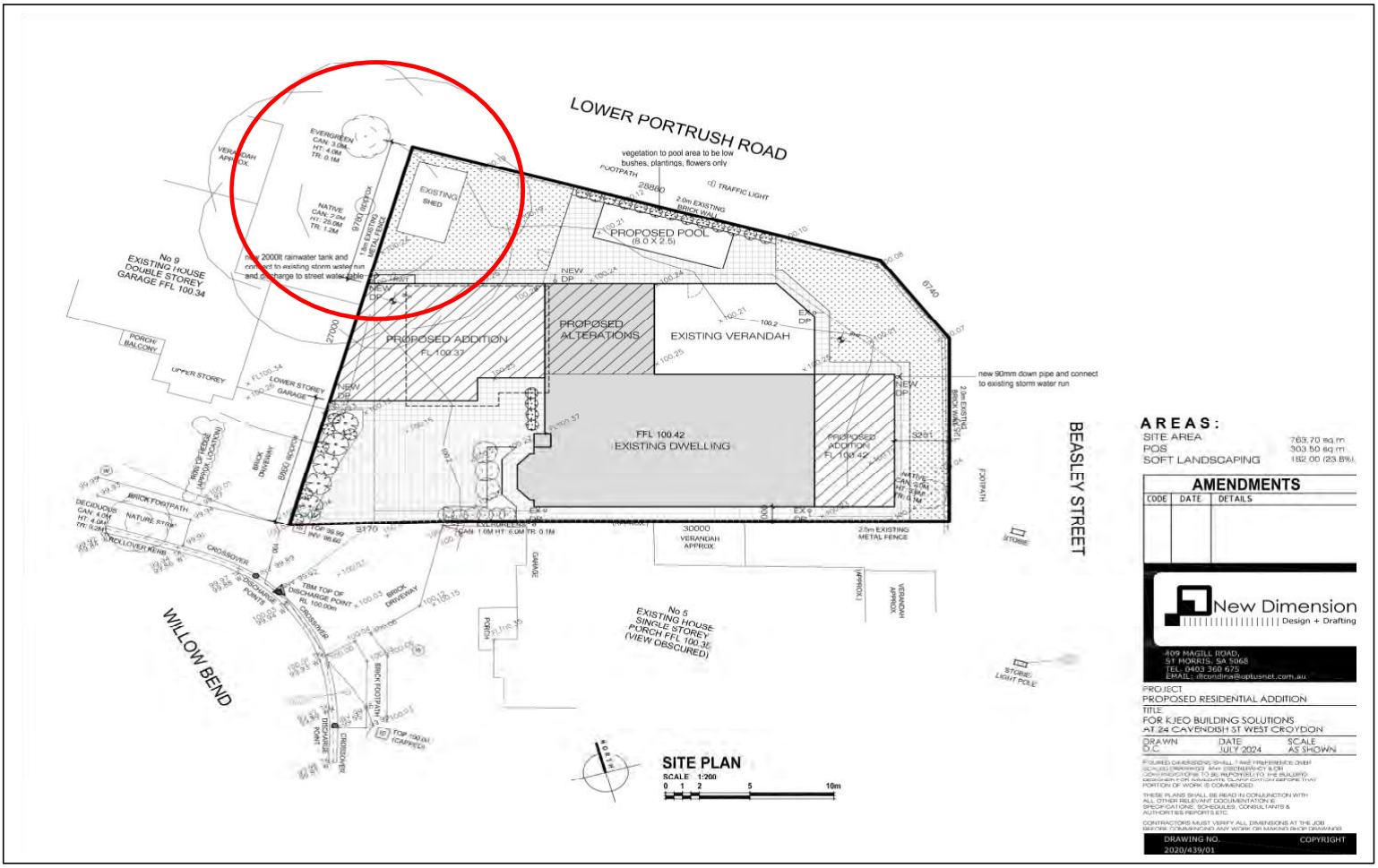


Figure 2 show the plans for proposed addition to the existing dwelling located at 7 Willow Bend, Marden SA 5070.

6.0 THE TREE/S

6.1 Tree Information:

Tree Name	Significant or Regulated	Tree Condition
Eucalyptus camaldulensis **(River Red Gum)** 	**Significant Tree** **Stem circumference greater 2 metres when measured at 1 metre above natural ground level.**	**The River Red Gum is a semi mature tree growing in the rear yard of 9 Willow Bend, Marden SA 5070.** **The tree is approximately 22 metres in height.** **Estimated age of the River Red Gum is 35 - 40 years old.** **The River Red Gum is located approximately one metre from the dividing boundary line fence and approximately six meters from where the proposed addition is to be constructed.** **Condition of River Red Gum is good with the tree crown is showing good foliage density and colour.** **The crown dimensions are:** **North – 6 metres** **East – 6 metres** **South – 6 metres** **West – 6 metres** **The calculated Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of the River Red Gum is:** • **Tree Protection Zone (TPZ): 9.61 metres** • **Structural Root Zone (SRZ): 3.31 metres**



Figure 5 the subject River Red Gum which is growing in the neighbouring property to the address where it is proposed to undertake the proposed development at 7 Willow Bend, Marden SA 5070.



7.0 POTENTIAL IMPACTS

7.1 The aim of this report is to provide guidelines for best practise tree protection measures in accord with ***Australian Standard AS4970-2009 'Protection of Trees on Development Sites'***

7.2 The preamble of the standard provides a brief outline of why it is important to retain and protect trees on development sites and the following Section: The Tree Protection Zone details the zones around a tree that are required to protect it.

7.3 AUSTRALIAN STANDARD: AS4970-2009 'Protection of Trees on Development Sites

7.3.1 *A living tree is a dynamic organism that needs specific environmental conditions to continue healthy, stable growth. It is rarely possible to repair stressed and injured trees, so substantial injury needs to be avoided during all stages of development and construction.*

7.3.2 *For trees to be retained and their requirements met, procedures must be in place to protect trees at every stage of the development process. This should be taken into account at the earliest planning stage of any outdoor event or design of a development project where trees are involved.*

7.3.3 *Trees and their root systems may occupy a substantial part of any development site and because of their potential size, can have a major influence on planning the use of the site.*

7.3.4 *Existing trees of appropriate species and sound structure can significantly enhance new development by providing immediate benefits such as shade and stormwater reduction as well as complementing new development.*

7.3.5 *Most trees will take many years and possibly decades to establish but can be injured or killed in a very short time, as their vulnerability is commonly not understood. This is especially so in relation to tree root systems which cannot be seen. Irreparable injury frequently occurs in the early stages of site preparation and remedial measures routinely fail.*

7.3.6 *Early identification and protection of important trees on development sites is essential from the outset and will minimise the problems of retaining inappropriate trees.*

7.3.7 *Successful long-term retention of trees on development sites depends on an acceptance and acknowledgement of the constraints and benefits that existing trees generate. Protecting trees in accordance with the Standard may influence design and construction costs and this should be considered in project budgets and contracts. The gains and benefits of retaining trees will accrue if the measures detailed in the Standard are applied.*

7.4 THE TREE PROTECTION ZONE

7.4.1 The Tree Protection Zone (TPZ) is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable. The TPZ incorporates the structural root zone (SRZ).

7.4.2 It may be possible to encroach into or make variations to the standard or optimal TPZ. Encroachment includes excavation, compacted fill and machine trenching.

7.4.3 If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ, the project arborist must demonstrate that the tree(s) would remain viable.

7.5 **SRZ & TPZ CALCULATIONS**

7.5.1 **The SRZ (or CRZ): Structural/Critical Root Zone** is the zone around a tree required to protect the stability of the tree. **Generally, no development activities are permitted within this zone unless there are no other suitable options.**

7.5.2 **The TPZ or Optimal Tree Protection Zone is the principal means of protecting the tree and is calculated using the formula TPZ = DBH (diameter @ 1.4 metres above ground level) x 12.**

7.6 **POTENTIAL IMPACTS**

7.6.1 **I believe the subject River Red Gum will not be compromised by the proposed addition to the existing dwelling based on the calculated encroachment being 6.6% and the location of the proposed addition being where there has been existing paving for driveway at the property of 7 Willow Bend, Marden SA 5070 (refer Figure 2).**

7.6.2 **I believe if the correct methodologies are implemented for this proposed development, the subject River Red Gum which is located at 9 Willow Bend, Marden SA 5070 will not be compromised.**

8.0 DISCUSSIONS

8.1 The proposed development at **7 Willow Bend, Marden** involves construction of a new addition to the existing dwelling **(refer Figure 2).**

8.2 The subject **River Red Gum** located at the rear of the neighboring property at **9 Willow Bend, Marden SA 5070.**

8.3 Based on the findings within this arboricultural report, it is believed the proposed development will not have an impact on the subject **River Red Gum** which is growing within the neighboring property.

8.4 The proposed addition is being constructed approximately six meters from the base of the **River Red Gum.** The area where the addition is to have constructed us a section of the existing driveway, which is a large, paved area.

8.5 The large, paved area has been heavily compacted and has encroaches the **Tree Protection Zone (TPZ)** of the **River Red Gum**, this paved area would not have encouraged tree root growth as result of the compaction and covering of this area with paving (hard surface).

8.6 This existing paved area at **7 Willow Bend, Marden SA 5070** encroaches the **Tree Protection Zone (TPZ)** by approximately 6.6%.

8.7 This report has also considered the from the existing dwelling at **9 Willow Bend, Marden SA 5070** which has an existing calculated encroachment of approximately 23%.

8.8 The proposed extension at **7 Willow Bend, Marden SA 5070** is being constructed on the exiting paved area which I believe would have limited tree root growth from the **River Red Gum** due to the large size of the compacted paved area.

8.9 There is also a swimming pool proposed to be constructed which is located outside of the **River Red Gum's Tree Protection Zone (TPZ)** and will have no impact on the tree.

8.10 If the recommendations within this arboricultural report are adhered to, I believe the subject **River Red Gum** will maintain its current health and condition.

9.0 LEGISLATE REQUIREMENTS

9.1 The **River Red Gum** is classified as **"Significant"** as per the ***Planning, Development and Act March 2016.***

PO 1.4

A tree-damaging activity in connection with other development satisfies all the following:

1. **It accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible:** ***N/a***
2. **in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.** ***Yes – I believe the proposed plans for addition to the existing dwelling at 7 Willow Bend, Marden, will have minimal impact on the subject River Red Gum as a result of the calculated encroachment into the TPZ by this proposal only being calculated at 6.6%.***

PO 2.1

Regulated and significant trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health. ***Yes – the proposed development has a minimal impact on the subject River Red Gum. There is only 6.6% encroachment into the Tree Protection Zone (TPZ's) of the subject River Red Gum by the proposed new addition and the area where this addition is proposed to be constructed is a section of the paved driveway at* 7 Willow Bend, Marden.**

9.0 RECOMMENDATIONS:

9.1 I believe if the following methodologies are implemented during the proposed addition to the existing dwelling at **7 Willow Bend, Marden,** the protection of the **River Red Gum** will be maintained during the development process as there is no further encroachment into the **Tree Protection Zone (TPZ)** of this subject tree.

9.1.1 Any excavation works that are required for the construction of the new addition within the **Tree Protection Zone (TPZ)** of the **River Red Gum,** are to be undertaken using non-destructive techniques such as hydro-vac and under the supervision of the project arborist.

9.1.2 If any larger tree roots with a diameter greater than **40 mm** are discovered during the construction phase of the proposal, the **Project Arborist** needs to assess and obtain council approval if required.

9.1.3 If any tree roots are exposed, temporary protection measure may be required such as hessian sheeting as multiple layers and this should be secured and also maintained moist until tree roots are covered/remediated.

9.2 The area of the **Tree Protection Zone (TPZ)** does not require fencing as the tree is located in the neighbouring property **(7 Willow Bend, Marden,)** and the existing dividing fence line between the two properties provides adequate protection.

9.2.1 Following is a list of activities that are not permitted within the fenced off area of the **Tree Protection Zone (TPZ)** of the subject **River Red Gum:**

- Storage of materials
- Refuelling
- Parking of Vehicles/plant
- Dumping of waste
- Placement/storage of fill
- Soil level changes
- Preparation of concrete products/chemicals
- Mechanical excavation
- Washing down of tools/equipment
- Temporary or permanent installation of utilities and signs

9.2.2 DEVELOPMENT PHASE: If it is proposed to undertake landscaping works within the area of the TPZ all works required within the area of the TPZ must be undertaken by hand or using non-destructive methods. This includes the following:

- **Fencing**
- **Concreting**
- **Paving**
- **Garden edging**
- **Irrigation**

9.2.3 The dividing boundary line fence between **7 and 9 Willow Bend, Marden** will be adequate for tree protection fencing during this development.

9.2.4 Any services that maybe required to enter and exit the development area should avoid the **TPZ** and **SRZ** wherever possible. If they must pass within the **TPZ,** non-destructive methods, such as Hydro vac® systems must be used.

9.2.5 Approval from Plan SA needs to be granted prior to commencement of any works.

Mark Elliott
Consultant Arborist/Diploma Arboriculture

APPENDIX A: REFERENCES

Planning Development and Infrastructure Act March 2016

Australian Standards - Protection of Trees on Development Sites AS4790 – 2009

Australian Standards – Pruning of Amenity Trees AS4373 – 2007

Mattheck, C and Breloar, J – The Body language of Trees (1994)

Roberts, J. Jackson N and Smith D – Tree Roots in Built Environment - 1994

APPENDIX B: DISCLAIMER AND LIMITATIONS

This report only covers identifiable defects present at the time of inspection. The author accepts no responsibility or can be held liable for any structural defect or unforeseen event/situation that may occur after the time of inspection, unless clearly specified timescales are detailed within the report.

The author cannot guarantee trees contained within this report will be structurally sound under all circumstances, and cannot guarantee that the recommendations made will categorically result in the tree being made safe.

Unless specifically mentioned this report will only be concerned with above ground inspections, that will be undertaken visually from ground level. Trees are living organisms and as such cannot be classified as safe under any circumstances. The recommendations are made on the basis of what can be reasonably identified at the time of inspection therefore the author accepts no liability for any recommendations made.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the author can neither guarantee nor be responsible for the accuracy of information provided by others.

14. 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

PURPOSE OF REPORT

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

- Business & Economic Development Advisory Committee – (8 July 2025)
  (A copy of the Minutes of the Business & Economic Development Advisory Committee meeting is contained within **Attachment A**)

ADOPTION OF COMMITTEE RECOMMENDATIONS

- **Business & Economic Development Advisory Committee**

  That the Minutes of the meeting of the Business & Economic Development Advisory Committee held on 8 July 2025, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

Attachment A

Adoption of Committee Recommendations

Business & Economic Development Advisory Committee

Business & Economic Development Advisory Committee

Minutes

8 July 2025

Our Vision

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

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

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

Telephone 8366 4555
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au
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City of Norwood Payneham & St Peters

Page No.

1. CONFIRMATION OF MINUTES OF THE BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON 20 MAY 2025 1

2. PRESIDING MEMBER'S COMMUNICATION 1

3. COMMITTEE MEMBER DECLARATION OF INTEREST 1

4. MATTERS FOR DECISION 1

5. PRESENTATIONS / MATTERS FOR DISCUSSION 1

5.1 PRESENTATION – SHOP TO WIN COMPETITION RESULTS 1

5.2 PRESENTATION – REVIEW OF 2021-2026 ECONOMIC DEVELOPMENT STRATEGY 1

6. OTHER BUSINESS 2

7. NEXT MEETING 2

8. CLOSURE 2

VENUE Mayors Parlour, Norwood Town Hall

HOUR 6.30pm

PRESENT

Committee Members
Mayor Robert Bria (Presiding Member)
Cr Grant Piggott
Cr Garry Knoblauch
Cr Hugh Holfeld (entered the meeting at 6.32pm)
Ms Amanda Grocock
Mr Ben Pudney
Mr Joshua Baldwin
Ms Trish Hansen
Mr Matt Grant

Staff
Mario Barone (Chief Executive Officer)
Claire Betchley (Manager, Marketing & Place Activation)
Pasqui Daloia (Manager, Strategy & Performance)
Eve Green (Co-ordinator, Place Activation & Economy.)

APOLOGIES Ms Amanda Pepe

ABSENT Nil

1. CONFIRMATION OF MINUTES OF THE BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON 20 MAY 2025

Mr Ben Pudney moved that the Minutes of the Business & Economic Development Advisory Committee meeting held on 20 May 2025 be taken as read and confirmed. Seconded by Ms Amanda Grocock and carried unanimously.

Cr Holfeld entered the meeting at 6.32pm.

2. PRESIDING MEMBER'S COMMUNICATION
Nil

3. COMMITTEE MEMBER DECLARATION OF INTEREST
Nil

4. MATTERS FOR DECISION
Nil

5. PRESENTATIONS / MATTERS FOR DISCUSSION

5.1 Presentation – Shop to Win Competition Results

A presentation on the Shop to Win Competition results was provided by the Co-ordinator, Place Activation & Economy.

5.2 Presentation – Review of 2021-2026 Economic Development Strategy

A presentation on the development of the Economic Development Strategy was provided by the Chief Executive Officer and Manager, Strategy & Performance.

6. OTHER BUSINESS

Nil

7. NEXT MEETING

Tuesday, 19 August 2025

8. CLOSURE

There being no further business the Presiding Member declared the meeting closed at 8.37pm.

_____

Mayor Robert Bria
PRESIDING MEMBER

Minutes Confirmed on _____
(date)

15. OTHER BUSINESS

(Of an urgent nature only)

16. CONFIDENTIAL REPORTS

16.1 APPOINTMENT OF MEMBER TO THE ERA WATER AUDIT & RISK COMMITTEE

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 and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the minutes be kept confidential until the announcement in respect to the appointment has been made.

16.2 COMMISSIONING OF QUADRENNIAL PUBLIC ARTWORK – STAGE 2 COMMISSIONING ARTWORK

RECOMMENDATION 1

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

(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
  (i) could reasonably be expected to confer a commercial advantage on a third party; and
  (ii) would, on balance, be contrary to the public interest;

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until all affected parties have been formally advised of the Council's decision.

17. CLOSURE