

Council Meeting Minutes

7 April 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
Socials [f /cityofnpsp](https://www.facebook.com/cityofnpsp) [@cityofnpsp](https://www.instagram.com/cityofnpsp)



City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOOR 7.00pm

PRESENT

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

Staff Mario Barone (Chief Executive Officer)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Jared Barnes (General Manager, Infrastructure & Major Projects)
Andrew Hamilton (General Manager, Community Development)
Lisa Mara (General Manager, Governance & Civic Affairs)
Jenny McFeat (Manager, Governance)
Natalia Axenova (Chief Financial Officer)
Allison Kane (Manager, Strategic Communications & Advocacy)
Eleanor Walters (Manager, Urban Planning & Sustainability)
Geoff Parsons (Manager, Development & Regulatory Services)
Peter Reschke (Team Leader, Regulatory Services)
Lucinda Knight (Executive Assistant, Chief Executive's Office)

APOLOGIES Nil

LEAVE OF ABSENCE Cr Claire Clutterham

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Josh Robinson.

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 3 MARCH 2025

Cr Sims moved that the Minutes of the Council meeting held on 3 March 2025 be taken as read and confirmed. Seconded by Cr Knoblauch and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 3 March	• Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Tuesday, 4 March	• Radio interview with Spence Denny, ABC 891.
Thursday, 6 March	• Attended the Local Government Association of SA Metro Mayors Forum, Adelaide.
Saturday, 8 March	• Attended the official launch of the 'Red bench' project, Linear Park, Felixstow followed by Morning Tea at the Fogular Furlan.
Tuesday, 11 March	• Attended the 2025-2026 Draft Operating Budget Workshop: Mayor's Parlour, Norwood Town Hall.
Thursday, 13 March	• Attended a meeting with Ms Claire Clutterham, Labor candidate for the Federal seat of Sturt, Mayor's Office, Norwood Town Hall.
Friday, 14 March	• Attended the monthly Eastern Region Alliance (ERA) Mayors' breakfast, Adelaide.
Monday, 17 March	• Attended the Committee for Economic Development Australia (CEDA) 'State of the State' Lunch, Adelaide.
Monday, 17 March	• Attended a meeting with Manager, Marketing & Place Activation and Coordinator, Place Activation & Economy, Mayor's Office, Norwood Town Hall.
Monday, 17 March	• Attended Induction: Audit & Risk Committee Induction Training, Mayor's Parlour, Norwood Town Hall.
Wednesday, 19 March	• Radio interview with Nikolai Beilharz, ABC 891.
Wednesday, 19 March	• Attended an on-site meeting with Councillor Connie Granozio and Trinity Gardens residents, Trinity Gardens.
Thursday, 20 March	• Attended an Eastern Regional Alliance (ERA) Mayors and Chief Executive Officer's group meeting, City of Prospect Council offices, Prospect.
Monday, 24 March	• Participated in the Judging for the 2025 Eastside Business Awards, Norwood Town Hall
Monday, 24 March	• Attended an Information Session: 2025 By-Laws Review, Mayor's Parlour, Norwood Town Hall
Tuesday, 25 March	• Participated in a Mainstreet SA Committee meeting via Zoom
Wednesday, 26 March	• Attended an on-site meeting with Councillor Connie Granozio; Manager, Traffic and Integrated Transport; Traffic Engineer, and Trinity Gardens residents, Trinity Gardens
Thursday, 27 March	• Participated in a pre-recorded radio interview with MMM Radio station.
Thursday, 27 March	• Participated in a tour of the Payneham Memorial Swimming Centre redevelopment, Felixstow.
Saturday, 29 March	• Attended the 'Symphony in the Park' Concert, Richards Park, Norwood.
Saturday, 29 March	• Attended the pre-match function followed by the Norwood versus North Adelaide football match, Norwood Oval.

Monday, 31 March	• Presided over a Citizenship Ceremony, Norwood Concert Hall, Norwood.
Monday, 31 March	• Attended an Information Session: Cultural Heritage Service Review Update, Mayor's Parlour, Norwood Town Hall.
Tuesday, 1 April	• Participated in the 'Media Call' for 2025 AFL Gather Round, Arkhe Restaurant, Norwood.
Tuesday, 1 April	• Pre-recorded interview with Radio Italiana 531.
Tuesday, 1 April	• Meeting with resident, Norwood.
Thursday, 3 April	• Attended the Tech Smart event, St Ignatius College (Senior School), Athelstone.
Friday, 4 April	• Attended the Eastern Region Alliance (ERA) Mayor's Monthly Breakfast, Adelaide.
Saturday, 5 April	• Radio interview with Angie McBride, Fiveaa.

- **Red Bench Project – 8 March 2025**

Mayor Bria advised the Council that on 8 March 2025, International Women's Day, he and Mr Ernesto Pianelli, Consul for Italy in Adelaide, in collaboration with Australia Donna, unveiled a Red Bench at Drage Reserve, Felixstow, the first such bench to be installed in South Australia. Councillors Connie Granozio and Hugh Holfeld were also in attendance.

The Red Bench Project involves red benches being installed in public parks to raise awareness about the scourge and national shame that is domestic violence in Australia.

Mayor Bria thanked Ms Vera Ubaldi, Ms Ada Scalzi and Ms Vincenza Ferraro, for approaching him in December inviting the Council to be involved in this initiative.

He also congratulated and thanked the following organisations for their support in the project:

- Com.It.Es;
- South Australian Italian Association (SAIA);
- Dante Alighieri Society of SA;
- Radio Italiana 531; and
- Co.As.It (SA).

Following the unveiling of the bench, Mayor Bria and Councillor Granozio attend the International Women's Day Morning Tea adjacent to the Fogular Furlan Club, Felixstow. All proceeds from the Morning Tea went to the Eastern Adelaide Domestic Violence Service.

- **Eastern Regional Alliance (ERA) Mayors and Chief Executive Officers' Group Meeting – 20 March 2025**

Mayor Bria briefed the Council on the Eastern Regional Alliance (ERA) Mayors and Chief Executive Officers' Group meeting. Mayor Bria advised that the Hon Joe Szakacs MP, Minister for Local Government, attended the meeting. The key issues that were discussed with the Minister were Elected Member behaviour and the effectiveness of existing mechanisms in place to deal with poor behaviours by Elected Members and recent Remuneration Tribunal's Review of Chief Executive Officers' salaries.

Mayor Bria said the President of the Local Government Association of South Australia, Dr Heather Holmes-Ross (City of Mitcham), also attended the meeting and briefed the Mayors and Chief Executive Officers, on a range of sector-wide issues, including the 2022 Local Government Elections Review, planning reforms and cost-shifting from the State Government to Local Government.

- **Judging for the Eastside Business Awards - 24 March 2025**

Mayor Bria briefed the Council on the judging of the 2025 Eastside Business Awards, which he participated in with Editorial Director, Jim Ploufee and Senior Journalist, David Simmons (Solstice Media) and Council staff members. He advised there were 9,261 votes cast as part of this year's Awards.

- **Tour of the Payneham Memorial Swimming Centre Redevelopment, Felixstow – 27 March 2025**

Mayor Bria thanked the Council staff for organising the tour of the redevelopment of the Payneham Memorial Swimming Centre. He also thanked Mr Jack Lewis, Site Manager (Badge Constructions) and Mr Michael Moshos, Project Manager, Civil (City of Norwood Payneham & St Peters), for providing the tour of the facility.

5. DELEGATES COMMUNICATION

- Cr Duke advised that on Friday 4 April 2025, he attended on behalf of Mayor Bria, the Payneham Cricket Club Senior Trophy Presentation at the Payneham RSL.

6. ELECTED MEMBER DECLARATION OF INTEREST

Cr Sims declared an interest in relation to Item 12.1 of the Agenda.
Cr McFarlane declared an interest in relation to Item 12.1 of the Agenda.

7. ADJOURNED ITEMS

Nil.

8. QUESTIONS WITHOUT NOTICE

Nil.

9. QUESTIONS WITH NOTICE

9.1 QUESTIONS WITH NOTICE - CONDITION OF LOCAL ROADS IN STEPNEY AREA - SUBMITTED BY CR SCOTT SIMS

QUESTION WITH NOTICE:	Condition of Local Roads in Stepney Area
SUBMITTED BY:	Cr Scott Sims
FILE REFERENCE:	qA1040
ATTACHMENTS:	Nil

BACKGROUND

Cr Sims has submitted the following Questions with Notice:

Could staff please:

1. advise on the reasons for the prolonged delay in repairing Laura, Henry and Phillis Streets, Stepney?
2. detail the planned actions to resolve these issues and provide a detailed timeline for repair?

REASONS IN SUPPORT OF QUESTIONS

As a representative for the Maylands/Trinity Gardens area since November 2018, the community has consistently raised issues regarding the condition of our local roads, many of which still require attention.

Roads such as Laura Street, Henry Street and Phillis Street in Stepney are in particularly poor condition, highlighting broader infrastructure concerns.

Residents have shared their frustrations at the continued delays and need for action.

RESPONSE TO QUESTION

PREPARED BY ACTING GENERAL MANAGER, INFRASTRUCTURE & MAJOR PROJECTS

As Elected Members will recall, in 2020 it was anticipated that stormwater drainage upgrade works would be undertaken in Henry Street and Laura Street as part of the Trinity Valley Drainage Upgrade Stage 1 Project. Therefore, it was decided at that time, to align the timing of road surface renewal works with the Trinity Valley Drainage Upgrade Stage 1 Project to ensure an efficient and economical outcome.

The concept design for Trinity Valley Drainage Upgrade Stage 1 Project was updated in 2024 and at its meeting on 5 August 2024, the Council resolved that *“the detailed design for the Trinity Valley Stormwater Drainage Upgrade Project Stage 1 be based on stormwater detention along Clifton Street, Maylands, with the upgrade of stormwater drainage capacity along Henry Street and Nelson Street removed.”* As a result, the road surface renewal works for Henry Street and Laura Street have been included in the draft 2025-2026 Capital Works Program and will be prioritised to be completed early in the new financial year.

The Trinity Valley Drainage Upgrade Stage 1 Project works are also scheduled to be undertaken during the 2025-2026 financial year. In addition to Clifton Street, intersecting streets (e.g. Phillis Street) may have minor stormwater upgrade works or be used as a route for construction traffic.

Once the detailed design is completed, the timing of road resurfacing for Phillis Street will be reconsidered. Road resurfacing may be undertaken to align with the Trinity Valley Drainage Upgrade Stage 1 Project works or as part of the 2026-2027 Capital Works Program, depending on which option is the most pragmatic.

10. DEPUTATIONS

10.1 DEPUTATION – STOBIE POLE ARTWORK APPROVAL PROCESSES

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

SPEAKER/S

Mr Travis Cox

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Mr Travis Cox has written to the Council requesting that he be permitted to address the Council in relation to stobie pole artwork approval processes.

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

Mr Travis Cox addressed the Council on this matter.

11. PETITIONS

11.1 PETITION – BIRRELL STREET, NORWOOD – ON-STREET PARKING RESTRICTIONS

REPORT AUTHOR: Governance Officer
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4533
FILE REFERENCE: qA173560
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to table a petition which has been received by the Council regarding concerns with a request to implement time limited on street parking restrictions in Birrell Street, Norwood.

BACKGROUND

The Petitioners are requesting that the Council does not implement 2 hour time limited parking restrictions in Birrell Street, Norwood.

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

The Petition has been signed by a total of 16 citizens, which includes 1 signatory who resides outside of Birrell Street.

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

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 1: Social Equity

Objective1.2: A people friendly, integrated and sustainable transport network.

Strategy:

1.2.4 Provide appropriate traffic management to enhance residential amenity.

DISCUSSION

A resident of Birrell Street, Norwood has requested that the Council implements 2 hour time limited parking restrictions in Birrell Street, Norwood.

On the basis of this request, other residents have signed the petition and are requesting that the on-street parking arrangements in Birrell Street remain unchanged and that the time limited parking restrictions not be implemented.

The request to implement on street parking restrictions in Birrell Street is being considered by Council staff in accordance with the Council's *On-Street Parking Policy* (the Policy).

It is therefore recommended that the Council refers the petition to staff for consideration as part of the assessment of the request in accordance with the Policy.

RECOMMENDATION

That the Convenor of the petition be advised that this matter will be referred to Council staff for consideration as part of the assessment of the parking arrangements in Birrell Street, Norwood in accordance with the Council's *On-Street Parking Policy*.

Cr Sims moved:

That the Convenor of the petition be advised that this matter will be referred to Council staff for consideration as part of the assessment of the parking arrangements in Birrell Street, Norwood in accordance with the Council's On-Street Parking Policy.

Seconded by Cr Mex and carried unanimously.

12. WRITTEN NOTICES OF MOTION

12.1 WRITTEN NOTICE OF MOTION – 2025 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY – SUBMITTED BY CR CONNIE GRANOZIO

NOTICE OF MOTION: 2025 Australian Local Government Association (ALGA) National General Assembly
SUBMITTED BY: Cr Connie Granozio
FILE REFERENCE: qA1039
ATTACHMENTS: Nil

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

NOTICE OF MOTION

That the Council approves the attendance of Cr Victoria McFarlane and Cr Scott Sims at the 2025 Australian Local Government Association (ALGA) National General Assembly in Canberra from 24-27 June 2025.

REASONS IN SUPPORT OF MOTION

At the Council Meeting held on 3 March 2025 the Council approved the attendance of Cr Moorhouse at the Australian Local Government Association (ALGA) National General Assembly (NGA).

Both Cr McFarlane and Cr Sims also expressed an interest in attending.

At the time the Council was advised that there was adequate funding as part of the budget for all three (3) Elected Members to attend.

The ALGA is the national body for Local Government and the NGA provides both a learning and networking opportunity and attendance at the NGA is relevant to all Elected Members.

STAFF COMMENT

Nil

Cr Sims declared a material conflict of interest in this matter as he is the subject of the matter being discussed and left the meeting at 7.30pm.

Cr McFarlane declared a material conflict of interest in this matter as she is the subject of the matter being discussed and left the meeting at 7.30pm.

Cr Granozio moved:

That the Council approves the attendance of Cr Victoria McFarlane and Cr Scott Sims at the 2025 Australian Local Government Association (ALGA) National General Assembly in Canberra from 24-27 June 2025.

Seconded by Cr Piggott and carried.

Cr Sims returned to the meeting at 7.34pm.
Cr McFarlane returned to the meeting at 7.34pm.

12.2 WRITTEN NOTICE OF MOTION – TREES TO BE PLANTED IN COUNCIL OWNED/MANAGED OPEN SPACE – SUBMITTED BY CR HUGH HOLFELD

NOTICE OF MOTION: Trees to be Planted in Council Owned/Managed Open Space
SUBMITTED BY: Cr Hugh Holfeld
FILE REFERENCE: qA1039
ATTACHMENTS: Nil

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

NOTICE OF MOTION

That, starting from the 2026 tree planting season, all trees to be planted in Council owned or managed open space, including Linear Park, where Council staff deem it reasonable and/or appropriate to do so, should be:

- (a) native species based on Table 6 - Street Tree Palette (pp 50-53) of the *2022-2027 Tree Strategy*; and
- (b) locally (Adelaide Plains) native species.

REASONS IN SUPPORT OF MOTION

Trees are the cornerstone of our parks and reserves and to have the best outcomes for community wellbeing and the flora and fauna that call our Council home, all trees planted within should be native trees. Locally native trees provide several benefits as compared to species introduced to the Adelaide Plains. They are better adapted to our climate and conditions, provide food and habitat for local wildlife and they have a better cooling ability, compared to introduced species that lose all their leaves during winter dormancy. Street, verge, and median strip trees have a wider range of factors that must be taken into account in their selection, as identified in the *2022-2027 Tree Strategy*.

STAFF COMMENT

Nil

Cr Holfeld moved:

That, starting from the 2026 tree planting season, all trees to be planted in Council owned or managed open space, including Linear Park, where Council staff deem it reasonable and/or appropriate to do so, should be:

- (a) native species based on Table 6 - Street Tree Palette (pp 50-53) of the 2022-2027 Tree Strategy; or*
- (b) locally (Adelaide Plains) native species.*

Seconded by Cr Mex.

Amendment

Cr Moorhouse moved:

- 1. That, starting from the 2026 tree planting season, all trees to be planted in Council owned or managed open space, including Linear Park, where Council staff deem it reasonable and/or appropriate to do so, should be:*
 - (a) native species based on Table 6 - Street Tree Palette (pp 50-53) of the 2022-2027 Tree Strategy;
or*
 - (b) locally (Adelaide Plains) native species.*
- 2. That the 2022-2027 Tree Strategy be updated to reflect this approach.*

Seconded by Cr Sims.

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

12.3 WRITTEN NOTICE OF MOTION - TRAFFIC EFFICIENCY REVIEW - BUS MOVEMENTS - INTERSECTION OF SIXTH AVE AND STEPHEN TERRACE, ST PETERS – SUBMITTED BY CR KESTER MOORHOUSE

NOTICE OF MOTION:	Traffic Efficiency Review - Bus Movements - Intersection of Sixth Ave and Stephen Terrace, St Peters
SUBMITTED BY:	Cr Kester Moorhouse
FILE REFERENCE:	qA1039
ATTACHMENTS:	Nil

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

NOTICE OF MOTION

That staff write a letter to the Department of Infrastructure and Transport advocating for a traffic efficiency review for bus movements at the intersection of Sixth Avenue and Stephen Terrace to improve efficiency and road safety.

REASONS IN SUPPORT OF MOTION

Adelaide Metro buses taking the W90 and W91 bus routes must cross through heavy Stephen Terrace traffic to get from one side of Sixth Avenue to the other, often having to wait a long time for a gap in traffic. The intersection is a known trouble spot, a nightmare during peak hour and poses an ever present safety risk for buses, cars and pedestrians alike. It is unreasonable for buses to be expected to cross Stephen Terrace during peak hours. Doing so creates unnecessary stress for drivers and poses a significant safety risk to all road users. A traffic efficiency review for the Sixth Avenue/ Stephen Terrace intersection would explore options to improve its traffic flows and road safety. Possible measures to consider could include bus priority traffic light signalling, or making minor changes to the bus route.

STAFF COMMENT

Nil

Cr McFarlane left the meeting at 7.47pm.
Cr McFarlane returned to the meeting at 7.47pm.

Cr Moorhouse moved:

That staff write a letter to the Department of Infrastructure and Transport advocating for a traffic efficiency review for bus movements at the intersection of Sixth Avenue and Stephen Terrace to improve efficiency and road safety.

Seconded by Cr Mex and carried unanimously.

12.4 WRITTEN NOTICE OF MOTION – PUBLIC LIGHTING – SUBMITTED BY CR KESTER MOORHOUSE

NOTICE OF MOTION: Public Lighting Policy
SUBMITTED BY: Cr Kester Moorhouse
FILE REFERENCE: qA1039
ATTACHMENTS: Nil

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

NOTICE OF MOTION

1. That a report be presented to the Council to provide information regarding the framework for the management of public lighting within our City.
2. That as part of the report, consideration be given to the development of a policy which would provide guidance to the Council in respect to the Council's role and to inform decision making in respect to public lighting matters within the City.

REASONS IN SUPPORT OF MOTION

By illuminating roads and footpaths during the nighttime, street lights make it easier for pedestrians, cyclists and drivers to see where they are going and to be seen by others. Well lit areas have fewer car crashes, less crime and can engender a greater sense of security. Yet our Council area does still have some dark areas, particularly our laneways. Unlike many of our neighbouring councils, at present Norwood, Payneham and St Peters does not have a Public Lighting Policy to guide our approach to public lighting. As such, we risk our roll out of public lighting being seen as inconsistent and on-the-fly.

A Public Lighting Policy Would inform decision making around the installation of new public lighting and upgrades to existing public lighting in the Council's streets, laneways, parks and reserves, as well as the management of public lighting with a focus on providing a safe and vibrant public realm. The Policy could also consider architectural feature lighting (e.g. heritage facades) and the appropriate type of lighting for the Council's buildings for visual comfort, light spillage minimisation and energy efficiency. As some members of our City feel unsafe walking our streets at night, a report to Council on street lighting, followed by the adoption of a Public Lighting Policy would be necessary initial steps in demonstrating that we take their safety concerns seriously.

STAFF COMMENT

PREPARED BY ACTING GENERAL MANAGER, INFRASTRUCTURE & MAJOR PROJECTS

A report, as requested in the Motion, can be provided to the Council.

Cr Moorhouse moved:

1. *That a report be presented to the Council to provide information regarding the framework for the management of public lighting within our City.*
2. *That as part of the report, consideration be given to the development of a policy which would provide guidance to the Council in respect to the Council's role and to inform decision making in respect to public lighting matters within the City.*

Seconded by Cr Sims and carried unanimously.

13. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

13.1 REVIEW OF E-SCOOTER PERMITS

REPORT AUTHOR: Manager, Urban Planning & Sustainability
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4532
FILE REFERENCE: qA72872
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to consider the future operation of e-scooters in the City of Norwood Payneham & St Peters.

BACKGROUND

At its meeting held on 4 November 2024, the Council resolved the following:

1. *That an extension of the e-scooter permits to Beam and Neuron until 30 April 2025, be endorsed for the purposes of aligning with the permit period of the City of Adelaide, noting that Council staff will work with the City of Adelaide during this period and a report will be provided to Council on the long-term future for the operation of a shared e-scooter scheme.*
2. *That the Chief Executive Officer be authorised to write to the Minister for Infrastructure & Transport, advising of the outcomes of this report and seeking further authorisation through exemption of e-scooters under the Road Traffic Act 1961 until 30 April 2025, or until such time as the proposed PMD legislation is enacted, removing the need for this authorisation.*

The Council has been involved in the current e-scooter trial since 14 May 2021, with a number of extensions being granted over that period. The current permits that have been issued to the two (2) commercial operators (Beam and Neuron) will expire on 30 April 2025.

This report considers an interim position as a date for the commencement of the new legislation for such devices has not been announced by the State Government]. Once enacted, the *Statutes Amendments (Personal Mobility Devices) Bill 2024* will allow privately-owned e-scooters and other personal mobility devices to be ridden on roads and other public areas.

The Government proposes to take a broad access approach, permitting use on footpaths and pedestrian infrastructure, as well as in bike lanes and on roads where the default speed limit is a maximum of 50km/h. It is proposed that a speed limit of 25km/h will apply on roads, bike lanes and separated paths and a lower speed limit of no more than 15km/h on footpaths and shared paths with pedestrians. Riders will be required to use a helmet at all times and must be aged 16 or older to ride PMD's unsupervised.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives contained in the Council's Strategic Plan, *CityPlan 2030*, are set out below:

Outcome 1 Social Equity

An inclusive, connected, accessible and friendly community

Objective:

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

Outcome 3 Economic Prosperity

A dynamic and thriving centre for business and services

Objective:

3.1: A diverse range of businesses and services.

Outcome 4: Environmental Sustainability

A leader in environmental sustainability

Objective:

4.4. Mitigating and adapting to the impacts of a changing climate.

FINANCIAL AND BUDGET IMPLICATIONS

The permits that have been issued to operators incorporate a fee that generates a combined income to the Council of \$6,300 per annum, which covers the costs incurred in the management and administration of the scheme, including the Ride Share mobility management platform.

EXTERNAL ECONOMIC IMPLICATIONS

The transport and parking convenience offered by shared mobility devices, combined with the City's close proximity to the Adelaide CBD, means that the City of Norwood Payneham & St Peters is attractive for shared mobility device operators and users.

Increased local accessibility for citizens and visitors through micro-mobility devices can also increase the level of patronage and expenditure for local businesses and events in the Council area.

E-scooter use increases significantly during major events, such as the AFL Gather Round and the Adelaide Fringe.

SOCIAL ISSUES

Shared mobility device schemes offer a convenient and affordable mode of transport to people who may not have the capacity or desire to travel by private car, ride share or taxi. This in turn can contribute to a healthier, more connected and more active community.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Shared mobility devices, such as e-scooters are known to replace car journeys and therefore reduce carbon emissions and air pollution and congestion. Additionally, shared mobility device schemes provide a link for passengers to public transport, by offering a low-cost faster option of travelling to and from public transport stops (first and last mile transport).

RESOURCE ISSUES

The responsibility for managing e-scooters lies with the Sustainability Unit, with some additional support from Regulatory Services in management of public complaints about footpath obstruction or public safety concerns.

RISK MANAGEMENT

In the past, the Council has responded to areas of possible risk by adjusting the operational requirements through Permit conditions and requests to the operators (such as new No Parking Zones).

If the Council continues to play a role in providing permits for e-scooter hire schemes, additional resources will need to be applied to better manage the needs of users versus the need to safe pedestrian and traffic movement and orderly management of the e-scooters in the public realm.

CONSULTATION

- **Elected Members**

The Council last considered this matter at its meeting held on 4 November 2024.

- **Community**

Not Applicable.

- **Staff**

General Manager, Urban Planning & Environment

- **Other Agencies**

Not Applicable

DISCUSSION

There is a need to consider whether an extension of the e-scooter permits to Beam and Neuron beyond 30 April 2025, is to be approved.

Data from the previous period, reported to the Council at its meeting held on 4 November 2024 showed an overall downward trend in device usage each year since 2021. The average trip per e-scooter per day was approximately 0.3 trips.

In the previous report to Council, it was reported that there had been a decline in the number of complaints to the Council regarding the shared e-scooter scheme. This remains the case, with only isolated complaints being received by Council staff. Since November 2024 the Council is not aware of any safety incidents or reports in the intervening four (4) month period.

The State Government legislation will allow private use of personal mobility devices and incorporates notable changes such as allowing the use of these devices on roads with speed limits under 50km/h and permitting travel speeds for on road use of up to 25km/h.

Demand for e-scooters has gradually reduced over the four-year period. It is difficult to predict what impact there will be following the commencement of the PMD legislation allowing private use of e-scooters and other PMDs, now advised as likely to occur in mid-2025. However, there is a possibility that the legislation may undermine the viability of Beam and Neuron's operations.

OPTIONS

Option 1: Short-term extension of e-scooter trial permits

This option would enable the e-scooter trial to continue operation for a further period, nominally for an additional eight (8) months, until 31 December 2025. A further Ministerial exemption would need to be sought and obtained, prior to offering permits to the current operators beyond 30 April 2025.

This option is put forward to extend the current arrangements and enable reassessment following the expected State Government commencement of the legislation enabling private use of PMDs.

This is the recommended option.

Option 2: Long-term extension of e-scooter trial permits

This option provides a longer-term commitment to a shared e-scooter trial. Once the legislation is in effect, there is no need for Ministerial exemption, and this effectively would no longer be part of a "trial". Rather, it would be an ongoing permit arrangement.

Adopting this option would not enable a broader review of the commercial operation of e-scooters in the City of Norwood Payneham & St Peters and is not recommended.

Option 3: Discontinue shared e-scooter operations

The Council could choose not to extend the shared e-scooter scheme due to public perceptions relating to public nuisance and safety concerns.

The ongoing operation and viability of a shared e-scooter scheme is most likely to be dependent on the commitment of the City of Adelaide. The permits in the City of Adelaide for the two operators terminate on the same date (30 April 2025) and it is not possible to pre-empt the outcome of that decision.

Due to the imminent legislation commencement and the uncertainty of the City of Adelaide's position this option is not recommended at this time.

CONCLUSION

As an interim position, it is considered reasonable to continue the current Permit arrangements for Neuron and Beam for a further eight (8) months. Once a date is announced for legislative commencement, the Council can reconsider its position for operating ongoing e-scooter availability.

COMMENTS

Nil.

RECOMMENDATION

1. That should the operators wish to continue in the City of Norwood Payneham & St Peters, an extension of the e-scooter permits be granted to Beam and Neuron until 31 December 2025, noting that should the City of Adelaide not extend the current permits operating in the City, then the permit to operate in the City of Norwood Payneham & St Peters will be cancelled.
2. That subject to the above, the Council notes that the Chief Executive Officer will write to the Minister for Infrastructure & Transport, seeking authorisation through exemption of e-scooters under the *Road Traffic Act 1961* until 31 December 2025, or until such time as the proposed PMD legislation is enacted, removing the need for this authorisation.

Cr Piggott moved:

1. *That should the operators wish to continue in the City of Norwood Payneham & St Peters, an extension of the e-scooter permits be granted to Beam and Neuron until 31 December 2025, noting that should the City of Adelaide not extend the current permits operating in the City, then the permit to operate in the City of Norwood Payneham & St Peters will be cancelled.*
2. *That subject to the above, the Council notes that the Chief Executive Officer will write to the Minister for Infrastructure & Transport, seeking authorisation through exemption of e-scooters under the Road Traffic Act 1961 until 31 December 2025, or until such time as the proposed PMD legislation is enacted, removing the need for this authorisation.*

Seconded by Cr McFarlane and carried unanimously.

13.2 IMPLEMENTATION OF THE BUILT HERITAGE STRATEGY 2022-2027

REPORT AUTHOR: Manager, Urban Planning & Sustainability
GENERAL MANAGER: Urban Planning & Environment
CONTACT NUMBER: 8366 4561
FILE REFERENCE: qA88791
ATTACHMENTS: A

PURPOSE OF REPORT

This report presents the second annual report on implementation of the Council's *Built Heritage Strategy 2022-2027*.

There are a number of strategy documents that sit underneath the Council's Strategic Management Plan, *CityPlan 2030: Shaping Our Future*. These documents set out a range of actions to implement the Council's objectives and strategies. It is important to regularly report on the implementation of these strategies to track progress and to identify any gaps or barriers to implementation.

BACKGROUND

The Council endorsed the *2022-2027 Built Heritage Strategy* at its meeting held on 5 September 2022. The Strategy contained a commitment to report the *progress and outcomes of the initiatives annually to the Council*.

A report on implementation of the Strategy was considered at the October 2023 meeting. This report updates the actions taken to progress the Strategy. This implementation update is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives contained in the Council's Strategic Plan, *CityPlan 2030*, are set out below:

Outcome 2: Cultural Vitality

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

Objective

2.2 A community embracing and celebrating its cultural diversity and heritage

2.3 A City which values and promotes built heritage

2.4 Pleasant, well designed, and sustainable neighbourhoods

FINANCIAL AND BUDGET IMPLICATIONS

No direct budget implications arise from reporting on the progress of the implementation of the Strategy. The actual implementation tasks rely on utilisation of planning policy staff resources or a budget allocation.

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

Not applicable.

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, which is to protect and enhance the City's valued built form and character.

Cultural heritage also encompasses items in places such as museums and the Cultural Heritage Centre, intangible cultural heritage, indigenous heritage, and natural heritage.

While the focus of this Strategy is on built heritage, there are synergies and future opportunities for collaboration with the Council's *Arts and Culture Plan*.

ENVIRONMENTAL ISSUES

Not applicable.

RESOURCE ISSUES

Monitoring and reporting on the implementation of the Strategy has been undertaken within existing staff resources.

RISK MANAGEMENT

There are no legislative risks associated with this issue. The potential reputational risk that Council is not progressing with its strategic directions for heritage, is being managed through the actions being taken to implement this Strategy, as outlined in this report.

CONSULTATION

- **Elected Members**

The Council considered the *Built Heritage Strategy* at its meetings held on 7 February 2022, 4 July 2022, 5 September 2022 and 3 October 2023.

- **Community**

Not applicable.

- **Staff**

General Manager, Urban Planning & Environment
Manager, Arts, Culture & Community Connections

- **Other Agencies**

Nil

DISCUSSION

Reporting Framework

The *2022-27 Built Heritage Strategy*, provides an overarching strategic document which outlines the Council's approach to protecting, managing and promoting built heritage.

The Strategy contains fourteen (14) Objectives and twenty (20) Initiatives, which are categorised under the following four themes:

- *Celebrate, Promote and Support* - celebrating and promoting the value of built heritage and supporting owners of heritage properties;
- *Protect* - maintaining and strengthening heritage protections;
- *Advise, Influence and Advocate* - advocating and influencing good heritage outcomes in legislation and policy, and providing information and advice to the community; and
- *Lead by Example* - protecting and promoting heritage buildings and historic public realm features which are under the care and control of the Council.

The Initiatives and Actions are varied, including actions that reflect existing services or initiatives which are already offered by the Council, as well as new initiatives involving the Council and other partners. Ongoing communication was considered valuable for the community.

A successful outcome in June 2024, was the Minister for Planning awarding the Council grant funding of up to \$47,600 to match the Council's costs in undertaking its three (3) concurrent heritage and historic area related Code Amendments. The grant is being used to match the Council's costs for eligible activities and will maximise the outcomes for heritage and historic area protections.

The following discussion summaries the progress that has been made in the period October 2023 to February 2025. The reporting follows the themes set out in the Strategy and is further detailed in the summary table in **Attachment A**.

Celebrate, Promote and Support

Initiatives that have been progressed during this time include the commencement of the Heritage Plaque Scheme, the continuation of detailed property history searches through the Cultural Heritage Centre and a focus for planning staff in assessing development applications based on heritage referral advice from the Council's consulting Heritage Architect.

The free Heritage Advisory Service offered to residents and applicants continued to be well received and highly utilised with 139 booked appointments or phone consultations over the reporting period (October 2023 – February 2025).

The Council measures utilisation and satisfaction with Council services through the biennial Community Survey. The survey's measurement of Council services over time showed that survey respondents that had accessed "built cultural heritage services/ advice" had significantly increased during the reporting period. The latest survey (November 2023) recorded a 18% usage rating, a significant rise from 12% usage recorded at the previous Community Survey. See Figure 1 below.

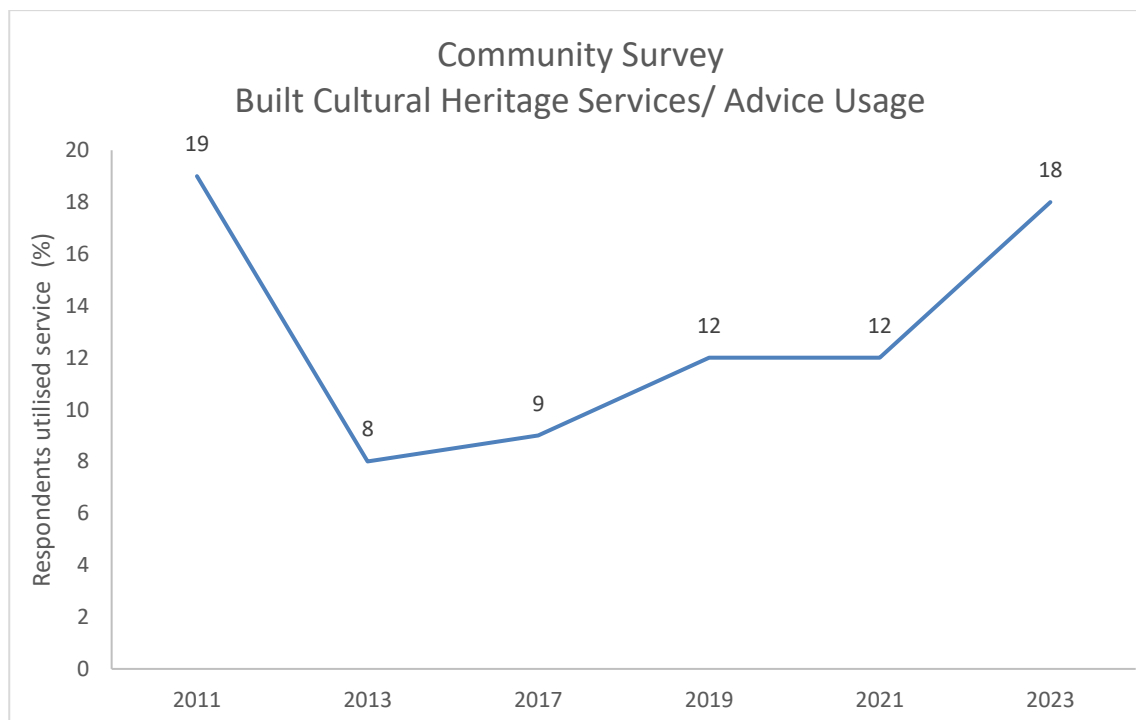


FIGURE 1: Source: City of Norwood Payneham & St Peters Community Survey Report 2023

The Council's planning staff continue to undertake an important role in engaging with applicants to achieve good design and flexible land use outcomes that complement the heritage or historic values.

Presentations and information sessions were held to assist community groups and property owners in understanding the work the Council is progressing to protect heritage places and areas of historic value.

Protect

Significant work has been undertaken on the program of Code Amendments, implementing better planning policy outcomes for identified heritage places and areas of historic character meeting the threshold for protection.

The *Interwar Housing Heritage Code Amendment* was approved by the Minister for early commencement and consultation approval. The Code Amendment includes protection for 20 new Local Heritage Places, a new Historic Area Overlay and identification of 12 new Representative Buildings in Heathpool. Public consultation was undertaken from 24 October 2024 until 20 December 2024 and a consultant has been engaged and is currently reviewing submissions to provide independent advice on the objections that have been lodged in respect to the proposed listings of buildings.

Area Statements under the *Planning and Design Code* play a key role in guiding planning assessment for new development in these locations. In the transition to the Code from the Development Plan, the Council was required to sacrifice considerable policy detail to meet the Code scope. Following this process, the State Planning Commission has recognised the need to further enhance the Area Statements and is supporting Council's to undertake this work to assist owners, applicants and Development Assessment staff in better understanding the historic and character area attributes, which form the basis of the policy protections under the Overlays, the *Historic and Character Area Statement Review Code Amendment*. This has involved the preparation of investigations, drafting the Proposal to Initiate and undertaking a review of the 32 Area Statements for these precincts. A Heritage Consultant has been engaged and is currently finalising a revised set of Area Statements, ready for public consultation in the second half of 2025.

One of the actions relates to better describing the descriptions of Local Heritage Places in the *Planning and Design Code*. This work has not commenced and requires further implementation by the State Government towards an integrated heritage framework.

In June 2024, the Environment, Resources and Development Court handed down its judgement affecting a prominent Local Heritage Place, upholding a Council Assessment Panel decision to refuse an application which adversely impacted on heritage value of the building. The Court's reasoning reinforced the importance of preserving the streetscape character and retaining the building's heritage setting.

Advise, Influence and Advocate

The Council continued an advocacy role in putting forward comments and suggestions relating to heritage, through a number of submissions, including on the draft Greater Adelaide Regional Plan, Assessment Improvements Code Amendment and the Accommodation Diversity Code Amendment.

The Council participated in the Local Council Survey conducted by Heritage South Australia, to help inform better advocacy and support for Councils in delivering heritage outcomes.

Lead by Example

Council owned heritage buildings remain available for the community to visit and hire.

Supporting the Strategy's initiative of promoting community access to Council owned heritage buildings, accessibility reviews were conducted for Norwood Swimming Centre, Norwood Oval Grandstand and St Peters Library. New guard rails were installed at Norwood Oval and new accessible toilets built at St Peters Library.

There were a number of improvements made to Council owned heritage assets including repair and refurbishment to the Benson Fountain (Kensington), Norwood Memorial Gardens Fountain and Sir Edwin Thomas Smith Fountain (Kent Town).

As in previous years, bluestone kerbing has been conserved in streets where maintenance work has been performed.

OPTIONS

Not Applicable.

CONCLUSION

The development of the *2022-2027 Built Heritage Strategy* with an annual reporting mechanism. provides for a greater level of transparency and communicates the Council's priorities and initiatives regarding built heritage.

COMMENTS

Nil

RECOMMENDATION

That the Built Heritage Strategy report on implementation, as contained in Attachment A, be noted.

Cr Sims left the meeting at 7.59pm.
Cr Sims returned to the meeting at 8.00pm.

Cr Mex moved:

That the Built Heritage Strategy report on implementation, as contained in Attachment A, be noted.

Seconded by Cr Duke and carried unanimously.

13.3 REVIEW OF THE COUNCIL'S ON-STREET PARKING POLICY

REPORT AUTHOR: General Manager, Urban Planning & Environment
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4501
FILE REFERENCE: qA64322
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to present to the Council the submissions, that have been received in response to the draft *On-Street Parking Policy* and to present the draft Policy for consideration and final endorsement.

BACKGROUND

The Council considered a report on the draft *On-Street Parking Policy* at its meeting held on 2 April 2024 and resolved the following:

1. *That the draft On-Street Parking Policy, as contained in Attachment B, be endorsed, as suitable for release for public consultation, for a minimum period of six (6) weeks.*
2. *The Council notes that a further report will be presented to the Council following consideration of submissions that are received during the consultation period.*

A copy of the report that was previously considered by the Council and the draft Policy that was released for community consultation, is contained in **Attachment A**.

Subsequent to the Council's decision, the draft *On-Street Parking Policy* was released for community consultation between 3 June 2024 and 8 July 2024. All existing Permit Holders and relevant property owners were advised in writing of the consultation process and the draft Policy.

At the conclusion of the consultation period, 122 submissions on the draft Policy were received.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant sections of the Council's Strategic Management Plan, *City Plan 2030*, are set out below.

Outcome 1 - Social Equity

Objective 1.2

A people friendly, integrated and sustainable transport network.

Strategy 1.2.4 is relevant as it notes that the Council will provide appropriate traffic and parking management, to enhance residential amenity and support business.

Outcome 3 – Economic Prosperity, Objective 3.2 is relevant to the extent that the Council's objective is to have cosmopolitan business precincts which contribute to the prosperity of the City and promote the City as a visitor destination.

Objective 5 of the Council's Smart City Plan is relevant to on-street parking as it encourages the exploration of opportunities to improve parking in the City with smart technology.

The Council's Access and Inclusion Strategy is also of relevance as it promotes equitable access to services available in the City.

FINANCIAL AND BUDGET IMPLICATIONS

There are no proposed changes to the fee structure for *On-Street Parking Permits* as part of this review of the current Policy. However, it is proposed to offer Permits on an annual and biennial basis, to make the Permit process more convenient for long-term residents who regularly renew their On-Street Parking Permits year after year. If a high proportion of Permit holders take up the opportunity to renew their permits on a biennial (two yearly) basis, then the administration associated with the processing of Permit Applications will, over time, become more efficient and cost-effective.

EXTERNAL ECONOMIC IMPLICATIONS

The availability of on-street parking impacts on the economic development of a City. In respect to the City of Norwood Payneham & St Peters, its retail and commercial base is essentially focussed on main streets such as The Parade, Magill Road, Kensington Road and Payneham Road. As these main streets have developed over time, together with changes to on-site car parking requirements through changes to planning policies (now almost exclusively controlled by the State Government), there has been a gradual loss of on-site car parking, thereby making the availability and management of on-street parking critical to the sustainability of these precincts. This situation, together with less restrictive parking policies which have been introduced by the State Government, has resulted in significant competition for on-street parking as some land uses do not accommodate sufficient on-site car parking to meet the demand that is generated by the land use. This situation is heightened in precincts such as The Parade and Magill Road, where both commercial and residential land uses are required to co-exist and compete for limited on-street parking. Achieving a balance is therefore critical, but challenging and complex.

SOCIAL ISSUES

The City's residential areas and its residents rely on the provision of on-street car parking. In suburbs such as Felixstow, the competition for on-street car parking spaces is not as high as in residential areas adjacent to The Parade, Magill Road and Payneham Road and indeed, many of the suburbs west of Portrush Road. Tipping the balance totally in favour of residential land uses and residents will impact negatively on the City's main streets. Similarly, tipping the balance in favour of the business sector will impact negatively on residents. As such, a balance needs to be achieved.

CULTURAL ISSUES

Australian cities are still very much "car-centric". There are numerous reasons for this continuing reliance on vehicles.

From a cultural perspective, this dependency translates to the expectation that on-street car parking must be provided to each user, irrespective of priority and need. Similarly, there is a growing expectation that individual needs are more important than collective needs and that priorities should be based on the needs of the individual.

ENVIRONMENTAL ISSUES

The draft Policy sets out the Council's objectives with respect to the use of Smart Technology to assist in the management and enforcement of parking areas and parking controls. The draft Policy lists the Council's objective of providing up to sixteen (16) EV Charging Stations across the City over the next fifteen (15) years, subject to community demand.

Three (3) submissions were received suggesting that the Council should be more ambitious with its EV Charging Station targets.

The Council has entered into commercial agreements with EV Charging Station providers to provide the infrastructure in a staged manner, noting that the providers will only install additional infrastructure as the need and demand arises. In addition, the electric vehicle market is dynamic and technology continues to evolve at a rapid pace. As such, it is prudent for the Council to invest cautiously in EV Infrastructure in the public realm in the short-term, as today's needs may not be relevant or as relevant in ten or fifteen years time.

It is also worth noting that the provision of EV Charging Infrastructure is not solely the responsibility of the Local Government sector and as such, as demand rises for the EV Charging Stations, the private sector will play its part and provide most of the required infrastructure, as is the case with petrol stations.

No change is recommended to the Council's EV Charging Station targets as part of this review of the *On-Street Parking Policy*.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

If the Council endorses changes to the existing Policy, there is a risk that the changes will be met with resistance from some citizens. In addition, if a Policy review is handled poorly, it can damage the Council's reputation. These risks can be appropriately managed by ensuring that the reasons for changing the Policy are well explained to the community, as part of the implementation process.

CONSULTATION

- **Elected Members**

Nil.

- **Community**

Community consultation comprised:

- writing to each Permit Holder and relevant property owners and local Resident's Associations, advising of the review of the Policy and inviting feedback; and
- uploading the draft Policy and a "Frequently Asked Questions" (FAQ) document on the Council's website.

Consultation was undertaken between 3 June 2024 and 8 July 2024.

- **Staff**

Chief Executive Officer;
General Manager, Governance & Community Affairs;
Manager, Traffic & Integrated Transport;
Manager, Development & Regulatory Services;
Team Leader, Regulatory Services; and
Traffic Engineer.

- **Other Agencies**

Not Applicable.

DISCUSSION

A wide range of issues have been identified with the current Policy, since its adoption in 2021. Those issues have been addressed in the draft Policy that was released for public consultation in June 2024. Some of the issues relate to gaps in the existing Policy and some relate to anomalies or ambiguities that have been identified in the wording contained in the Policy.

A total of 122 submissions have been received in relation to the draft Policy that was released for public consultation. A summary of the key issues raised in the submissions and discussion of the implications for the draft Policy is set out below. Aspects of the draft Policy that were not raised during the consultation period have not been discussed below. Matters raised in the submissions that were deemed to relate to specific streets or properties are not discussed below as they will be considered as part of the implementation of the Policy on a 'precinct by precinct' basis.

The structure below generally lists the relevant section of the draft Policy (if applicable), discussion of the issues that may require resolution or at least consideration and a recommendation.

Parking Precincts and Priority of Use

The *Land Use and Competing Demands* section of the draft Policy (Pg 4), sets out considerations for determining who should have priority to a specific area of on-street parking. In three submissions, it was suggested that the draft Policy does not give sufficient emphasis to the priority of residential parking, with specific reference to the Mixed Use Residential (MUR) Precinct. All three submissions suggest the inclusion of additional text that discourages all day 'non-residential' parking.

The MUR Precinct has been established for areas across the City where schools are located within relatively low-density residential areas. As such, the draft Policy encourages priority for residential and long-term employment parking for school employees, where inadequate off-street parking is available. This approach acknowledges that higher rates of occupancy for on-street parking may be acceptable in the MUR Precinct because of the mix of residential properties and schools prevalent in those precincts.

If the Council determines to increase the priority of on-street parking to serve residential properties in the MUR Precinct, long-term employment parking for school employees would be displaced and potentially 'shift' long-term employment parking to adjacent Residential Precincts, which would be undesirable.

More broadly, the priority for Residential Parking is clearly articulated in the Parking Precincts and Priority of Use section of the draft Policy (Pg. 5), which was adopted by the council in 2021, following a careful analysis of the different land uses that exist within the different precincts.

Two submissions questioned why Henry Street, Norwood is included in the Commercial Activity District (CAD), given that the street does not include commercial properties. The CAD precinct has been established in the areas adjacent to The Parade, recognising that parking demand is influenced by the commercial activity on The Parade. The focus in the CAD is to support the business and economic development activities on The Parade, while acknowledging the competing demands for residential parking. In this context, notwithstanding the concerns raised in the submission, given the close proximity of Henry Street to The Parade, it is considered reasonable that on-street parking priority should not be strongly skewed in favour of residential properties.

Visitors to The Parade cannot always find a convenient car parking at or near the commercial premises they are visiting and therefore, providing some opportunities for parking in side streets near The Parade strikes a reasonable balance of supporting on-street parking needs of local residents and commercial operators on The Parade.

Recommendation

No change to the draft Policy is recommended.

When Intervention is needed & Occupancy Rates

Investigations

The draft Policy includes a recommendation that the current wording in the Policy be supplemented to allow for minor changes to existing on-street parking controls to be implemented, where, in the opinion of the Manager, Development & Regulatory Services, the proposed changes will not cause adverse on-street parking issues in the broader locality and provided that regard is given to the Policy objectives and that consultation on the proposed changes is undertaken with (and limited to) persons deemed to be directly impacted by the proposed changes.

No submissions were received in relation to this proposal. However, since the draft Policy was released for consultation, a re-structure within the Urban Planning & Environment Department has resulted in the primary responsibility for implementing on-street parking control changes being transferred from the Regulatory Services Unit to the Traffic & Integrated Transport Unit. As such, it is recommended that the draft Policy include reference to both the Manager, Traffic & Integrated Transport and the Manager, Development & Regulatory Services being able to implement minor changes to existing on-street parking controls.

Recommendation

Change the draft Policy wording in relation to the implementation of minor changes to existing on-street parking controls to include reference to the Manager, Traffic & Integrated Transport.

Residential Parking Permits - Multi-Dwelling Developments

Three (3) submissions were received in support of the proposed changes to the eligibility criteria for occupants of multi-dwelling units to access Residential Permits.

In the draft Policy, it is recommended that the eligibility criteria for Residential Parking Permits be amended to state that permits will not be issued to residents or owners of dwellings within multi-dwelling developments that are provided with off-street car parking facilities and were constructed and completed for occupation after 1 November 2021. This date has been chosen because it is the date on which the *On-Street Parking Policy* was first adopted. Residents living in these developments are expected to make adequate arrangements for parking within the premises and not rely on the limited resource of on-street parking.

Recommendation

Retain the proposed changes to the eligibility criteria for residents of multi-dwelling units for Residential Parking Permits.

Residential Parking Permits – Other Eligibility Criteria

Types of vehicles eligible for Residential Permits

The draft Policy includes a statement that permits only be available for registered/roadworthy motor vehicles and not be available for buses, trucks, motorcycles, scooters, motor homes, boats, trailers, caravans or the like.

One (1) submission suggests that the proposed restrictions on motorcycles, scooters and trailers is unreasonable and without basis and that all vehicles that can be registered for road use have a legal right to be parked in the street. The submission suggests that if the Council believes that there is a valid argument to exclude certain types of vehicles, then such an exclusion should be implemented on the basis of a particular characteristic, such as limiting the size of the item or vehicle.

The Council's current *On-Street Parking Policy*, which was adopted in 2021, states that "*permits are only available for 'registered/roadworthy motor vehicles and are not available for trailers, caravans etc.'*" The suggested wording in the draft Policy seeks to provide greater clarity for what types of vehicles and items are not eligible. However, having regard to the submission, it is considered that some further amendments to the wording are warranted.

The proposal to exclude motorcycles and motor scooters in the draft Policy was included on the basis that smaller motor vehicles such as motorcycles and motor scooters can typically be housed on private properties and therefore, the storage of such smaller motor vehicles on the street would unnecessarily take up available on-street parking spaces for cars. However, it is acknowledged that it is not always possible to house motorcycles and scooters off-street. In this context, it is considered reasonable that the owner of a motorcycle or scooter should be eligible to receive a Residential Parking Permit, provided that all other eligibility requirements are met.

The specific exclusion of items and vehicles that are primarily used for work and or recreational purposes or because of their large size, including motor homes, trucks, trailers, caravans, boats and the like, is an intentional Policy inclusion. One submission suggests that the exclusion of motorhomes from the eligibility criteria for Residential Parking Permits is discriminatory.

The objective of providing Residential Parking Permits is to provide residents with limited or no off-street parking, with an opportunity to access on-street parking spaces in areas where there is a high demand for parking spaces and high occupancy rates in those spaces. As the availability of on-street parking spaces is finite, the Council must be judicious in setting its eligibility criteria for Residential Parking Permits, to ensure equitable (fair and reasonable) access to the limited number of on-street parking spaces that are available. There is nothing discriminatory with eligibility criteria that aims to provide equitable access to a finite number of on-street parking spaces.

In this context, it is considered fair and reasonable that the eligibility criteria be restricted to include only cars, motorcycles and scooters. Larger vehicles and or recreational items such as trucks, trailers, small recreational scooters, caravans, motorhomes, boats and the like, are typically used for work and or recreational purposes and as such, are not considered to warrant priority access for Residential Parking Permits.

Recommendation

Retain the proposed changes to the eligibility criteria for the type of vehicles and items that are eligible for Residential Parking Permits, but include motorcycles and scooters (vespa type scooters, not recreational scooters intended for use on footpaths).

Residential Parking Permits – Time Limit for Vehicles

The conditions of use for Residential Permits do not currently include any requirements for permit holders to move their vehicles on a regular basis. Whilst the vast majority of permit holders move their vehicles regularly, there are some examples across the City where registered vehicles have remained in the same on-street parking space for several months. In some cases, permit holders have multiple vehicles parked in on-street parking bays for extended periods of time. Occasionally, the Council receives complaints about such vehicles, due to their poor visual condition and negative aesthetic impacts on streetscapes and to a lesser extent, their impact on traffic safety.

Some Councils that issue Residential Permits, impose time limits for the movement of vehicles. For example, the City of Adelaide, City of Charles Sturt and the Town of Walkerville, require Residential Permit holders to move their vehicles every twenty-four (24) hours, although it is unknown to what extent this provision is enforced.

In the draft Policy, it is suggested that vehicles not be permitted to remain stationary in the same position for a period of more than seven (7) days and that vehicles must be moved a minimum distance of four on-street parking spaces if the vehicle is to be parked in the same time restricted parking area for concurrent seven (7) day periods.

Four (4) of the submissions that have been received are opposed to the imposition of a time limit, citing that such a restriction is likely to cause problems for Permit holders who travel for extended periods for various reasons.

Notwithstanding the validity or otherwise of the four submissions, the suggested imposition of a time limit restriction is considered to strike a reasonable balance between retaining convenience for the vast majority of permit holders who may, from time to time, need to leave vehicles parked in the same on-street location for reasons such as illness, employment or travel, whilst at the same time, empowering staff to take enforcement action and revoke permits or issue expiations to citizens who ignore repeated requests to regularly move their vehicles.

Recommendation

Retain the suggested change in the draft Policy that states that *“vehicles not be permitted to remain stationary in the same position for a period of more than seven (7) days and that vehicles must be moved a minimum distance of four on-street parking spaces if the vehicle is to be parked in the same time restricted parking area for concurrent seven (7) day periods.”*

If the suggested change is endorsed, it should be noted that enforcement of the time limits to move vehicles through revocation of permits would only be undertaken as a last resort of enforcement, with application of this approach limited to cases where citizens are blatantly ignoring repeated requests to move their vehicles and to address repeat offenders.

Visitor Parking Permits

The current Policy, which was adopted by the Council in 2021, restricts the use of Visitor Permits to four hours and states that residents can purchase books of Visitor Permits as needed, but that the number of Visitor Permits may be limited, without stating what that limit is.

To provide clarity for all affected parties, in the consultation draft of the Policy, it was recommended that the existing Policy be amended to state that the maximum number of Visitor Permits that the Council will provide annually to each household will be limited to fifty (50) and that one additional book containing another fifty (50) Visitor Permits may be provided annually, on request, provided that the resident provides evidence that the first book of Visitor Permits has already been used. It was also recommended that a maximum of two Visitor Permit vouchers per household be used at any one time.

Visitor Permits have historically been issued as transferable permits and whilst the four-hour time limit was introduced in 2021, the time limit has not been actively enforced to date. As such, some residents have historically used Visitor Permits as 'de-facto' Residential Permits and from time to time – and frequently in some cases – some residents park their vehicles on the street all day in time limited parking areas or Resident Only Parking Zones, using a Visitor Permit.

Enforcement of the four-hour time limit would provide more equitable accessibility to on-street parking for all permit holders as it would ensure that the Visitor Permits are used for their intended purpose, for occasional, short-term use, which in turn should assist to increase turn-over of on-street parking spaces in time limited parking areas and Resident Only Parking Zones. However, the Council must also be mindful that the implementation of visitor permit booklets and the enforcement of four-hour time limits will cause significant inconvenience for existing permit holders.

Eighty-eight (88) submissions have been received requesting the retention of the current Visitor Parking Permit system. Of these, the majority state that radical reform is not needed, that there is no undue pressure for visitor parking on their respective streets and that the proposed Visitor Parking Permit system, including the use of the Permit Booklets and or the enforcement of the four-hour time limit is impractical and unworkable. Other key reasons cited for the retention of the current Visitor Parking Permit system include:

- the use of a Visitor Permit booklet system is cumbersome, antiquated and unacceptable;
- the proposed restrictions do not cater for ageing in place and the regular needs of older people who require regular medical care or other regular needs that are provided by visitors;
- the use of Visitor Permit booklets unnecessarily introduces a wasteful paper-based system;
- better policing by the Council will resolve current issues;
- there is no point imposing a time limit restriction on Visitor Parking Permits if the Council has insufficient resources to enforce the Policy;
- the number of proposed Visitor Permit vouchers is insufficient;
- reducing the flexibility of the current Visitor Parking Permit system favours parking for non-residential land uses over the needs of local residents;
- reducing the flexibility of the current Visitor Parking Permit system will negatively impact owners of short-term rental properties; and
- having to walk long distances from parking spaces to residential properties causes inconvenience and safety concerns.

Six (6) submissions have indicated a preference for the retention of the existing Visitor Parking Permit system but requested that in the event that the Council implements a significant change to the current system, that at least one (1) Visitor Parking Permit per eligible properties be made available.

Five (5) submissions were received in support of the proposed enforcement of time limits for Visitor Parking Permits, noting that effective policing of the current Policy would address current 'abuse' of the system. Two (2) submissions were received in support of the introduction of the Visitor Permit booklets.

The Visitor Parking Permit system is a vexed one. On the one hand, the Council receives complaints from time to time from Permit holders advising that they have experienced difficulties in accessing available parking bays in time restricted parking areas and Resident Only Parking Zones and complaints that visitor parking permits are being 'abused' because they are being used for extended periods of time, well beyond the four-hour time limit stipulated in the Council's *On-Street Parking Policy*. On the other hand, a significant number of submissions that have been received during the consultation period on the draft Policy suggests that a significant proportion of Permit holders believe that there are no major issues with the current system and that radical reform is not required.

The objective of providing Visitor Permits is to provide eligible residents with permits for occasional use, where additional time may be needed for visitations, for example, to facilitate convenient parking for friends, family, carers and tradespersons. Visitor Permits are not intended to be used for longer term parking needs or to supplement a shortage of on-site parking.

The current system will not meet the above objectives if the four-hour time limit is not enforced. However, the four-hour time limit is considered too restrictive by many Permit holders. The concerns that have been raised in the submissions that suggest that the four-hour time limit does not adequately cater for many visitation requirements, are considered valid. In addition, the proposed implementation of a paper-based Visitor Permit booklet system has been widely criticised in the submissions.

As the availability of on-street parking spaces is finite, the Council must be judicious in setting its eligibility criteria for Visitor Parking Permits, to ensure equitable (fair and reasonable) access to the limited number of on-street parking spaces that are available.

On balance, having had regard to the submissions that have been received, it is considered that some reform of the current system is warranted but that radical reform is not required.

Visitor Permit Booklet System

The proposed implementation of a paper-based Visitor Permit booklet system is problematic. A paper-based system is considered antiquated, unworkable and impractical for users and it is not an effective way to manage visitor permit parking. It is recommended that this aspect of the current Policy be rescinded and that the Council retain its current process of issuing a re-usable Visitor Permit that is required to be displayed on the vehicle dashboard in the relevant year that the Permit issued.

Maintaining the provision of the current re-usable Visitor Permit, will ensure that it is available for use all-year-round, whereas the use of Visitor Parking Permit booklets would cap the number of permits to 100 vouchers per residential property per year, though additional booklets could be obtained in exceptional circumstances.

Recommendation

That the Council not proceed with the implementation of the Visitor Parking Permit booklet system.

Enforcement of Visitor Permit Time Limits

To ensure compliance with the existing Policy objective for the provision of Visitor Parking Permits, which is to provide eligible residents with permits for occasional use, where additional time may be required for visitations, it is recommended that that Council enforce Visitor Permit time limits. However, having had regard to the submissions that have been received, it is considered that there is a warrant for the current time limit to be extended from four to six hours to provide a more practical approach for Visitor Permit users. This approach will provide greater flexibility for eligible residents, whilst ensuring more turn-over of available spaces for Permit holders and more accessibility for all visitors in time restricted parking areas and Resident Only Permit Zones. Enforcement of a six-hour time limit will also minimise the risk of misuse of Visitor Parking Permits by some Permit holders, who have historically used the Visitor Permits to cater for their long-term parking needs, rather than for occasional use, an approach which has restricted the turn-over of available on-street parking spaces which should otherwise be available for all visitors.

Recommendation

Extend the time limit for Visitor Permits from four (4) hours to six (6) hours and commence enforcement of the time limits.

Visitor Parking Permit Eligibility Criteria

The current eligibility criteria for Visitor Parking Permits enables eligible residents to obtain two Visitor Permits per residential property. In the 2024-2025 financial year, the Council issued 647 Visitor Permits to 500 households. Of these, 144 households were issued with two Visitor Parking Permits. To ensure equitable (fair and reasonable) access to the limited number of on-street parking spaces that are available, the Council could, in combination with enforcing time limits on Visitor Parking Permits, consider reducing the number of Visitor Parking Permits to one (1) Visitor Permit per eligible residential household. This would significantly increase the availability of on-street parking spaces throughout the day in time restricted parking areas and Resident Only Permit Zones, for all visitors. However, the change may also inconvenience some existing Visitor Parking Permit holders, who have recently and/or historically relied on the use of two Visitor Parking Permits to meet their visitation needs.

The current system provides maximum flexibility in the sense that the unfettered use of Visitor Parking Permits (arising from the historic non-enforcement of the four-hour time limit) caters for broad visitation needs of households ranging from, for example, medical needs, ageing in place, to large families. However, the Council must balance this flexibility and potential inconvenience together with the need to ensure fair and reasonable access to on-street parking spaces for all visitors. The Council receives complaints from time to time that it is difficult to find on-street parking in time restricted parking areas, however, it is difficult to quantify the extent of the issue.

One possible approach that could be considered to ensure a reasonable degree of flexibility is maintained for Visitor Permit holders is to allow residents to access a second Visitor Permit to cater for exceptional circumstances that are out of their control and have a significant impact on their lives, such as a proven significant medical condition that requires regular visitation by multiple parties to the residential premises on a regular basis. This approach would cater for those residents who have pressing visitation needs that have arisen from circumstances outside of their control but would also make management of the Permit Authorisation process more complex and resource-intensive because staff would need to consider each request for a second Visitor Permit on its merits.

On balance, it is recommended that the Council reduce the number of Visitor Parking Permits that are made available to one (1) per residential household, in addition to enforcing a six (6) hour time limit. This approach would keep the system simple, consistent and equitable to all eligible residents, significantly increase turn-over of spaces in time restricted parking areas and Resident Only Parking Zones and ensure that Visitor Permits are being used for their intended short-term, occasional purpose.

The combination of recommended amendments to the consultation draft of the Policy, including the increase of the four (4) hour time limit to six (6) hours and scrapping the proposed use of a paper-based Visitor Permit voucher system and the associated cap of 100 Visitor Permit vouchers, addresses several of the key issues of concern raised in the submissions. However, if the Council is of the view that there is no significant issue with the availability of on-street parking where time restricted parking controls apply, then it is open to the Council to retain the current Visitor Parking Permit parameters in place, which allows for up to two Visitor Permits per residential household.

In weighing up its position, the Council should note that the consultation draft of the Policy includes a new Permit category, that being a third Residential Permit, which is transferrable. The introduction of this new category will enable eligible residents to access a third Residential Permit, were exceptional circumstances apply, such as a where a resident is suffering a significant medical condition that requires regular, rather than occasional visitation by multiple parties to the residential premises on a regular basis. In such cases, the additional Residential Permit, will be issued at the discretion of Council staff, but will only be issued in circumstances where there is a proven need outside of the person's control. The provision of a third Residential Permit in exceptional circumstances will assist to offset the loss of receiving a second Visitor Permit for some residents.

Recommendation

That the Council reduce the number of Visitor Parking Permits to one (1) per residential household.

Temporary Parking Permits

The proposed inclusion of Temporary Parking Permits for tradespeople in limited circumstances, is aimed at providing convenience for the delivery of materials to residential construction sites and for tradespeople to have faster convenient access to their vehicle to access tools and materials. The current Policy makes no provision to facilitate this type of activity despite that fact that there are several hundred residential developments undertaken across the City in any given year and many of these occur in parts of the City where there are time restricted parking controls in place and high demand for on-street parking spaces, which makes it difficult for tradespeople to do their job efficiently and effectively. The proposal includes a suggested cap on the number of permits that will be issued, sets a minimum value of development and includes a forty-two-day time limit for this type of permit, to ensure that other Residential Permit holders will still have reasonable access to on-street parking spaces adjacent their properties.

Five submissions opposed the proposed cap of one (1) Temporary Parking Permit per residential property to allow a tradesperson's vehicle to park in time restricted parking areas or Resident Only Parking Zones for a maximum period of forty-two days. The submissions raise concern that the provision of a Permit for one tradesperson would be insufficient to cater for the number of tradespersons that are usually required on development sites. One submission raised concern that setting a \$50,000 minimum value of development cap is detrimental to the rights of the less affluent.

The proposal to issue Temporary Parking Permits for tradespeople in limited circumstances cannot practically cater for the parking requirements associated with large scale developments, without significantly restricting access to on-street parking bays in time restricted parking areas and Resident Only Parking Zones. In addition, if there is no minimum value of development cap, then the demand for Temporary Parking Permits for tradespeople associated with low value developments and home maintenance works, would likely be very high, which would, in turn, restrict access to on-street parking bays in time restricted parking areas and Resident Only Parking Zones for regular Permit holders.

Recommendation

It is recommended that the Council adopt the recommended eligibility criteria for Temporary Parking Permits for tradespeople in the consultation draft of the Policy, as these parameters will ensure that the issuing of Temporary Parking Permits for tradespeople does not undermine the objective of providing fair and reasonable access to on-street parking to all residents and visitors.

Narrow Streets

The Council frequently receives complaints about narrow streets, typically about there being inadequate space to pass parked vehicles, blocking of driveways, lack of space to present bins for waste collection and accessibility difficulties for waste collection trucks and emergency services vehicles.

The current Policy recommends the restriction of on-street parking to one side of the street in narrow streets with widths under 7.2 metres. However, in the consultation draft of the Policy, it was proposed to apply a staged approach to intervention from the Council. For example, if accessibility for waste collection vehicles is problematic in a narrow street, parking restrictions could be implemented or trialled for one or two parking spaces on waste collection days to facilitate safe and convenient waste collection. The initial intervention could be supplemented with a staged approach of educating local residents, which may include the deployment of educational signage about parking requirements or restrictions, followed by a second phase of enforcing non-compliance if education fails and lastly introducing on-street parking controls such as the removal or staggering of existing on-street parking spaces if the first two measures fail.

Addressing parking and traffic issues through a staged approach of education followed by enforcement and finally the imposition of on-street parking controls if the first two are ineffective is consistent with the approach used by the City of Unley for streets with widths of between 5.0 metres and 7.0 metres and is considered to be a more realistic, equitable, collaborative and balanced approach to addressing on-street parking issues in narrow streets.

Two (2) submissions were received in support of the proposal for managing on-street parking in narrow streets and two (2) submissions were opposed to the proposal.

Recommendation

Given the relatively low number of submissions received in relation to the proposal to manage on-street parking in narrow street and the even split of support and opposition to the proposed approach, no changes are recommended to the approach included in the consultation draft of the Policy.

Revenue

Four (4) submissions were received suggesting that the proposed amendments to the Council's draft *On-Street Parking Policy* represent a "revenue raising" exercise.

The rationale for these submissions is unclear. The intent of the proposed amendments is clearly not to raise revenue. Rather, the amendments have been proposed to address long-standing issues and concerns raised by the community.

Recommendation

No changes to the Policy are recommended in relation to revenue raised from on-street parking Permits.

Other Issues

Land Uses & Competing Demands

Council staff have identified that the current Policy does not articulate the circumstances in which on-street parking may be removed by the Council. There are some situations where the Council may determine to reallocate space within the public realm for reasons such as the implementation of landscaping, traffic control devices, protected cycle lanes, or improved crossings for active transport modes etc. In addition, the removal of on-street parking spaces may be necessary for traffic management or road safety purposes—e.g., removing parking on the approach or departure side of intersections, or along bends where safe sight distance cannot be achieved. While these changes would typically be subject to site specific community consultation, it is considered prudent to articulate this approach in the Policy.

Recommendation

It is recommended that the following information be included in the *Land Uses & Competing Demands* section on Page 4 the draft Policy.

There are some situations where the Council may determine to reallocate space within the public realm for reasons such as the implementation of landscaping, traffic control devices, protected cycle lanes, or improved crossings for active transport modes etc. In addition, the removal of on-street parking spaces may be necessary for traffic management or road safety purposes—e.g., removing parking on the approach or departure side of intersections, or along bends where safe sight distance cannot be achieved. In such cases, the proposed changes would typically be subject to site specific community consultation.

Some other minor changes to the wording of the draft Policy have been included to address typographical errors and to improve the flow of the document. None of these changes have significant impact on the implementation of the Policy.

A copy of the submissions is contained in **Attachment B**. The address of the citizens who made submissions has been redacted for privacy reasons.

A copy of the final version of the draft Policy, for which endorsement is requested from the Council, is contained in **Attachment C**.

OPTIONS

There are many different approaches which could be taken to the various issues which are addressed in the draft *On-Street Parking Policy*, including those which have been proposed and those which have been carried over from the current Policy that was adopted by the Council in 2021. The draft Policy has been developed having regard to experience of Council staff in the management of on-street parking, as well as benchmarking against other Councils that experience similar parking related issues and having had regard to the submissions received during the community consultation period.

The draft Policy is considered to provide appropriate flexibility and practicality, noting that the Policy cannot create on-street parking spaces. Rather, it is seeking to manage the use of the available spaces as fairly and as equitably as possible. This means that some compromises are necessary.

The Council has the option of not endorsing the draft Policy or any aspects of it, should it wish any matters to be further investigated. However, the Council must be mindful of the need to implement the *On-Street Parking Policy* in a timely and appropriate manner to address outstanding parking concerns that have been raised by citizens.

CONCLUSION

The draft *On-Street Parking Policy* has been revised to address some shortcomings raised as a result of the consultation process as well as shortcomings that have been identified by Council staff, who are responsible for administering the management of on-street parking.

It is difficult and complex to find the right balance of Policy provisions to satisfy the needs of all road users, businesses and residents with respect to the management of on-street parking and no matter what position the Council takes, there is likely to be some citizens who will not be satisfied with the outcome. The management of on-street parking, by its very nature will always be controversial as there are many competing demands, expectations and entitlements for a finite number of spaces.

The most prominent issue raised during the community consultation period related to the management of Visitor Parking Permits. The submissions clearly articulated that the proposed implementation of a Visitor Parking Voucher Booklet would be impractical and unworkable, that the proposed enforcement of a four-hour time limit for Visitor Permits would be problematic and that radical reform of the current system is not required.

The proposed removal of the Visitor Parking Voucher Booklet and the associated cap of 100 vouchers, combined with the proposed extension of the Visitor Parking time limit to six (6) hours and the implementation of a third Residential Parking Permit that can be obtained in exceptional circumstances, is considered to address a high proportion of the submissions received. However, the proposal to reduce the number of Visitor Parking Permits issued to a maximum of one (1) per residential household, is aimed at significantly increasing turn-over of spaces in time restricted parking areas and ensure that Visitor Permits are being used for their intended short-term, occasional purpose. The effect of this change is that 144 households will no longer be eligible for a second Visitor Parking Permit and therefore, the Council must weigh up the benefits of the proposed change against the retention of the existing system.

If the Council is of the view that there is no significant issue with the availability of on-street parking where time restricted parking controls apply, then it is open to the Council to retain the current Visitor Parking Permit parameters in place, which allows for up to two Visitor Permits per residential household. However, in weighing up the proposed changes to the Policy, it is also worth noting that if the proposed changes to Visitor Parking Permits are adopted, each eligible residential household can still access up to two Residential Parking Permits, plus a third Residential Parking Permit in exceptional circumstances, such as a significant medical need, in addition to a Visitor Parking Permit, as well as a temporary permit to accommodate a tradesperson, as those needs arise.

If the Council determines to retain two Visitor Parking Permits per eligible household, then it is recommended that the proposed third Residential Permit be removed from the draft Policy.

The overall number of parking permits that residential households can access is considered to be a reasonable, given that the number of available on-street parking spaces in affected areas is finite.

COMMENTS

Household occupancy and circumstances change over time and what may be suitable requirements for one household today may not be relevant or sufficient at a later time. As such, the Council must be judicious with respect to the manner in which it administers Parking Permits. The more generous that the Council is with respect to the number of Permits it is prepared to issue, the more competition there will be for the finite number of on-street parking spaces that are available and may result in a lower turn-over rate of cars parked in time restricted parking areas and Resident Only Permit Zones.

The *On-Street Parking Policy* is a strategic level document that sets an overall framework for the management of on-street parking and is not intended to meet the individual needs of all property owners. However, through the implementation of the Policy over time, the unique circumstances that apply to each street, including, but not limited to parking occupancy rates, width of the relevant street, traffic volumes, mix of land uses etc. may influence what types of parking controls are most appropriate to meet the needs of the affected citizens and they will have an opportunity to provide input into parking control changes, through street specific community consultation that will be undertaken as part of implementing the Policy on a “precinct by precinct” basis.

RECOMMENDATION

1. That the draft *On-Street Parking Policy* contained in Attachment C, be endorsed.
 2. That all persons who lodged a submission on the draft *On-Street Parking Policy* be advised in writing of the Council's decision and thanked for their submission.
 3. That the next scheduled review of the *On-Street Parking Policy* be undertaken in April 2028.
 4. That the Chief Executive Officer be authorised to make further minor changes to the document, that are deemed necessary to ensure that it is suitable for publication, provided that the changes do not affect the intent of the document.
-

Cr Piggott moved:

1. *That the draft On-Street Parking Policy contained in Attachment C, as amended to include a second Visitor Parking Permit and removal of the provision of a third Resident Parking Permit, be endorsed.*
2. *That all persons who lodged a submission on the draft On-Street Parking Policy, be advised in writing of the Council's decision and thanked for their submission.*
3. *That the next scheduled review of the On-Street Parking Policy be undertaken in April 2028.*
4. *That the Chief Executive Officer be authorised to make further minor changes to the document, that are deemed necessary to ensure that it is suitable for publication, provided that the changes do not affect the intent of the document.*

Seconded by Cr Sims and carried.

13.4 2022-2025 YOUTH DEVELOPMENT STRATEGY – FINAL PROGRESS REPORT & DRAFT 2025-2027 YOUTH ACTION PLAN

REPORT AUTHOR: Manager, Arts, Culture & Community Connections & Coordinator, Youth Programs
GENERAL MANAGER: General Manger, Community Development
CONTACT NUMBER: 8366 4550
FILE REFERENCE: A984817 A1087753
ATTACHMENTS: A – C

PURPOSE OF REPORT

To:

1. report on the achievements of the *2022-2025 Youth Development Strategy*;
2. seek the Council's approval of the *2025-2027 Youth Action Plan*.

BACKGROUND

At its meeting held on 6 December 2021, the Council endorsed the draft *2022-2025 Youth Development Strategy* which is included as **Attachment A**.

Launched in 2022, the draft *2022-2025 Youth Development Strategy* outlined four objectives for youth development and engagement, which were:

- Objective 1 Young people are connected, included and welcome in the life of the community.
- Objective 2 Young people are active and healthy.
- Objective 3 Young people have resilient futures.
- Objective 4 Young people are visible and heard.

The Strategy expired in January 2025 and this report provides an overview of its operation.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

- *2022-2025 Youth Development Strategy*
- *CityPlan 2030: Shaping Our Future*

FINANCIAL AND BUDGET IMPLICATIONS

Nil

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

The *Strategy* sought to maximise young people's participation, provide opportunities for young people to feel socially connected, to develop and learn and to have a voice.

CULTURAL ISSUES

Findings from consultation with young people in 2023 identified the need and desire for increased participation opportunities for young people in creative workshops and projects. The direct input from young people, regarding ways to encourage creativity and participation in the arts, as well as celebrate the City's diverse cultural profile, presents an opportunity to develop contemporary ideas to bring cross-generational energy and vitality to the community.

ENVIRONMENTAL ISSUES

It is well documented that environmental concerns are a priority for young people. Throughout consultation with local young people, a desire to be heard and considered in the education surrounding the environment and supportive approaches adopted by the Council have been repeatedly expressed.

RESOURCE ISSUES

The Coordinator, Youth Programs, serves as the community connector between the Council and young people, local schools, universities, community organisations, sport, and recreational groups.

Delivery of the *2025-2027 Youth Action Plan* will be within the current annual Youth Development budget.

RISK MANAGEMENT

Nil

CONSULTATION

Nil

DISCUSSION

The Council's *2022-2025 Youth Development Strategy* outlines the Council's vision for youth within the City of Norwood Payneham & St Peters, provides a framework for piloting various initiatives and ways of working with young people. Importantly, it underpins consultation and engagement with youth that was undertaken in 2023, culminating in the formation of the Council's *2024-2026 Voice and Vision of Young People Action Plan*.

The achievements outlined within this report reflect the positive impact and success of the Council's *2022-2025 Youth Development Strategy*. Additional detail relating to the achievements are included in **Attachment B**.

Objective 1 *Young people are connected, included and welcome in the life of the community.*

Collaboration with local Schools

Between January 2023 and January 2025, the Coordinator, Youth Programs partnered with eight (8) schools involving 2,036 students across various projects. Project themes were diverse, providing access to subjects ranging from art, operation of government, environment, citizenship, and career. This included annual collaboration with local primary schools and kindergartens for the longstanding Mayor's Christmas Card Competition, realising an increase in participation from nine (9) local schools who submitted 132 entries in 2023, to fourteen (14) local schools who submitted 320 entries in 2024.

The schools involved were:

- St Peter's College
- Norwood Primary School
- Norwood International High School
- Marryatville High School
- Felixstow Primary School
- Trinity Gardens Primary School
- St Ignatius Junior School
- Prince Alfred College

Programs/Events

A total of twenty-six (26) programs and events targeting young people (excluding events delivered as part of collaborative projects with schools, the Young Achievers Program and Elevate Radio with Three D Radio which are outlined elsewhere within this report) were delivered over the life of the Strategy. These programs and events varied, ranging from Work Experience and Work Placement to Robotics STEM and Make-up and Self-Esteem Workshops, with approximately 1197 young people participating and attending.

The events provided young people with opportunities to learn, participate, represent the views of youth, and build confidence through participation within safe environments.

Art and STEM programs, along with opportunities to be active, featured amongst the event themes.

Elevate Radio, in partnership with Three D Radio

Formerly known as New Vibes, the Elevate Radio Programme was rebranded in 2024 in collaboration with former participants of the radio mentorship program and provided young people with radio broadcast training and a toolbox of skills to help launch them into a range of industries. The program continues to build community connection based on a shared interest in music, artists and local and international news and events.

Since 2015, 29 young people have participated in the program, of which 10 have continued as a volunteer with Three D Radio, leading their own radio program.

Expressions of Interest are currently open for the April 2025 intake.

Young Achievers Program Funding

The *Young Achievers Program* aims to celebrate the achievements of young people and improve their accessibility to local, interstate, and international competitions, events, and leadership development initiatives.

Over \$10,000 has been provided to 35 young people to support their development.
This initiative regularly receives positive feedback. Examples include:

1. Matteo received \$500 in funding to attend an international sport event in Tokyo, Japan.

"This trip wouldn't have been possible without the generous grant from our local council. Your support helped cover travel costs and made this opportunity achievable for me. It's an experience I'll never forget, and I've learned so much, both on and off the field."

Matteo

South Australian State Soccer Team, Football SA Japan Tour 2024

2. Abbey received \$250 in funding to attend a Leadership event in Canberra, ACT.

"Unlike other experiences as a youth advocate, I and the other three SAYF members present, felt so heard and respected in the room. How hopeful it is, that so many young people are impassioned for political change, despite the poor education we have received on how to do just that. Imagine how many more young people will follow suit in years to come, having been educated on civics to the standard we advocated for that day and continuously. The Young Achiever's Program funding from NP&SP Council supported the cost of flights. I am so grateful to have been supported by my council in this regard. Being able to represent SA youth, federally, for such essential civics reform has been a privilege and major highlight in my 19 years to date!"

Abbey

Leadership Appearance at the National Inquiry into Civics Education, Engagement and Participation at the Federal Parliament in Canberra, ACT.

Objective 2 *Young people are active and healthy.*

Health and Wellbeing Initiatives

Between January 2023 and January 2025, nine (9) workshops were delivered to approximately 100 young people supporting their mental and physical health journeys.

In 2023, *Come and Try* event directory posters were developed in partnership with local sport and recreational groups to introduce young people to local clubs and groups to try out a new sport or activity.

In 2024, *Come and Try* activations were also included in the Council's School Holiday Programs. Groups involved have included the Wings Basketball Academy, Stomping Ground Studios, Phoenix Cheer and Dance, and East Torrens Baseball Club.

Programs with a focus on mental health and well-being were also a focus of development for young people. These included breath-work focused initiatives, in addition to make-up and self-esteem focused workshops for teenage girls.

Feedback from guardians, educators and the participants were supportive of these initiatives and emphasised the importance of promoting positive health and wellbeing for younger people.

Objective 3 *Young people have resilient futures.*

Work Experience and Work Placement Program

In response to the high demand for annual work experience and work placements with the Council, a new Work Experience and Work Placement Application Process was implemented in January 2024.

A total of 15 secondary students participated in work experience at the Council and a total of 9 university students have completed work placements with the Council between January 2024 and January 2025.

Developing young people's skills in workplace environments where they can shadow staff within specialist fields allows a student the opportunity to learn valuable insights including communication, systems, and policies, managing difficult situations, building relationships and personal accountability. Work experience and work placement programs support students to build workplace understanding and form potential industry pathways.

Objective 4 *Young people are visible and heard.*

In ensuring young people feel heard and remain visible in our community, ongoing engagement and dialogue is essential to maintaining open communication. The *Coordinator, Youth Programs* has ensured both informal and formal engagement methods have continued to be utilised in a variety of instances where young people have had the opportunity to provide their thoughts, should they wish to. These engagement methods have included various face-to-face and online community surveys, informal conversations, and meetings with local Youth Networks.

The increase in engagement and subsequent changes have led to consistent and open channels of direct communication between young people, parents and guardians, educators and the Coordinator, Youth Programs. It has also improved communication through an expanded database of sector and program facilitator contacts, local School offices and educators, as well as community members that have requested e-Updates via the Council's website.

2025-2027 Youth Action Plan

The appointment of the new Coordinator, Youth Programs in January 2023, provided a catalyst to consult and engage with young people and the youth sector to adapt, evolve, and recalibrate the Council's approach to youth service delivery to ensure programs and initiatives supporting the achievement of the *2022-2025 Youth Development Strategy* were effective, relevant, and accepted among young people. This resulted in the development of a draft *2025-2027 Voice and Vision of Young People Action Plan*.

At its meeting on 4 September 2023 the Council resolved to adopt the draft *2025-2027 Voice and Vision of Young People Action Plan*, subject to further community consultation and engagement. This consultation occurred from 5 September 2023 to 2 October 2023. The result of the community consultation was presented to the Council at an Information Briefing held on 28 August 2023.

Since then, Department of Human Services (DHS) developed a new *Youth Action Plan* for South Australia. This is due to be launched in April 2025.

The new Plan incorporates six key themes identified by young people:

- Greater access to mental health support and services.
- Connection to services and activities available in the young person's community.
- Increased access to age appropriate, affordable, and accessible sport and recreation activities and opportunities.
- More support with post-school pathways, including the teaching of 'life skills' or 'how to adult.'
- Greater access to housing and rental accommodation.
- Inclusion in decision-making.

As a member of the Local Government Youth Development Network (LGYDN), the Council's Coordinator, Youth Programs, has partnered with the LGYDN and DHS to ensure a shared narrative, synergy, and approach across State and Local levels of Government. Through these conversations with the LGYDN, SA Youth Forum and DHS, a clear expression of interest and need for support of young people in attaining true life skills and opportunities to increase employment prospects was highlighted by members of the SA Youth Forum. This led to further informal discussions between the LGYDN members on how to best approach, develop and co-plan future programs and reporting which would best support young people within the community whilst increasing their accessibility to targeted initiatives.

Importantly, the South Australian Government's methodology adopts an Action Plan to progress support for young people. In comparison to a 'strategy', this approach acknowledges a shared understanding of the need for a more tactile, responsive, accessible, and diverse method of working with young people.

In this regard, it is recommended that the proposed *2025-2027 Youth Action Plan* be adopted by the Council. In addition to aligning with the approach taken by the South Australian Government, it would be similarly consistent with many other local governments 'youth engagement' practices.

A range of priorities are proposed to be delivered over the next two years that align with the key themes of the new *Youth Action Plan* of South Australia:

- Greater access to mental health support and services.
- Connection to services and activities available in the young person's community.
- Increased access to age appropriate, affordable, and accessible sport and recreation activities and opportunities.
- More support with post-school pathways, including the teaching of 'life skills' or 'how to adult.'
- Inclusion in decision-making.

This alignment is important as it strengthens messaging and common efforts and interests.

The draft *2025-2027 Youth Action Plan* is included as **Attachment C**.

The draft *2025-2027 Youth Action Plan* identifies four (4) priorities and outlines a series of actions which build upon the success achieved to date. The Plan's priorities include:

Priority 1

Aspiration: Young people are included in decision-making and develop active citizenship skills.

Youth Action Plan of SA theme: Inclusion in decision-making.

Priority 2

Aspiration: Young People are work ready

Youth Action Plan of SA theme: More support with post-school pathways, including the teaching of 'life skills' or 'how to adult.'

Priority 3

Aspiration: Utilise the Norwood Concert Hall to empower young people through the art of performance

Youth Action Plan of SA themes: Connection to services and activities available in the young person's community. Increased access to age appropriate, affordable, and accessible sport and recreation activities and opportunities.

Priority 4

Aspiration: Young People are building positive mental health habits

Youth Action Plan of SA theme: Greater access to mental health support and services.

The Plan will be supported by a range of 'business as usual' activities which include:

- Mayor's Christmas Card Competition.
- Adminstrating the Young Achievers Program.
- Participation in the Local Government Youth Development Network and Eastern Region Youth Network
- Coordination of the Council's work experience and work placement intake.
- Presentations at schools about Local Government and opportunities available to young people.

OPTIONS

Not Applicable.

CONCLUSION

The Council's *2022-2025 Youth Development Strategy* outlined the Council's vision for young people within the City of Norwood Payneham & St Peters, providing a framework for piloting various initiatives and ways of working with young people. Importantly, it underpinned consultation and engagement with youth undertaken in 2023, culminating in the formation of the Council's *2025-2027 Youth Action Plan*.

As the *2022-2025 Youth Development Strategy* expires, the *2024-2027 Action Plan* aligns the Council's approach with other government organisations e.g. the South Australian Government, by providing a tangible and practical plan that younger people can engage with and understand whilst reflecting the Council's commitment to young people.

COMMENTS

Nil

RECOMMENDATION

1. That the draft *2025-2027 Youth Action Plan* be adopted.
2. The Council notes that an annual progress report on the implementation of the *2025-2027 Youth Action Plan* will be provided to the Council.

Cr Moorhouse left the meeting at 8.33pm.
Cr Moorhouse returned to the meeting at 8.34pm.
Cr Granozio left the meeting at 8.35pm.
Cr Granozio returned to the meeting at 8.36pm.

Cr Sims moved:

- 1. That the draft 2025-2027 Youth Action Plan be adopted.*
- 2. The Council notes that an annual progress report on the implementation of the 2025-2027 Youth Action Plan will be provided to the Council.*

Seconded by Cr Holfeld.

Cr Sims, as the mover of the motion, with the consent of Cr Holfeld as the seconder, withdrew the motion.

Cr Robinson left the meeting at 8.45pm.
Cr Robinson returned to the meeting at 8.46pm.
Cr McFarlane left the meeting at 8.47pm.
Cr Robinson left the meeting at 8.47pm.
Cr McFarlane returned to the meeting at 8.48pm.
Cr Robinson returned to the meeting at 8.48pm.
Cr Callisto left the meeting at 8.49pm.
Cr Sims left the meeting at 8.50pm.
Cr Callisto returned to the meeting at 8.51pm.
Cr Sims returned to the meeting at 8.52pm.
Cr Whittington left the meeting at 8.52pm and did not return.
Cr Moorhouse left the meeting at 8.54pm.
Cr Moorhouse returned to the meeting at 8.56pm.
Cr Holfeld left the meeting at 8.55pm.
Cr Holfeld returned to the meeting at 8.55pm.

Cr Sims moved:

- 1. That Council notes the Youth Development Strategy 2022-2025, has concluded.*
- 2. That the draft 2025-2027 Youth Action Plan be adopted.*
- 3. The Council notes that an annual progress report on the implementation of the 2025-2027 Youth Action Plan will be provided to the Council.*

Seconded by Cr Holfeld and carried unanimously.

Section 2 – Corporate & Finance

Reports

13.5 2024-2025 THIRD BUDGET REVIEW

REPORT AUTHOR: Senior Finance Business Partner
GENERAL MANAGER: Chief Finance Officer
CONTACT NUMBER: 8366 4548
FILE REFERENCE:
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to provide the Council with a summary of the forecast Budget position for the year ended 30 June 2025, following the Third Budget Review. This forecast is based on the year-to-date February 2025 results.

BACKGROUND

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

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

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

1. Budget Update

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

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

The Regulations requires a Budget Update Report to include a revised forecast of the Council's operating and capital investment activities compared with estimates set out in the Adopted Budget, however it is recommended by the Local Government Association that the Budget Update Report should also include at a summary level:

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

2. Mid-Year Review

The Mid-Year Budget Review must be considered by the Council between 30 November and 15 March (inclusive) in the relevant financial year. The Mid-Year Budget Review Report sets out a revised forecast of each item shown in its Budgeted Financial Statements compared with estimates set out in the Adopted Budget presented in a manner consistent with the Model Financial Statements. The Mid-Year Budget Review Report must also include revised forecasts for the relevant financial year of the Council's Operating Surplus Ratio, Net Financial Liabilities Ratio and Asset Sustainability Ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled *Financial Indicators*.

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

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

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

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The Third Budget Review provides the opportunity to reflect any changes in projections based on the actual year-to-date results to February 2025 and forecast the 2024-2025 Operating result.

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

EXTERNAL ECONOMIC IMPLICATIONS

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

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

There are no resource implications arising from this issue.

RISK MANAGEMENT

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

CONSULTATION

- **Elected Members**

The Council considered the First Budget Update and the Mid-year Budget Review at its meetings held on 8 October 2024 and 3 February 2025 respectively.

- **Community**

Not Applicable.

- **Staff**

Responsible Officers and General Managers.

- **Other Agencies**

Not Applicable.

DISCUSSION

Budget Review

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

Such on-going services include regulatory services, such as animal management and parking management, street cleaning and rubbish collection, maintenance of basic infrastructure including roads, footpaths, parks, public open space, street lighting and storm-water drainage, development planning and control, library and learning services, community support programs, environmental programs, community events, community recreational facilities and home assistance service.

In addition, the Council considers the funding requirements associated with the introduction of new services and initiative or the enhancement to existing services (Operating Projects).

The 2024-2025 Adopted Operating Budget projected an Operating Surplus of \$229,418. At the Council meeting held on 3 February 2025, the Council endorsed the Mid-Year Budget Update, which reported a forecast Operating Surplus of \$1,740,061. The increase in Operating Surplus was primarily due to the inclusion of the advancements of the *2024-2025 Financial Assistance Grant* from the Federal Government.

Following the Third Budget Review, the Operating Surplus is now forecasted to increase to \$2,763,936.

The material movements in the components that make up the Operating Surplus following the Third Budget Review detailed below.

A. Recurrent Operating Budget changes to the Adopted Budget – surplus increase (\$3,016,402)

The Council adopted a 2024-2025 Recurrent Operating Budget Surplus of \$1.14 million. In the First Budget Update, this Budget remained unchanged. As a result of the Mid-Year Budget Update, the Recurrent Operating Surplus increased by \$1,992,527 to \$3.133 million.

Following the Third Budget Review, the Recurrent Operating Surplus is forecast to increase by a further \$1,023,875 from the Mid-Year Update, resulting in a Recurrent Operating Surplus of \$4.157 million. The major reasons for the movement in Recurrent Operating Surplus are detailed in Table 1.

TABLE 1: MAJOR VARIANCES IN RECURRING BUDGET – THIRD BUDGET REVIEW

	Increase/ (Decrease) \$
Reduction in Finance costs to reflect realised to date budget savings in interest expenses as a result of the timing of loan borrowings.	(500,000)
Reduction in Staff Salaries & Wages Budget during the financial year 2024-2025 as a result of positions that are not currently being substituted by contractors or substituted for a short time (i.e. Development Officer, Buildings (new position), Organisational Development Specialist, Infrastructure & Major Projects Executive Assistant, Manager, City Services, Project Manager, City Projects, Senior Mechanic, Project Officer, Procurement Specialist, Finance Business Partner, portions of other roles that are not fully covered by contractors).	(951,875)
Increase in depreciation expenses as a result of the revaluation of capital assets in the 2023-2024 financial year. This represents timing of budget for depreciation versus finalisation of assets capitalisation and revaluation processes.	298,000
Increase in water charges due to increase in usage of water mainly for reserve and open space maintenance as a result of lower than expected rainfall during the year.	130,000

B. Operating Projects Budget changes to the Adopted Budget – cost increase \$481,885

The Adopted Budget includes a proposed estimate of operating project expenditure for the year under review and the following changes:

- previously approved First Budget Review which included carried forward projects from the prior budget year as well as an additional fund requests,
- previously approved additional funding request in Second Budget Review,
- identified increments or reductions to the current year approved projects proposed in current Third Budget Review.

The Adopted Budget that was endorsed by the Council for 2024-2025, included a total expenditure on Operating Projects of \$0.911 million. As a result of the First Budget Update, the total forecast expenditure on Operating Projects increased to \$1.522 million, due to inclusion of the Carry Forwards totalling \$610,747 from the 2023-2024 Financial Year. As a result of the Mid-Year Budget Review, the total forecast expenditure on Operating Projects decreased to \$1.393 million, due to reduction in current year projects by \$128,862.

No changes are proposed to be made to the Operating Projects Budget as part of the Third Budget Update.

In reviewing the progress of the endorsed the Operating Projects, the projects that may be carried forward into the next financial year are detailed in Table 2 below. Total value of Carry Forward budget required will be confirmed at year end validation.

TABLE 2: OPERATING BUDGETS LIKELY TO BE CARRIED FORWARD TO 2025-2026

Operating Projects

The **Heritage Protection Opportunities** project continues to be implemented. Due to timing of the Code Amendment processes, it is anticipated that part of the budget may need to be carried over into the next financial year (2025-2026).

The Consultant brief has been prepared for the **Glynde Heavy Vehicle Traffic Study** and the study is on track to be undertaken by 30 June 2025. However, the community consultation is unlikely to occur during the current financial year (2024-2025), due to other priorities and workload. It is anticipated that the remainder of the project budget will need to be carried forward into the next financial year (2025-2026).

Part of the **Verge Upgrade** project is likely to be carried forward into the next financial year. The Program is anticipated to be open to residents in April 2025.

A status report on the Operating Projects is contained in **Attachment A**.

C. Capital Projects Budget changes to the Adopted Budget - \$17,420,485

The Council endorsed the Adopted Budget for Capital Projects of \$59.792 million for 2024-2025. As a result of the First Budget Update, the total forecast expenditure on Capital Projects increased to \$77.732 million, due to the inclusion of Carry Forwards from the 2023-2024 Financial Year of \$17.940 million. In the Mid-Year update, the Capital Project expenditure was decreased by \$520,000 to \$77.213 million, mainly as a result of recognising the Grant funding for the Burschell Reserve upgrade and the reduction of some Capital projects during the year.

Following the Third Budget Review, no changes are proposed to be made to the Capital Expenditure.

In reviewing the progress of the endorsed Capital Projects, the projects that may be carried forward into the next financial year are detailed in Table 3. Total value of carry forward budget required to be confirmed at year end validation.

TABLE 3: CAPITAL BUDGETS LIKELY TO BE CARRIED FORWARD TO 2025-2026

Capital Projects

Remaining budget for **Renewal Program – Stormwater Drainage** is anticipated to be carried forward into the next financial year (2025-2026) as a result of the Trinity Valley Stormwater Drainage Project Stage 4 that is currently underway and due to be completed by March 2026.

Remaining budget for **Renewal Program – Buildings, Civil and Recreation & Open Space** will be carried forward into the next financial year (2025-2026) as there is currently insufficient resources to undertake design and construction work the current financial year.

George Street Upgrade Project is currently being tendered. The construction works will commence in early 2025-2026 and therefore it is proposed that the budget be carried forward to 2025-2026.

Payneham Memorial Swimming Centre Redevelopment is on track for completion by June 2026.

Traffic Management at Payneham South, Firle & Trinity is to be carried forward to 2025-2026. The sharrow line marking work is to be completed for St Morris Bikeway within Trinity Gardens in the current financial year (2024-2025).

Richmond Street, Hackney & Eighth Ave, St Peters is to be carried forward to 2025-2026, due to other priorities.

Implementation of the Parade Master Plan is to be carried forward to 2025-2026 due to extended consultation with the Department of Infrastructure & Transport on the detail design.

Private Laneway for Rosemont Lane contract has been awarded and construction is to commence in April 2025. Therefore, remaining budget is to be carried forward to 2025-2026.

Black Spot Grant Project is to be tendered in Q4 of 2024-2025 and the remaining budget is to be carried forward into the next financial year.

A status report on the endorsed Capital Projects is contained in **Attachment B**.

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

“at least twice, between 30 September and 31 May (both dates inclusive) in the relevant financial year (where at least 1 report must be considered before the consideration of the report under subregulation (1)(b), and at least 1 report must be considered after consideration of the report under subregulation (1)(b))—a report showing a revised forecast of its operating and capital investment activities for the relevant financial year compared with the estimates for those activities set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Uniform Presentation of Finances.”

The revised, as a result of the Third Budget Update, Budgeted Financial Statement entitled Uniform Presentation of Finances is included in **Attachment C**.

OPTIONS

The Council has the following options in respect to this issue:

1. adopt the Third Budget Review as recommended; or
2. amend the Third Budget Review as it sees fit.

The Third Budget Review is forecasting an Operating Surplus in line with the Adopted Budget. Therefore Option 1 is recommended.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

1. That the Third Budget Update Report be received and noted.
 2. That project progress report contained in Attachment A, be received and noted.
 3. That project progress report contained in Attachment B, be received and noted.
 4. That Pursuant to Regulation 9 (1) (a) of the Local Government (Financial Management) Regulations 2011, Budgeted Financial Statement as contained within Attachment C, be adopted.
-

Cr Sims left the meeting at 9.21pm.
Cr Sims returned to the meeting at 9.23pm.

Cr Piggott moved:

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

Seconded by Cr Duke and carried unanimously.

Adjournment of Council Meeting

At 9.26pm Cr Sims moved:

That the Council meeting be adjourned for 5 minutes.

Seconded by Cr Holfeld and carried unanimously.

Resumption of Council Meeting

At 9.30pm the Council meeting resumed.

13.6 DRAFT ANNUAL BUSINESS PLAN & DRAFT 2025-2026 BUDGET

REPORT AUTHOR: Senior Finance Business Partner
GENERAL MANAGER: Chief Financial Officer
CONTACT NUMBER: 8366 4548
FILE REFERENCE:
ATTACHMENTS: A - E

PURPOSE OF REPORT

The purpose of this report is to present and obtain “*in principle*” endorsement of the Draft 2025-2026 Budget.

BACKGROUND

Section 123(8) of the *Local Government Act 1999*, requires the Council to adopt an Annual Business Plan and a Budget for the ensuing financial year after 31 May and except in a case involving extraordinary administrative difficulty, before 15 August.

The Draft Budget comprises the Recurrent Budget, which incorporates the revenue and expenditure which is required to provide the “*Business as Usual*” services that are provided by the Council. The second component of the draft Budget incorporates the Capital and Operating Project Budget. The Operating Projects Budget encompasses services, programs and activities that are outside the “*Business as Usual*” services and are considered discretionary in nature, (the Council is under no legislative obligation to provide the services, activities or programs or if required to undertake the activity (For example the current Representation Review that is being undertaken by the Council is irregular in nature). Operating Projects generally include one off activities or programs, an expansion of an existing service or program or proposals to introduce a new service or program. Operating Projects are funded from Rate Revenue or a fee for service charge.

The Capital Works Budget encompasses projects which involve the renewal, upgrading or creation of new infrastructure assets. Examples of some projects are the Civil Infrastructure Whole-of-Life Program (referred to as renewals), Playground/Reserve Redevelopment (referred to as upgrades). Renewal Capital Projects are funded through Rate Revenue, via the depreciation charge, with new or upgrade works funded through borrowings or cash reserves.

The final Draft 2025-2026 Annual Business Plan, will be considered at the Council Meeting scheduled for 5 May 2025.

The Draft 2025-2026 Annual Business Plan and Budget will be released for public consultation for a period of twenty-one (21) days as required by the *Local Government Act 1999*.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

The Council's long-term strategic direction is outlined in its Strategic Management Plan *City Plan 2030: Shaping our Future*. The Draft 2025-2026 Annual Business Plan and supporting Draft 2025-2026 Budget, set out the proposed services and programs and explains how the Council intends to finance its continuing and new activities which are proposed to be undertaken during the year.

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

Financial sustainability underpins the Council's Financial Goals and Outcomes, which are set out in the Long-Term Financial Plan. In general terms, financial sustainability is ensuring that the Council has the financial resources to meet the long-term service and infrastructure needs of the community, without any severe increases in rate revenue or cuts in service provision and standards.

From an operational perspective, financial sustainability is being able to manage the conflict between keeping rate revenues increases to a reasonable level, maintaining existing service standards and financing new services and major capital investments.

The Draft 2025-2026 Budget has been developed on the basis of ensuring that it will assist in delivering on the Council's Long-Term Strategic direction and financial objectives set out in the LTFP.

FINANCIAL AND BUDGET IMPLICATIONS

For the 2025-2026 Financial Year, the Draft Budget estimates an Operating Surplus of \$906,006 based on a Rate Revenue increase of 8%. The Long-Term Financial Plan has since been updated in line with the Draft 2025-2026 Draft Operating Surplus.

To ensure that the Council can deliver on its financial objectives as set out in the Council's Long-Term Financial Plan, the Draft Recurrent Budget has been prepared taking into account the budget parameters which were adopted by the Council at its meeting held on 20 January 2025.

At the time of writing this report, the Rate increase for the average residential ratepayer is not available (noting that the Rate Revenue increase is 8% as contained in the LTFP and does not necessarily translate to the same percentage increase in the average rate for property owners).

EXTERNAL ECONOMIC IMPLICATIONS

As the national economy continues to be impacted by high inflation, the South Australian economy has continued to perform well in a number of economic indicators, as the State took the lead in real economic growth (measured using real state demand plus real net trade in goods and services) and ranked second on two of the key economic indicators compared to other Australian States and Territories (i.e. in Unemployment and Construction work). South Australia's unemployment rate fell to 3.7% in February, down 0.4% points from January and 0.4% points below the national average of 4.1%. However, the pace of economic growth appears to be moderating, influenced by both global and domestic factors. The subdued economic growth forecast should therefore, balance demand and supply of goods and services.

The outlook for inflation has been revised downwards, as it is expected to eventually decline to the Reserve Bank of Australia's (RBA) target range of 2%–3% in 2025 and reach the midpoint of 2.5% in 2026. The Adelaide Consumer Price Index (CPI) fell 0.1% in the December quarter, led by the 2024-25 Commonwealth Energy Relief Fund rebates resulting in a fall in electricity prices this quarter.

SOCIAL ISSUES

No Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The Draft 2025-2026 Budget will be impacted upon by the decisions made by the Federal Government and State Government in their respective budgets. No information regarding these budgets is available at the time of preparation of this report.

As a result, the Draft 2025-2026 Budget presented in this report, has been developed on the following assumptions:

The Recurrent Operating Budget is and has for the Draft 2025-2026 Budget, been prepared on a “*business as usual*” basis. This means:

- no new services are proposed to be introduced as part of Draft Budget;
- includes increases to the services that are currently provided as approved by the Council during 2024-2025;
- incorporates revisions to the existing budgets to identify any savings, including indexation not being applied to some budget lines to reflect the pattern of actual costs incurred in the past couple of years;
- includes expected savings, in line with process changes where relevant (for e.g. \$130k reduction in electricity cost for the sites that were included in Long-Term Procurement Project for renewable energy; \$30k reduction in printing, postage and bank charges in relation to rates paid via ‘Payble’ platform);
- the Payneham Memorial Swimming Centre will not be operational during 2025-2026 financial year however the relevant recurring costs for the period between construction completion and the expected opening of the centre have been factored into the draft Budget. This period is anticipated to be from April 2026 to June 2026. The assumed costs are water, electricity, insurance, security and maintenance charges for the aforementioned three (3) month period. It does not, however, include any allocation for the promotion or opening of the centre;
- does not include any additional costs that may be required as a result of Service Reviews that took place during the current financial year 2024-2025 (such as the Libraries Review or the Information Technology Strategy. Noting that the Council IT system, The Authority system, will be upgraded during 2025-2026 and \$516,000 has been factored into the draft Budget as an Operating Project).

Any adjustments to the Draft Budget arising from the State Budget will be incorporated into the Council’s 2025-2026 Budget when this information becomes available.

Notwithstanding this, the preparation of the Draft 2025-2026 Annual Business Plan and Budget has been prepared to ensure the Council meets its legislative responsibility in accordance with the requirements of the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011*.

CONSULTATION

- **Elected Members**

An overview of the Draft 2025-2026 Recurrent Budget, Capital Works program and Operating Projects was provided to Elected Members at the Budget Workshop held on 11 March 2025.

- **Audit Committee**

The Audit Committee will consider a report on the Draft 2025-2026 Annual Business Plan and 2025-2026 Budget Draft at its Meeting to be held on 11 April 2025.

- **Community**

Citizens will be provided the opportunity to have input into the Draft 2025-2026 Budget through public consultation on the Draft Annual Business Plan, which is scheduled to be undertaken on 26 May 2025.

- **Staff**

The preparation of the Draft 2025-2026 Budget has been completed with the involvement of the Chief Executive Officer, General Managers and staff responsible for management of the Budget.

- **Other Agencies**

Not Applicable.

DISCUSSION

The Draft 2025-2026 Budget is based on the continuation of existing services and priorities, as determined by the Council, being appropriately resourced and that the Council can maintain the service standards for its existing services to support the delivery of the Strategic Objectives outlined in *CityPlan 2030: Shaping our Future* and that those services receive appropriate funding.

The key objective therefore, is to develop a Budget that not only contributes to the Council's broader strategic objectives of achieving *Community Well-being*, but also ensures that the Council is managing its financial resources in a sustainable, prudent and equitable manner and to ensure that future financial impacts can either be avoided or managed in a measured way, so that the funding requirements are balanced with ensuring that the community does not face unreasonable increases in their annual rates contribution.

Budget Parameters/Assumptions

In developing the Draft 2025-2026 Budget, the following principles and assumptions have been applied:

- the Recurrent Budget is based on the provision of existing services, programs and activities;
- the cost escalation for Material, Contracts and Other Expenses has been set at a 3%; with some material and contractor costs adjusted to reflect the real increases in market prices greater than 3% (such as Energy prices, Construction materials etc); and
- Wages and Salaries increases are based on the Council's Enterprise Agreements i.e. the Municipal Officers Agreement (MOA) budgeted at 3% (for inside staff) and the Local Government Employees Award (LGE) budgeted at its current rate increase at 3.5% (field staff) for the period from 1 November 2024 to 31 October 2025 and 3% annually after.

Budget Overview

Table 1 below sets out the Draft Budget, based on the LTFP recommended Rate Revenue increase of 8% which is estimated to deliver an Operating Surplus of \$906,006.

Following further information, post the Elected Members Budget Workshop that was held on 11 March 2025, there were number of adjustments made which improved the Operating surplus by \$672,990. These adjustments are:

- \$470,990 - Timing reallocation of State Grant 'Road to Recovery' from 2024-2025 (was planned to be included in Third Budget Review) to 2025-2026;
- \$50,000 – Increase in User Charges Income; and
- \$152,000 – Reduction in Finance Cost as a result of better information on the timing of Capital Projects

The Recurrent Budget and programs, which incorporates the revenues and expenditure required to provide the "*Business as Usual*" services, provides a surplus of \$2.225 million, which will be used to fund the delivery of the proposed Operating Projects, which are set out in **Attachment A**, and additional interest costs to cover the additional finance costs associated with borrowings required to fund the delivery of the proposed Capital Works Program, which is contained in **Attachment B**.

The value of Operating Expenditure is \$59.570 million, with \$42.487 million (71%) being influenced by the decisions made as part of the budget preparation process while the remaining \$17.083 million (29%) of expenditure relates to the depreciation of existing and new assets, as well as finance costs.

It should be noted that while the cost to finalise any carry forward Operating Projects from 2024-2025 are not included in the Draft 2025-2026 Operating Surplus, the funding to undertake these projects will be sourced from cash reserves.

At this stage, the Draft Budgets of the Regional Subsidiaries have not been incorporated into the Council's Draft Operating result for 2025-2026, as the Council is yet to receive the finalised budgets from the Regional Subsidiaries. The Council is required to report it's share of the Regional Subsidiaries operating results and while this will have an impact on the Council's reported Operating Result, this is a non-cash transaction that does not have an impact on the Council's cash position.

TABLE 1: 2025-2026 PROPOSED STATEMENT OF COMPREHENSIVE INCOME

	Recurrent Budget 2025-2026	Operating Projects 2025-2026	Proposed Budget 2025-2026
	\$	\$	\$
INCOME			
Rates	50,904,915		50,904,915
Statutory Charges	2,239,311		2,239,311
User Charges	4,370,061		4,370,061
Grant Subsidies, Contributions	3,124,948		3,124,948
Grants, Subsidies and Contributions - capital	579,679		579,679
Investment Income	55,000		55,000
Other Income	521,676		521,676
Net gain - equity accounted Council businesses	-		-
Total Income	61,795,590	-	61,795,590
EXPENSES			
Employee Expenses	20,313,052	-	20,313,052
Materials, Contracts & Other Expenses	21,911,405	1,319,300	23,230,705
Depreciation, Amortisation & Impairment	13,696,916	-	13,696,916
Finance Costs	3,386,245	-	3,386,245
Net Loss - Joint Ventures & Associates	262,666	-	262,666
Total Expenses	59,570,284	1,319,300	60,889,584
OPERATING SURPLUS / (DEFICIT)	2,225,306	(1,319,300)	906,006
Net gain (loss) on disposal or revaluation of assets	36,792		36,792
Amounts specifically for new or upgraded assets	2,800,000		2,800,000
NET SURPLUS (DEFICIT)	5,062,098	(1,319,300)	3,742,798

Table 2 below sets out additional information on the Recurrent Operating Budget by functional area. The services, programs and activities which make up each element of the draft Recurrent Budget is contained in Table 2 below and **Attachment C**.

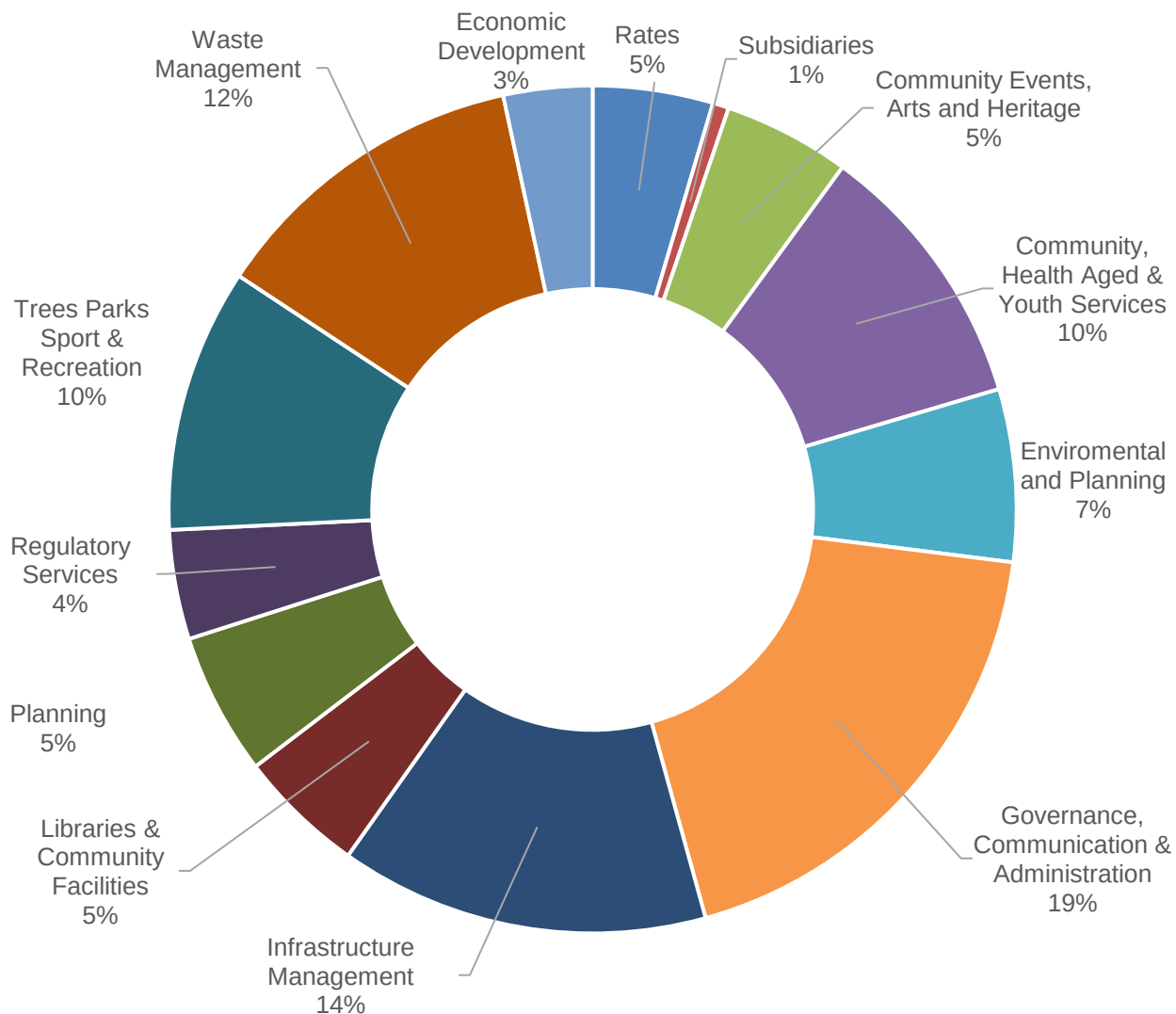
TABLE 2: DRAFT 2025-2026 RECURRENT BUDGET BY OUTCOME

OUTCOME	Income	Expense	Net Operating Surplus/ (Deficit)
Rates	50,679,915	1,955,131	48,724,784
Cultural Vitality	2,226,777	10,735,274	(8,508,497)
Libraries & Community Facilities	635,352	2,064,642	(1,429,290)
Community Events, Arts and Heritage	600,677	2,063,462	(1,462,785)
Trees Parks Sport & Recreation	302,162	4,291,929	(3,989,767)
Planning	688,586	2,315,241	(1,626,655)
Economic Prosperity	225,000	1,445,667	(1,220,667)
Economic Development	225,000	1,445,667	(1,220,667)
Environmental Sustainability	43,200	8,061,621	(8,018,421)
Environmental and Planning	2,000	2,806,274	(2,804,274)
Waste & Recycling Services	41,200	5,255,347	(5,214,147)
Social Equity	7,263,698	12,478,267	(5,214,569)
Regulatory Services	1,437,025	1,778,750	(341,725)
Community, Health Aged & Youth Services	4,220,554	4,427,293	(206,739)
Subsidiaries	-	262,666	(262,666)
Infrastructure Management	1,606,119	6,009,558	(4,403,439)
Corporate Management	1,357,000	24,894,324	(23,537,324)
Governance, Communication & Administration	1,307,000	7,811,163	(6,504,163)
Financing	50,000	3,386,245	(3,336,245)
Depreciation	-	13,696,916	(13,696,916)
Total	61,795,590	59,570,284	2,225,306

DRAFT RECURRENT BUDGET: COST ELEMENTS

As set out in Figure 1 below, services, programs and activities that are delivered through the Recurrent Budget (excluding Operating Projects), represent the range of services, programs and infrastructure to meet the needs and expectations of the community. A number of these services are the responsibility of the Council by virtue of the requirements set out in the *Local Government Act 1999* and other relevant legislation. These services, programs and activities are supported by the Council's *Governance, Communication and Administration* structure which represent 19% (\$7.8m) of the draft Recurrent Budget, excluding Depreciation and Finance costs.

**FIGURE 1: COMPONENTS OF THE DRAFT 2025-2026 RECURRENT EXPENDITURE BUDGET \$42.66M
(Excluding Depreciation and Finance costs)**



Employee Expenses

The increase of 4.3% from 2024-2025 Budget, is a result of impacts from Wages and salaries increases in line with Enterprise Agreements, increase in Superannuation employee contributions to 12% (by 0.5% from the previous year) and one additional role for Development Officer, Building in the Urban Planning & Environment Department as approved by the Council at its meeting on 20 January 2025. Budget assumes all current established positions are filled.

Materials, Contracts and Other Expenses

Material, Contracts and Other Expenses year-on-year increase is set at CPI (3%) however in some areas the increase is noticeably higher due to real increase on the market prices (such as Power, Construction materials etc). Therefore, the cost increase compared to the 2024-2025 Budget is 5.4%. Staff made an effort to review and release unused budgets in an attempt to partially offset higher than anticipated cost increases.

Finance Costs

Finance costs included in the Draft Budget are based on existing loan repayments and banking transaction costs. Finance costs have increased by 42.5% compared to the 2024-2025 Budget. This increase is in line with the additional borrowing requirements to fund Major Capital Projects as outlined in Long-Term Financial Plan and Draft Budget, anticipated impact of Carry Forward projects from 2024-2025 (i.e. the Payneham Memorial Swimming Centre & the Trinity Valley Stormwater Drainage) and commencement of the Parade Master Plan from 2026-2027. This is coupled with the reduction in LGFA Interest rates by 0.4% (an 'out of cycle' rate reduction on LGFA Variable Cash Advance Debentures facilities of 0.15% announced in January 2025 and 0.25% following the Reserve Bank of Australia (RBA) decision to lower the cash rate in February 2025).

It is planned to convert at the appropriate time part of borrowing from Cash Advance Debenture to a Fixed rate Loan to reduce exposure to variable rates and secure lower than Cash Advance interest rate.

The Recurrent Expenditure Budget (excluding Depreciation and finance costs) based on the *CityPlan 2030* outcomes are shown in Table 3 below.

TABLE 3: BREAKDOWN OF DRAFT 2025-2026 RECURRENT EXPENDITURE BUDGET BY OUTCOME
(excludes Depreciation and Finance Costs)

Cultural Vitality	Economic Prosperity	Environmental Sustainability	Social Equity	Corporate Management	Costs associated with Rates
\$10.735M	\$1.446M	\$8.062M	\$12.478M	\$7.982M	\$1.955M
Community Events, Arts and Heritage	Economic Development	Environmental and Planning	Community, Health Aged & Youth Services	Governance, Communication & Administration	*Rates
Libraries & Community Facilities		Waste Management	Infrastructure Management		
Planning			Regulatory Services		
Trees Parks Sport & Recreation			Subsidiaries		

* Costs associated with rates represents preparation, printing, mailing of rates invoices, Value General dealing as well as Natural Resource Management recharge from Green Adelaide.

DRAFT RECURRENT BUDGET: INCOME ELEMENTS

Rate Revenue is the Council's major source of income and funds in the order of 84% of the Council's Operating Expenditure. The balance is funded from non-rate revenue. Non-rate revenue is predominately made up of **User Charges** (represents 40% of Non-rate income) which incorporate fees from the St Peters Child Care Centre & Pre-school, Swimming Centre charges, Hire and Lease fees associated with Council facilities, HACC Services; **Grants, Subsidies and Contributions** that are received by the Council (represents 34% of Non-rate income) and **Statutory Charges** (which represents 21% of Non-rate income) which incorporates Dog Registration fees, Parking Infringements, Residential Parking permits, Planning & Development fees, Hoarding Licenses, Outdoor Dining permits.

Rates Income

The Rate revenue increase in the Draft Budget is in line with the increase of 8% as contained in the LTTP. The Draft Budget includes the continuation of Separate Rate for The Parade Precinct (\$225,000) as approved by Council. The Draft Budget incorporates increase in Regional Landscapes Levy is in line with the State Government's 'Green Adelaide'. This is pass through income for the Council and has no impact on the Budget except for a small additional charge of \$10,000 that the Council receives from the State Government.

Grant, Subsidies and Contributions

The Draft Budget is prepared under the assumption is that Federal Government *Financial Assistance Grants* to continue to be received in advance. The Draft Budget also includes the *Road to Recovery Grant* (Federal Government) and other grants such as the *Commonwealth Home Support Program Grant*, *Public Library Services Grant*, etc.

Statutory Charges

Statutory charges increased by 2.7% compared to the 2024-2025 Budget. Parking Infringements, Dog & Cat Registrations and Planning & Development fees have been all increased in line with the Fees & Charges schedule that have been endorsed in '*in principle*' by the Council. Reduction in Permit Income in Sustainability due to exclusion of e-scooters permit income for operation of e-scooters in the City until further decisions made.

User Charges

User Charges increased by 9.1% compared to the 2024-2025 Budget. Some Fees and charges are not set by legislation and therefore, have been increased by 3.0% at a minimum with benchmarking where applicable. For instance, the childcare Centre fees have increased by 4.8% based on benchmark of other Centres in the area.

Investment Income

Investment income which consists of interest income on the Council's cash deposit decreased by 29.5% compared to the 2024-2025 Budget. The Reduced Investment Income is in line with the expectation of cash balances being at a minimum to fulfill cashflow requirements for the Major Capital Projects, as well as reduction in LGFA cash deposit interest rate by 0.25% following the Reserve Bank of Australia (RBA) Board decision to lower the cash rate.

Other Income

In line with previous years, other income incorporates insurance rebate and other sundry income.

Non-rate revenue represents 18% of the Council's total revenue, with \$10.891 million being factored into the draft Recurrent Budget, an increase of 10.2% compared to the 2024-2025 Budget. The increase is mainly due to increase in Grants as a result of the inclusion of the *Roads to Recovery Grant* allocation for 2024-2025 from the Federal Government in the 2025-2026 Draft Budget as construction is anticipated to be completed in financial year 2025-2026.

FIGURE 2: BREAKDOWN OF NON-RATE REVENUE \$10.89M

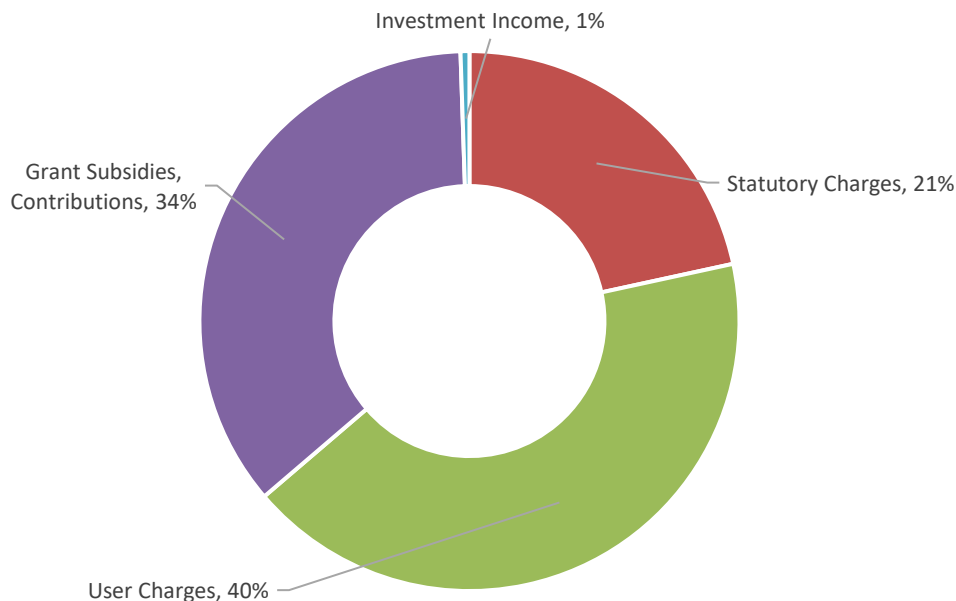


TABLE 4: BREAKDOWN OF NON-RATE REVENUE BY OUTCOME

Cultural Vitality	Environmental Sustainability	Social Equity	Corporate Management	Rates and Financing
\$2.227M	\$43.2K	\$7.264M	\$1.207M	\$150K
Community Events, Arts and Heritage	Environmental and Planning	Community, Health Aged & Youth Services	Governance, Communication & Administration	Financing
Libraries & Community Facilities	Waste Management	Infrastructure Management		*Governance, Communication & Administration
Planning		Regulatory Services		
Trees Parks Sport & Recreation				

* Revenue under Rate and Financing includes Rates search income, Natural Resource Management admin fee and Bank Interest income.

DRAFT BUDGET: 2025-2026 PROPOSED OPERATING PROJECTS

The Council's Executive Leadership Team have recommended an allocation of \$1,319,300 for the approved Funding Submissions for Operating Projects and there have been, included into the Draft 2025-2026 Budget, noting that it is at the Council's discretion as to whether it agrees with the submissions that have been received for funding,

The Draft Budget as set out in Table 1, incorporates funding allocation for new Operating Projects to the value of \$1,319,300.

The proposed Operating Projects for 2025-2026 have been broken down by individual project as detailed in Table 5 below:

TABLE 5: OPERATING PROJECTS 2025-2026

Operating Projects	\$
Authority Upgrade	516,000
2026 AFL Gather Round	200,000
William Street Bikeway - Street Lighting Upgrade	115,000
Participation in 2026 Tour Down Under Stage	55,000
Traffic Management at Ninth Avenue Christmas Lights Display	50,000
Eastside Business Awards	50,000
Library Services Catalogue and Program Review	50,000
40kph speed limit implementation in Kensington and Felixstow	45,000
<i>On-Street Parking Policy</i> Implementation in Norwood and Kensington Precincts	40,000
Public Consultation for traffic Management Concept Designs for Payneham South, Firle and Trinity Gardens	40,000
Raising the Bar	38,000
Arts and Culture Plan Year 2 Implementation	25,000
Development of Tree Inventory	20,000
Verge Upgrade Program	20,000
Street Lighting Upgrade & Renewal	15,000
Public Health Plan	13,000
Urban Greening Program	10,000
Urban Tree Canopy Regional Mapping Contribution	10,000
Firstival 2025	4,000
Culturally Diverse Early Literacy Project	3,300
Total Operating Projects Expenditure	1,319,300

A review of the 2024-2025 Operating Projects is in progress and hence, the 2024-2025 Operating Projects to be carried forward into the Draft 2025-2026 Budget, have not been included. However, any Operating Projects carried forward will be funded by cash reserves from Income collected in 2024-2025.

Operating Projects that were recommended for approval are contained in **Attachment A**. Copies of the Funding Submissions for Capital and Operating Projects are contained in **Attachment D**.

DRAFT BUDGET: 2025-2026 PROPOSED CAPITAL PROJECTS

The Draft 2025-2026 Budget, as presented, incorporates Capital Projects to the value of \$23.167 million (which is the net of Grant funding and total expenditure required). It also includes staff costs of \$1.109 million which are to be capitalised (i.e. staff involved in the delivery of the projects involving physical assets).

The proposed Capital Projects for 2025-2026, have been broken down into a number of categories as set out Table 6 below.

TABLE 6: CAPITAL PROJECT CATEGORIES

Capital Expenditure Project	\$
Whole-of-Life Capital Works Program	
* Road Resealing	3,511,262
* Footpath Reconstruction	1,214,561
* Kerb Reconstruction	1,495,505
* Stormwater Drainage Program	2,100,000
* Building	2,590,000
* Other Infrastructure Asset Renewal	1,975,688
Payneham Memorial Swimming Centre – Year 3	11,071,956
Sail Shades (Adey Reserve & St Peters Child Care Centre)	120,000
Quadrennial Art Project	279,000
Kent Town Public Realm Upgrade	400,000
Building Accessibility Improvements	100,000
Capitalisation of Salaries (existing staff)	1,108,999
Total Capital Projects Expenditure	25,966,971
Grant Funding	2,800,000
Net Cost	23,166,971

A review of the Capital Projects for the current year (2024-2025) is still currently being undertaken based on year to date expenditure and project timelines to evaluate if any project will need to be carried forward and included as part of the Budget, and not included in the Draft Budget at this point in time.

Borrowings

Capital expenditure of \$25.967 million, as set out in **Attachment B**, is proposed to be funded as shown in Table 7 below:

TABLE 7: CAPITAL PROJECTS FUNDING

Use of depreciation recovered through Rate Revenue	\$13,996,015
Grant Funding	\$2,800,000
Borrowings	\$9,170,956
TOTAL	\$25,966,971

In determining the timing and the level of borrowings that are required to fund the proposed Capital Program, consideration has been given to the cash flow requirements and to intergenerational equity between current and future ratepayers (that is, an asset is funded from loan borrowings which is paid off over the life of the asset rather than raising rate revenue from current rate payers to pay for the asset).

The Council has an option in respect to its borrowing arrangements using financial instruments such as Cash Advance Debenture (CAD) or Traditional Loan (Loan) provided by the Local Government Financing Authority (LGFA). It is important that borrowing decisions are made strategically, considering factors such as cost, risk, and suitability to the Council's financial objectives and for its ongoing financial sustainability.

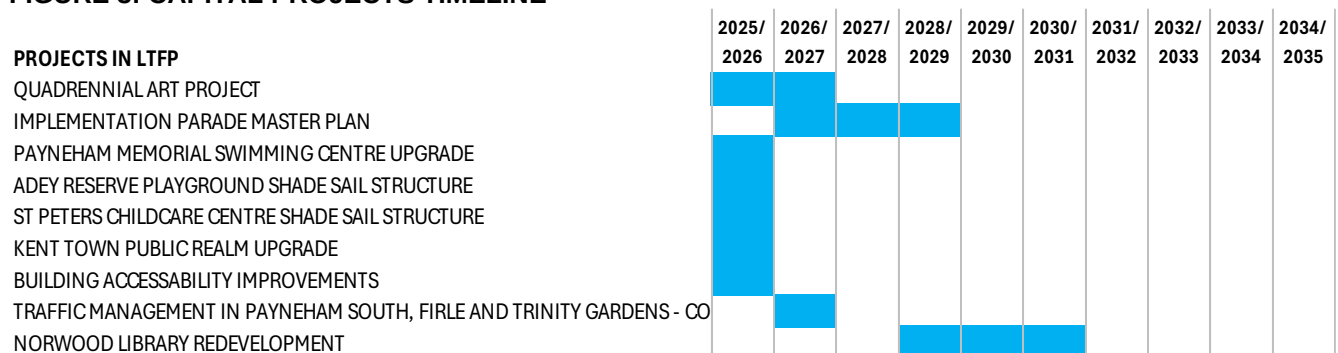
Following consideration of the above mentioned borrowing options, and conducting a thorough assessment of the financial needs as part of the Draft 2025-2026 Budget, in order to minimise the interest costs and debt servicing needs, it is anticipated that the Council will convert part of the CAD Facilities in 2025-2026 into Traditional Loan. A debenture loan option will provide lower interest rates and a longer repayment period which may become more viable in the future as the interest rate environment stabilises.

DRAFT UPDATE LONG-TERM FINANCIAL PLAN

Pursuant to Section 122 4 a(1) of the *Local Government Act 1999*, the Council must undertake a review of its Long-Term Financial Plan (LTFP) on an annual basis. To meet this legislative requirement, a review of the LTFP financial targets, which takes into account the Draft 2025-2026 Budget, as presented in this report and its impact on the financial projections set out in the Long-Term Financial Plan, has been undertaken.

Presented in Figure 3 is the forecasted timeline for Capital projects to be undertaken by the Council in the next 10 years, and which are incorporated into the Draft LTFP.

FIGURE 3: CAPITAL PROJECTS TIMELINE

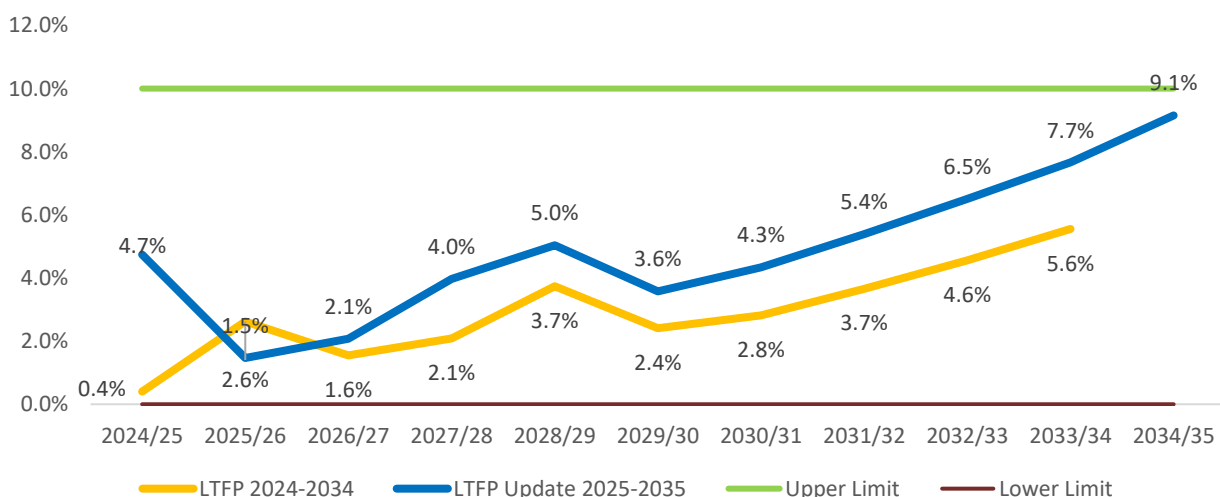


Outcome 1: A Balanced Budget

Council's services and programs, including depreciation of infrastructure and assets, is fully funded and the costs are shared equitably between current and future ratepayers.

The Council's long-term sustainability is dependent upon ensuring that on average, over time, the Operating Expenses are less than the associated revenues. The Council's performance in respect to this indication is measured by the Operating Ratio which measures the Council's Operating Result, whether that is a surplus or a deficit, as a percentage of operating revenues.

FIGURE 4: OPERATING SURPLUS RATIO



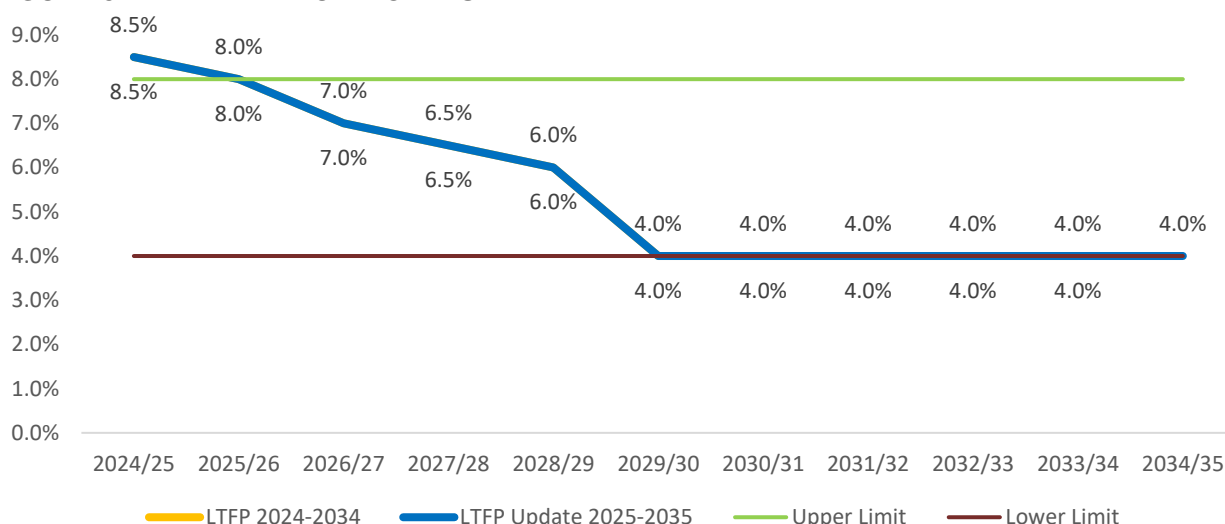
For 2025-2026, the Draft Budget has been prepared on the basis of a Rate Revenue increase of 8%, which results in an Operating Surplus ratio of 1.5%.

Outcome 2: Rate Stability

Annual rate collections are fair and equitable for our residents and ratepayers with the aim to keep rate revenue increases stable over the medium term.

Rate Revenue is a major component of the Council's revenue base. The Council's objective is to have a Long-Term Financial Plan that is based on consistent Rate Revenue increases which meet the increased cost of the base level services and programs that are provided by the Council but also reflect growth in the number of assessments (i.e. properties) and increased service levels. The benchmark target hat has been set by the Council is between 4% and 8%. The Rate Revenue increase in line with the increase in CPI, Development Growth and growth in Capital Initiatives.

FIGURE 5: RATE REVENUE INCREASE



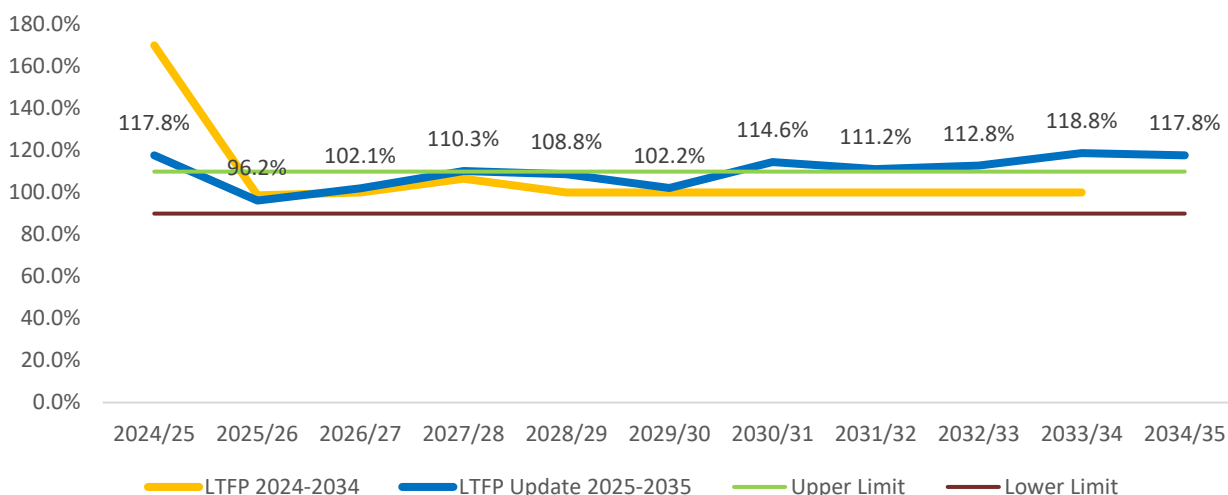
The Draft 2025-2026 Budget is based on a Rate Revenue increase of 8%, which is an increase in Rate Revenue from 2024-2025, of \$3,710,000. At the time of writing this report, the initial rate modelling of the impact of the Rate Revenue increase for the average residential ratepayer, was not available.

Outcome 3: Infrastructure and Asset Management

Maintain Infrastructure and Assets in line with the Council's Whole of Life Infrastructure framework to achieve the outcomes and objectives, as set out in City Plan 2030.

The Council will measure its performance in achieving this outcome through the Asset Renewal Funding Ratio. The Asset Renewal Funding Ratio measures how well the Council is performing in respect to the renewal or replacement of existing physical assets, such as roads, footpaths, kerbing, buildings, council plant etc. The ratio is calculated by measuring capital expenditure on renewal or replacement of assets, relative to the planned spend outlined in the Council's Asset Management Plans. Ideally, physical assets should be renewed or replaced at the same rate the stock of assets is wearing out, however it is recognised that there may be some instances that require that the Council to either accelerate or decelerate the renewal or replacement of its existing asset base.

FIGURE 6: ASSET RENEWAL FUNDING RATIO



The Asset Renewal Funding Ratio in 2025-2026 is reflective of the renewal expenditure associated with Open Space and Recreation, Civil works, Drainage as well as Buildings capital maintenance renewals. It is expected that renewal spend will be at the level of rate collection expectations (in the form of depreciation) until the next Asset Management Plan is developed.

Outcome 4: Debt Management

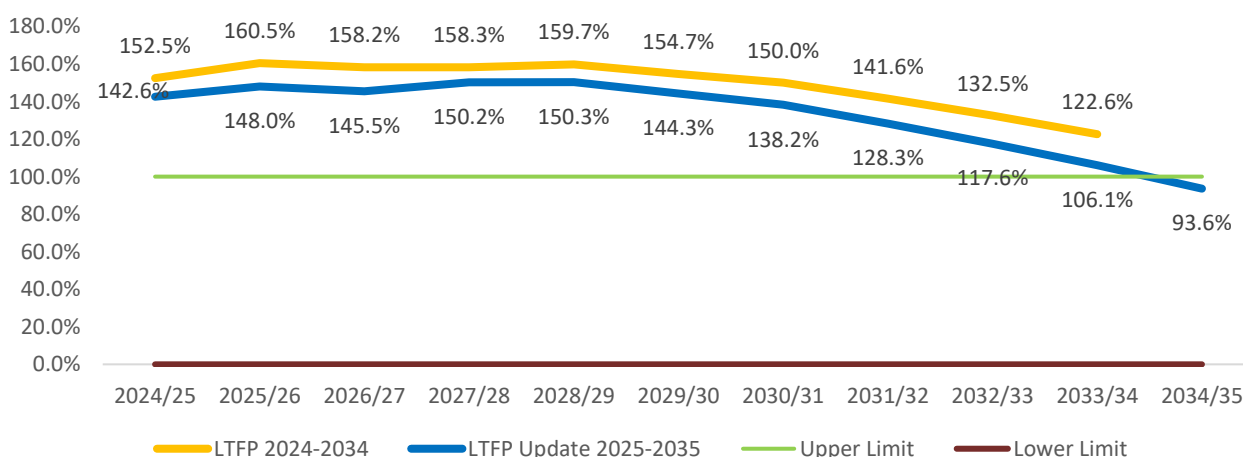
Prudent use of debt to invest in new long-term assets to ensure intergenerational equity between current and future users.

Prudent debt management is the process of establishing and executing a strategy for managing a Council debt in order to raise the required amount of funding to achieve its capital investment objectives. It is important that the use of debt is balanced with other funding sources, such as grants and cash reserves, to ensure that the members of the community that receive the benefits from the investment, share the cost. In addition, the Council must ensure that it has the capacity to service its debt.

Net Financial Liabilities

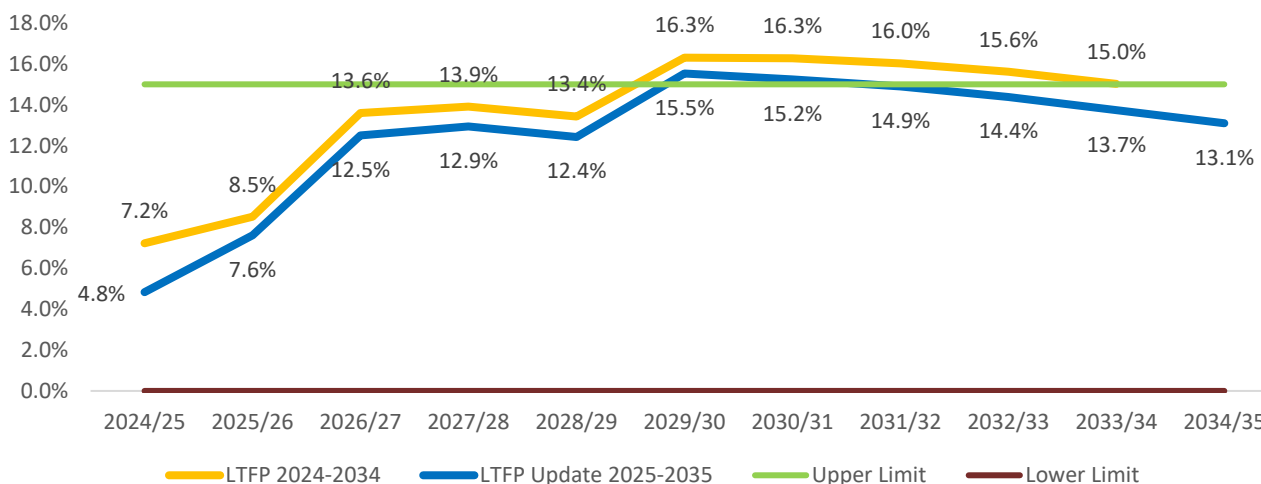
The Net Financial Liabilities Ratio measures the extent of the Council's indebtedness as a percentage of operating revenue. If the ratio falls over time, this indicates that the Council's capacity to meet its financial obligations from operating income is strengthening.

FIGURE 7: NET FINANCIAL LIABILITY RATIO



As a result of the increase in the Long-Term Borrowings as projected in the Long-Term Financial Plan, the Net Financial Liabilities are projected to be over 100% from 2024-2025 and eventually reduce to the desired below 100% target by 2035.

FIGURE 8: DEBT SERVICING RATIO



The Debt Servicing Ratio measures the extent of rate revenue that is used to meet interest and principal loan repayments.

OPTIONS

The Council has the following options in respect to this matter:

- endorse '*in principle*' the Draft 2025-2026 Budget, as set out in the Financial Statements contained in **Attachment E**, which incorporates the proposed Operating and Capital Projects that are contained in Attachments A and B; or
- vary the Draft 2025-2026 Budget, as set out in the Financial Statements contained in **Attachment E**, which incorporates the proposed Operating and Capital Projects contained in Attachments A and B by either:
 - reducing Operating and Capital Projects; and/or
 - increasing or decreasing non-rate revenue; or
 - increasing or decreasing the proposed Rate Revenue increase; or
 - increasing or decreasing recurrent expenditure.

CONCLUSION

The Draft 2025-2026 Budget is based on the Council continuing to deliver its existing services, programs and activities, at the existing endorsed standard.

To ensure that a responsible budget is set by the Council, a series of Budget Parameters have been adopted by the Council to guide staff in preparing the respective budget estimates and submissions. As detailed in this report, the Draft 2025-2026 Recurrent Budget has been prepared with reference to these guidelines and where the parameters have not been achieved, the reasons for the departure have been provided.

Financial sustainability underpins the Council's Financial Goals and Outcomes, which are set out in the Draft Long-Term Financial Plan. In general terms, financial sustainability is about ensuring that the Council has the financial resources to meet the long-term service and infrastructure needs of the community, without any sharp increases in rate revenue or cuts in service provision and standards.

From an operational perspective, financial sustainability is being able to manage the conflict between keeping Rate Revenues increases to a reasonable level and without significant fluctuation, maintaining existing service standards and expenditure on new services and major capital investments that are required to ensure that the objective of Community well-being is achieved.

As previously advised, decisions regarding the Draft 2025-2026, need to take into account the impact on the Council's ability to continue to meet its operational and financial outcomes in the future.

With reference to the financial targets set out in the Draft Long-Term Financial Plan, Table 8 sets out the performance of the Draft 2025-2026 Budget, as set out in this report, against the LTFP Financial Outcomes.

TABLE 8: LONG-TERM FINACIAL PLAN TARGETS

Outcome	Measure	Target	Draft Budget
A Balanced budget	Operating Ratio <i>Measures the Councils Operating result, whether that be a surplus or deficit as a percentage of operating revenues.</i>	Between 0% and 10%	1.5%
Rate Stability	Rate Revenue Increase <i>The annual increase in revenue generated from general rates.</i>	Between 4% and 8%	8.0%
Infrastructure and Asset Management	Asset Renewal Funding Ratio <i>Measures the rate at which the Councils assets are being renewed or replaced against the Infrastructure & Asset Management Plan.</i>	Between 90% and 110% on a rolling three (3) year average	96.2%
Debt Management	Net Financial Liabilities Ratio <i>Measures the percentage operating revenues that would be required to settle the net amount owed by the Council.</i>	Less than 100%	148.0%
	Debt Servicing Ratio <i>Measures the Council's commitment to interest costs and debt repayments are met by general rate revenue.</i>	less than 15%	7.6%

DRAFT BUDGET: MATTERS REQUIRING FURTHER CONSIDERATION

Payneham Memorial Swimming Centre

The current draft Budget includes the operational model as outlined in the existing Long-Term Financial Plan (LTFP). However, a separate report will be presented to the Council, which will introduce additional considerations that may impact the draft Budget.

An additional Budget Funding Submission request

A late Budget Funding Submission was received on 24 March 2025, *Traffic and Parking Management*. However, due to the timing of its presentation, it has not been incorporated into the draft Budget or the draft updated Long-Term Financial Plan (LTFP). Nevertheless, a high-level presentation of the revised draft Budget Operating Surplus/(Deficit), including this submission, is provided below. If this submission is approved by the Council, it will be incorporated in the draft Annual Business Plan and Long-Term Financial Plan update which will be provided to the Council at its meeting to be held on 5 May 2025. A copy of this Funding Submission is contained in **Attachment D**.

The additional Funding submission impact on 2025-2026 Operating Surplus as outlined in the Table 9.

TABLE 9: 2025-2026 PROPOSED STATEMENT OF COMPREHENSIVE INCOME - INCLUDING THE LATE BUDGET FUNDING SUBMISSION

	Recurrent Budget	Operating Projects	Proposed Budget
	2025-2026	2025-2026	2025-2026
	\$	\$	\$
INCOME			
Rates	50,904,915		50,904,915
Statutory Charges	2,239,311		2,239,311
User Charges	4,370,061		4,370,061
Grant Subsidies, Contributions	3,124,948		3,124,948
Grants, Subsidies and Contributions - capital	579,679		579,679
Investment Income	55,000		55,000
Other Income	521,676		521,676
Net gain - equity accounted Council businesses	-		-
Total Income	61,795,590	-	61,795,590
EXPENSES			
Employee Expenses	20,313,052	-	20,313,052
Materials, Contracts & Other Expenses	21,911,405	1,619,300	23,530,705
Depreciation, Amortisation & Impairment	13,696,916	-	13,696,916
Finance Costs	3,439,197	-	3,439,197
Net Loss - Joint Ventures & Associates	262,666	-	262,666
Total Expenses	56,354,814	1,619,300	61,242,536
OPERATING SURPLUS / (DEFICIT)	5,440,776	(1,619,300)	553,054
Net gain (loss) on disposal or revaluation of assets	36,792		36,792
Amounts specifically for new or upgraded assets	2,800,000		2,800,000
NET SURPLUS (DEFICIT)	5,440,776	(1,619,300)	3,389,846

The impact of the additional Funding submission on the Long-Term Financial Plan is outlined in Table 10 below.

TABLE 10: UPDATE TO LONG-TERM FINANCIAL PLAN - INCLUDES THE LATE BUDGET FUNDING SUBMISSION

Indicator	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2033/35
Operating Surplus / Deficit %	4.7%	0.9%	1.7%	3.6%	4.7%	3.2%	4.0%	5.0%	6.1%	7.3%	8.7%
Net Financial Liabilities Ratio	142.6%	152.9%	150.4%	155.1%	155.3%	149.3%	143.4%	133.7%	123.1%	111.8%	99.5%
Debt to Total Income Ratio	4.8%	7.7%	12.8%	13.3%	12.8%	15.8%	15.6%	15.3%	14.8%	14.1%	13.5%

COMMENTS

The information contained in this report will form the basis of the Draft Annual Business Plan which will be presented to the Council at its meeting to be held on 5 May 2025.

If Elected Members have any questions in relation to specific budget items or proposed allocations, please contact the Chief Financial Officer on 8366 4548, prior to the meeting as these discussions may assist in resolving any enquiry.

RECOMMENDATION

1. That the proposed Operating and Capital Projects as set out in Attachments A and B be endorsed “*in principle*”.
2. That the Draft 2025-2026 Budget, set out in the Financial Statements contained in Attachment E, which incorporates the proposed Operating and Capital Projects contained in Attachments A and B, be endorsed “*in principle*”.
3. The Council notes that a report on the adoption of the Draft 2025-2026 Annual Business Plan and Budget, which includes the 2025-2026 Rating Strategy, will be prepared for the Council's consideration at its meeting to be held on 5 May 2025.

Cr Duke moved:

1. *That the proposed Operating and Capital Projects as set out in Attachments A and B be endorsed “in principle”, as amended to include:*
 - *the suburbs of Payneham, Glynde & St Morris as part of the project, Public Consultation for Traffic Management concept designs for Payneham South, Firle and Trinity Gardens (A3); and*
 - *the suburbs of Payneham, Glynde & St Morris as part of the project, Public Consultation for Traffic Management concept designs for Payneham South, Firle and Trinity Gardens (D26).*
2. *That the Draft 2025-2026 Budget, set out in the Financial Statements contained in Attachment E, which incorporates the proposed Operating and Capital Projects contained in Attachments A and B, be endorsed “in principle”.*
3. *The Council notes that a report on the adoption of the Draft 2025-2026 Annual Business Plan and Budget, which includes the 2025-2026 Rating Strategy, will be prepared for the Council's consideration at its meeting to be held on 5 May 2025.*

Seconded by Cr Knoblauch.

Amendment

Cr Sims moved:

1. That the proposed Operating and Capital Projects as set out in Attachments A and B be endorsed “in principle”, as amended to include:
 - the suburbs of Payneham, Glynde & St Morris as part of the project, Public Consultation for Traffic Management concept designs for Payneham South, Firle and Trinity Gardens (A3);
 - the suburbs of Payneham, Glynde & St Morris as part of the project, Public Consultation for Traffic Management concept designs for Payneham South, Firle and Trinity Gardens (D26); and
 - the Traffic and Parking Management Project (D71).
2. That the Draft 2025-2026 Budget, set out in the Financial Statements contained in Attachment E, which incorporates the proposed Operating and Capital Projects contained in Attachments A and B, be endorsed “in principle”.
3. The Council notes that a report on the adoption of the Draft 2025-2026 Annual Business Plan and Budget, which includes the 2025-2026 Rating Strategy, will be prepared for the Council’s consideration at its meeting to be held on 5 May 2025.

Seconded by Cr Granozio.

The amendment was put and lost.

Amendment

Cr Moorhouse moved:

1. That the proposed Operating and Capital Projects as set out in Attachments A and B be endorsed “in principle”, as amended to include:
 - the suburbs of Payneham, Glynde & St Morris as part of the project, Public Consultation for Traffic Management concept designs for Payneham South, Firle and Trinity Gardens (A3);
 - the suburbs of Payneham, Glynde & St Morris as part of the project, Public Consultation for Traffic Management concept designs for Payneham South, Firle and Trinity Gardens (D26); and
 - \$100,000 to implement the Council’s On-Street Parking Policy.
2. That the Draft 2025-2026 Budget, set out in the Financial Statements contained in Attachment E, which incorporates the proposed Operating and Capital Projects contained in Attachments A and B, be endorsed “in principle”.
3. The Council notes that a report on the adoption of the Draft 2025-2026 Annual Business Plan and Budget, which includes the 2025-2026 Rating Strategy, will be prepared for the Council’s consideration at its meeting to be held on 5 May 2025.

The amendment lapsed for want of a seconder.

Cr Granozio left the meeting at 10.00pm.
Cr Granozio returned to the meeting at 10.01pm.

The original motion was put and carried unanimously.

13.7 SHORT-TERM RENTAL PROPERTIES RECLASSIFICATION FOR RATING PURPOSES

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 present information to the Council regarding the classification of residential properties that are used as short-term accommodation as commercial properties for rating purposes.

BACKGROUND

At its meeting held on 2 September 2024, the Council considered a Notice of Motion regarding the potential to apply commercial rates to residential properties that are used for short-term accommodation (ie Airbnb, Stayz, etc). Following consideration of the Motion, the Council resolved the following:

Council staff prepare a report on the feasibility of properties used for short-stay accommodation, such as Airbnb, being charged Council rates at the commercial rate, rather than at the residential rate.

The rapid expansion of short-term rental accommodations which refers to apartments, houses and rooms rented through online providers, such as Airbnb and Stayz has significantly altered the property rental landscape.

Platforms such as Airbnb have provided homeowners with an alternative revenue stream and at the same time, have also raised concerns regarding its impact in respect to housing availability, affordability and in the case of Local Government, revenue in terms of should such use be rated differently. Unlike hotels and motels, which are subject to commercial rates and additional compliance requirements, short-term rental properties typically remain classified as residential properties.

Traditionally, residential properties are rated differently from commercial properties, leading to disparities in tax contributions despite the income-generation potential of these properties. This has prompted discussions about whether a commercial classification would provide a more equitable approach.

The classification of short-term rental properties, such as those listed on Airbnb and Stayz as commercial properties for rating purposes, has been a topic of growing debate in Australia, particularly in Local Government. Councils face the challenge of balancing revenue generation with fair taxation, while considering the economic impact on property owners and the broader issue of housing availability.

This report examines the financial viability and practicality of classifying short-term rental properties, such as Airbnb, as commercial properties for rating purposes. The report also explores the potential financial benefits for the Council, legal and regulatory implications, and the impact on property owners and housing accommodations.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's *Rating Policy* outlines the Council's approach to determining and collecting rates from the community.

FINANCIAL AND BUDGET IMPLICATIONS

From a financial perspective, the Council could potentially benefit from increased revenue by reclassifying short-term rental accommodations as commercial properties, similar to the classification imposed on hotels, which would ultimately generate additional rate revenue which can be invested back into the community through services, programs and facilities.

However, a significant financial challenge is the absence of a centralized database or mandatory registration system for properties that are used as short-term accommodation premises (Airbnb, Stayz, etc). Without comprehensive data, Councils face difficulties in identifying short-term rental accommodation and therefore the ability to accurately classify the property and associated financial impact on the Council's rate revenue is limited.

The inconsistency in the available data further complicates financial forecasting and budget planning, making it difficult to project potential revenue. The absence of a clear regulatory framework across jurisdictions also creates uncertainties in enforcement, potentially leading to uneven application of commercial rates and legal disputes with property owners.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

In the absence of a mandatory registration system, compliance and enforcement costs, would also potentially increase as the Council would be required to allocate additional costs for resources to identify and monitor Airbnb listings, potential legal fees budget to address objections, resulting in increased administrative expenses.

RISK MANAGEMENT

Nil

CONSULTATION

- **Elected Members**
This matter was considered by the Council at its meeting held on 2 September 2024.
- **Community**
Nil.
- **Staff**
Not Applicable.
- **Other Agencies**
Nil.

DISCUSSION

The legal landscape surrounding short-term rental accommodations varies across Australian States and Local Government. Some jurisdictions have implemented specific zoning laws to regulate short-term rentals, however there is a lack of consistency across the nation.

The introduction of commercial property taxation for Airbnb listings, would require changes in existing zoning regulations, which could face resistance from property owners who could argue that their properties are primarily residential.

In the determination of a classification of land use, the South Australian Valuer-General has regard to the predominant use of the land. This also assists the Valuer-General in meeting their obligation to provide an opinion of predominant land use for the property, between one (1) to five (5) categories of land use, under the *Emergency Services Funding Act 1998*, which is then used to calculate the Emergency Services Levy.

In some instances, where a dwelling has been let on a short-term basis, this does not necessarily warrant a review of the land use. Whilst a commercial operator may manage or own several such properties for a commercial gain, in the context of land use for statutory application, it is the “*predominant use*” of the land that the Council is required to have regard to, and in most cases this will remain residential.

This may incorporate the character of the property – and where the typical short-term rental accommodation is traditionally a house or a unit, the use is therefore residential. At this time and noting the above, there is no immediate requirement for the Valuer-General to change the existing methodology or the application of land use for residential properties let under short-term rental accommodation arrangements differently than is currently warranted. There is however, as with any property, exceptions that can be assessed on a case-by-case basis and with regard to the parameters of the *Valuation of Land Act 1971* and the predominant use for land use codes.

Implementing a commercial classification for short-term accommodation such as Airbnb and Stayz, presents several practical challenges. One of the primary issues is defining what constitutes commercial use. Without clear guidelines or a widely accepted practice, it is difficult to determine at what point a residential property engaged in short-term letting qualifies for a “commercial” status. Factors such as the number of nights rented per year or revenue thresholds could serve as potential criteria, but enforcing such classifications would require access to detailed occupancy data from the relevant platforms (ie Airbnb, Stayz, etc), which currently do not provide this information to Councils. The lack of a standardised regulatory framework for short-term rentals complicates enforcement and policy implementation.

Another challenge is ensuring compliance. In the absence of a comprehensive and regulated database or mandatory registration, Councils would need to establish robust monitoring systems or purchase services to track short-term rental properties accurately. Without a centralised database or a requirement for short-term rental hosts to register their properties, the Council will have difficulty in identifying, tracking and regulating listings effectively and will need to rely on external companies with innovative technology to provide this information.

Some Councils have attempted to address these issues with varied success. For instance, Byron Shire Council (NSW), and certain regions in Victoria, have proposed higher rates for short-term rental accommodation to offset infrastructure costs and address housing shortages. However, enforcement challenges and legal opposition from property owners have limited the effectiveness of these measures. Legal challenges have arisen as a result of property owners contesting the reclassification based on the argument that short-term letting does not fundamentally alter the primary residential use of their properties.

In contrast, Councils in Sydney and Melbourne have considered alternative approaches, such as levies, instead of applying a commercial classification.

The City of Adelaide, with a significantly higher percentage of short-term rental properties and accommodation, have engaged the services of an external, internationally based company (based in the United States of America), that uses an AI powered tracking approach. While the company's main purpose is to increase compliance in revenue declaration and improved rates collection, this company is also able to provide an information on short-term rental identification.

Based on this data, the City of Adelaide has implemented a process which reclassifies the land use category that is provided by Valuer General, from residential to commercial for any properties that were available for Short-term rental of 90 days or more in a year. Properties that provide a one room sublet are not included in this process.

These experiences highlight the complexities involved and suggest that a one-size-fits-all approach in the absence of a State or Federal Government framework, may not be suitable for all regions. Councils that are considering a similar approach to those as set out above, must prepare for potential legal disputes, which could lead to prolonged court battles and significant enforcement costs.

The City of Unley has recently also considered the application of a Commercial Rate based on a land use of "*tourist accommodation*" to short-term rental properties that are used for this purpose on a consistent basis. The City of Unley also engaged an external company to identify residential properties that are listed on short-term accommodation platforms such as Airbnb, Stayz, etc.

The City of Unley has identified approximately 85 residential properties that have been available for short-term accommodation for the majority of 2023-2024. Based on the 2024-2025 Differential Rates in the dollar, the City of Unley has estimated an increase in Rates Revenue as a result of the change in land use that is applied to commercial properties by the City of Unley ("*tourist accommodation*") for the 85 properties would be approximately \$200,000.

It is important to note however that this increase is based on the City of Unley's rating category of "Commercial – Other" which set, for the 2024-2025 period, the Rate-in-the-dollar at 155% (2.55 times), higher than the Rate-in-the-dollar for residential properties.

The City of Norwood Payneham & St Peters 2024-2025 Rate-in-the-dollar is currently set at 20% higher than the Residential Rate-in-the-dollar.

Following consideration of this matter, the City of Unley has determined to undertake consultation regarding the proposal to apply a Category 3 (Commercial – Other) to short-term rental properties with the City of Unley as part of the 2025-2026 Annual Business Plan.

At this stage, therefore it is unknown if the City of Unley will proceed with this proposal to apply the Category 3 (Commercial – Other) to short-term rental properties.

On the basis of the City of Adelaide's approach, staff have held discussions with the organisation that the City of Adelaide has engaged, to determine if a similar approach would be financially viable for this Council.

Based on the information received relevant to the City of Norwood Payneham & St Peters area, a number of properties were identified as being advertised for short-term rental accommodation – at the time approximately 300 short-term listings were identified. However of the 300 listings, it is estimated that there could be between 50 and 100 short-term rental properties in the City, as a single property short-term rental listing can be advertised on more than one (1) platform.

Table 1 below contains data that demonstrates the potential financial impact if the Council implements a similar practice to the City of Adelaide (ie when a property owner has made their residential property available for short-term rental accommodation for 90 days or more).

TABLE 1

Residential Average Rate 2024-2025	No of Short-term stay properties	Expected Rate Revenue	Impact of applying a Commercial Rate of 20%	Additional Rate Revenue	Cost to access Short-term Stay Reporting Platform*	Potential Net income
\$2,040	50-100	\$102,000 - \$204,000	\$122,400 - \$244,000	\$20,400 - \$40,800	\$7,500	\$16,650 - \$33,300

* the cost provided is based on the current number of properties range. It does not include additional resources for customer service, enforcement, disputes, or objections.

OPTIONS

The Council can determine to implement a process to apply a Commercial Rate to properties that are used for short-term accommodation purposes, however on the basis of the issues associated with implementing a suitable process, the resources required and the limited additional rate revenue which would be generated through the process, this is not recommended at this stage.

Whilst any additional source of revenue should be investigated (particularly in this case where residential properties are ostensibly being used for commercial purposes), given the marginal difference between this Council's Rate-in-the-dollar for residential properties compared to the Rate-in-the-dollar for commercial properties, the additional revenue does not warrant pursuing this initiative at this stage.

It is therefore recommended that the Council monitor the situation and reconsider the matter if a centralised database or mandatory registration process is implemented in South Australia.

However, if the Council forms the opinion to pursue this initiative then staff will progress this initiative as part of the draft 2025-2026 Annual Business Plan and Budget.

CONCLUSION

While there are some financial benefits associated with reclassifying short-term rental properties such as Airbnb and Stayz accommodation, as commercial, the challenges surrounding data accuracy, enforcement, and legal disputes must be considered.

The implementation of a centralized database or mandatory registration system for short-term rental accommodation would provide accurate data which would allow Councils to make more informed policy decisions.

However, if a regulated system was in place, further economic impact analysis would be necessary to determine how such changes would affect local tourism and housing affordability. Engaging key stakeholders, including property owners, the hospitality industry, etc would be essential in developing a fair and effective policy framework.

COMMENTS

Nil.

RECOMMENDATION

That the application of a commercial rate on residential properties that are used as short-term accommodation, be reconsidered when a mandatory registration system for short-term rental accommodations is implemented in South Australia in the event of a review of the Council's Rating Strategy.

Cr Moorhouse moved:

That the application of a commercial rate on residential properties that are used as short-term accommodation, be reconsidered when a mandatory registration system for short-term rental accommodations is implemented in South Australia in the event of a review of the Council's Rating Strategy.

Seconded by Cr Robinson and carried unanimously.

Section 3 – Governance & General Reports

13.8 COUNCIL OWNED LEASED PROPERTIES

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

PURPOSE OF REPORT

The purpose of this report is to present information to the Council regarding the current lease arrangements for all Council owned and leased properties.

BACKGROUND

At its meeting held on 3 February 2025, the Council considered a Notice of Motion requesting that a report be provided to the Council setting out the details of Council owned leased properties. Following consideration of the matter, the Council resolved the following:

That Administration provide a report to Council detailing all leased properties of the City of Norwood Payneham & St Peters to include intended use, expiry date of lease and any automatic extensions, annual rental, any terms & conditions considered relevant and in the case of leases being "held over", reasons and planned resolution.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The various financial arrangements for the Council's leased properties are set out in the Discussion section of this report.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

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

CONSULTATION

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

DISCUSSION

A total of 20 Council owned properties are currently used by external parties, which includes buildings and/or halls, sporting facilities and playing surfaces (ie ovals, tennis courts and bowling greens).

A map showing the locations of the properties and photographs of the properties are contained in **Attachment A**.

The details of the properties and the various arrangements (ie location, lessee, permitted use, term of lease and lease fees), are included in **Attachment B**.

There are 16 current leases with various organisations for the use of Council premises, including three (3) commercial lease arrangements and 13 lease arrangements with community groups.

Staff are currently in negotiations with six (6) organisations to progress the finalisation of new lease arrangements.

There are 9 organisations that are currently in “holding over” provisions or who fall under a previous management agreement.

Holding Over provisions within a Council lease are a standard clause within a lease and have been included in leases for a number of years. Holding Over clauses that are contained in leases are typically set out as follows:

Holding Over

If, with the Council’s consent, the Lessee continues to occupy the Premises after the end of this lease, the Lessee does so under a monthly tenancy which:

- *either party may terminate on one month’s notice given at any time; and*
- *is on the same terms as this lease.*

Holding Over clauses deal with what happens to the status of a lease at the expiry of the fixed term in the event that the parties do not extend the lease, but the lessee continues in occupation of the premises.

The standard Holding Over provision sets out that if the lease comes to an end but the Lessee remains in occupation with the Lessor’s consent (the Council), then the lease will effectively become a month to month periodic tenancy on the same terms and conditions as set out under the lease, but which either party can terminate with one month’s notice.

The Lessor’s consent for the Lessee to remain in occupation is implied where the lease comes to an end and the Lessor does not notify the Lessee of its intent to reclaim the premises, so the lease would go into Holding Over automatically. However, at any time the Lessor can terminate with one (1) months’ notice once a lease is in holding over.

The utility of the Holding Over clause from a Lessor's perspective is that all obligations under the lease, including rent, maintenance, insurance, indemnities etc. continue.

It is not the case that when a lease ends and the Lessee remains in occupation that it does so with no applicable lease terms and conditions. Both parties still need to comply with the terms and conditions of the lease.

Given that the majority of the Council's lease arrangements are with community groups and not-for-profit organisations, at times the negotiation process for a new lease can often be protracted, particularly if there are legacy issues that have been in place for decades and which are required to change. As such, the Holding Over clause allows these negotiations to proceed whilst the provisions of the lease remain in place.

As set out above, staff are currently working to finalise the lease arrangements with six (6) organisations.

As Elected Members will recall, a number of leases have recently been finalised (ie Women's Community Centre, No Strings Attached, Next Step Physio, Holmesdale Tennis Club, Eastern Health Authority).

Staff are continuing to address each of the leases that are currently in "holding over" and as set out above, staff are currently progressing six (6) lease arrangements.

In terms of any relevant terms and conditions contained within lease arrangements with the various groups, all leases are structured in accordance with the relevant legislative provisions at the time the lease is prepared and are based on contemporary practises and are very similar in terms of conditions.

In some cases, however "special conditions" are applied to a lease. These may include requirements that do not fall within a standard lease such as the requirement for a tennis club to undertake court resealing and maintenance every 7-8 years. In these situations, a special condition may be applied in lieu of the payment of an annual lease fee.

Details of these arrangements are set out in Attachment A.

OPTIONS

This report is presented for information purposes only.

CONCLUSION

A number of organisations have long standing lease arrangements with the Council. The negotiation process to renew leases, particularly those leases with community organisations that have been in place for a number of years, can be a complex and protracted process.

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Sims moved:

That the report be received and noted.

Seconded by Cr Granozio and carried unanimously.

13.9 VESTING OF PUBLIC ROAD - HEANES LANE, KENSINGTON

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8336 45496
FILE REFERENCE: qA2005
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to present information to the Council regarding the next stage of the process to formally recognise Heanes Lane, Kensington as a Public Road pursuant to Section 208(1) of the *Local Government Act 1999*.

BACKGROUND

Heanes Lane, Kensington is comprised in Allotment 14 Deposited Plan 41630 in Certificate of Title Volume 5549 Folio 330 and forms part of Borthwick Park. Borthwick Park, Kensington (inclusive of Heanes Lane), totals an area of approximately 7,547m².

Heanes Lane, Kensington is a small section of road that provides vehicle access from Bridge Street to three (3) residential properties and general public access to Borthwick Park. Heanes Lane is located on Council-owned land which forms part of Borthwick Park however it is not formally classified as Public Road, although it is commonly known as 'Heanes Lane'.

Borthwick Park is a Council owned Reserve and is classified as Community Land under Section 193 of the *Local Government Act 1999* (the Act).

A copy of a plan showing the location of Heanes Lane and Borthwick Park, is contained with **Attachment A**.

Records held at the Lands Titles Office do not recognise the existence of Heanes Lane and show the addresses for the two (2) rear properties accessed by Heanes Lane as 51A and 51B Bridge Street. However, these two (2) properties are listed as 1 and 2 Heanes Lane in the Council's Assessment Record.

Several photographs showing Heanes Lane are contained within **Attachment B**.

History of Heanes Lane

The former Town of Kensington & Norwood purchased the land comprising Heanes Lane in January 1995, in order to provide public access from Borthwick Park through to Bridge Street. This followed several years of negotiations with the developer who originally owned part of the land comprising 51 Bridge Street, Kensington and who created the two (2) rear residential properties at 51A and 51B Bridge Street and the allotment comprising Heanes Lane by way of a land division.

The developer was originally responsible for paving and maintaining the 'access-way' (that would later become Heanes Lane) to the Council's specifications in around November 1994, while the land still remained in the developer's ownership. The access-way also originally formed part of the adjacent residential properties to ensure it would be maintained by the private landowners using it into the future.

However, this strip of land was subsequently divided off and became its own separate allotment, which was then purchased by the Council. To this day, the adjacent residents of 51, 51A, 51B and 53 Bridge Street retain various rights-of-way over the Lane, for the purpose of accessing their respective properties from Bridge Street.

No formal maintenance obligations in respect of Heanes Lane are imposed on the adjacent owners, whether by way of rights-of-way, land management agreements or otherwise. The adjacent owners have, nevertheless, been maintaining the Lane to a degree over recent years. An enquiry from one of the residents in late 2018, regarding who was responsible for maintaining Heanes Lane (in particular, replacement of pavers and maintenance of stormwater infrastructure and kerbing) resulted in Council Staff looking into this matter to determine the status of this land.

As it is Council owned land, together with the adjacent Borthwick Park, as owner of the land, the Council is responsible for its ongoing maintenance and upkeep.

At its meeting held on 6 May 2019, the Council considered the vesting of Heanes Lane as a Public Road. On that occasion, the Council was advised that while Heanes Lane was not formally a Public Road, it is used as a road and for all intents and purposes functions as a road. The Council considered options of either retaining Heanes Lane as Community Land, or formally vesting Heanes Lane as a Public Road pursuant to Section 208(1) of the Act.

The advantage of vesting Heanes Lane as a Public Road, will ensure the Lane would be maintained by the Council and placed on the Council's Asset Register and Public Roads Register. The Council was also advised that a new Certificate of Title would be issued for Heanes Lane to indicate a separate use from Borthwick Park.

Previous Council Meetings

Following consideration of the matter, at its meeting held on 6 May 2019, the Council resolved the following:

- 1. That the Council commence the process to divide the land comprised in Certificate of Title Volume 5549 Folio 330, with the portion of land used as road to vest in the Council as public road, and the remainder of the land to remain vested in the Council in fee simple as Community Land.*
- 2. That the Council authorises the Chief Executive to prepare a plan of division and lodge an application to deposit the plan of division with the Lands Titles Office SA, along with preparation and lodgement of all other required documentation, consents and notices required to give effect the land division.*
- 3. That pursuant to Section 219 of the Local Government Act 1999, the Council endorses and assigns the name 'Heanes Lane' as the official name for the portion of land described as Allotment 14 Deposited Plan 41630 comprised in Certificate of Title Volume 5549 Folio 330 and used as road, once vested in the Council as public road.*
- 4. That the Chief Executive Officer be authorised to give public notice of the assignment of the above name in the Government Gazette and to notify the Registrar-General, Surveyor-General and Valuer-General as required by Section 219 of the Local Government Act 1999, and to take such other actions as are necessary to implement the new name of the public road.*

Following the Council's decision on 6 May 2019, the Plan of Division was prepared for the Land Division and the vesting of Heanes Lane as a Public Road. The Plan of Division was approved by the Lands Titles Office on 2 June 2020. However, Certificates of Titles have not yet been issued by the Registrar-General for Heanes Lane and Borthwick Park. The Plan of Division shows Borthwick Park as Allotment 140 in D123797 and Heanes Lane as Allotment 141 in D123797. The Certificates of Title have not yet been issued as during the process of preparing the Plan of Division a number of easements were identified.

A copy of the approved Plan of Division dated 2 June 2020 is contained within **Attachment C**.

As a result of the identification of the easements, the vesting of Heanes Lane to a Public Road was again considered at the Council meeting held on 6 April 2021. This item related to the Council preserving a number of the easements, pursuant to Section 208(3) of the Act, for sewerage, gas and electricity purposes.

At the Council meeting held on 6 April 2021, the Council resolved the following:

1. *That the Council resolves to preserve the following easements in RE 7840922 upon deposit of the Plan of Division vesting Heanes Lane in the Council as public road, pursuant to Section 208(3) of the Local Government Act 1999:*
 - *easement 'C' in D41630 for gas supply purposes;*
 - *easement 'C' in D41630 for the transmission of electricity by underground cable;*
 - *easement 'C' in D41630 for water supply purposes; and*
 - *easement 'C' in D41630 for sewerage purposes.*
2. *That the Council authorises the Chief Executive Officer to amend the Plan of Division contained within Attachment B to reflect the preservation of the abovementioned easements and to lodge an application to deposit the Plan of Division with the Land Titles Office SA, along with the preparation and lodgement of all other required documentation, consents and notices required to effect the land division.*

However, at the Council meetings held on 6 May 2019 and 6 April 2021, the Council did not consider amending its Parks & Reserves Community Land Management Plan (the Plan) which was adopted by the Council on 1 June 2020, as required by Section 198 of the Act. An amendment to the Plan is required because the use of Heanes Lane as a public road is not consistent with the use of Borthwick Park as a reserve under the Plan.

At its meeting held on 4 September 2023, the Council considered the process required to amend the Parks & Reserve Community Land Management Plan (the Plan) under Section 198(1) of the Act, including if the amendment to the Plan was likely to involve a significant impact or no impact to the community.

Community Land Management Plans, in general terms, provide for the use of Council owned Reserves and Parks, as well as other Council property. As required under Section 199 of the Act, the Council must manage Community Land in accordance with the approved Community Land Management Plan for the relevant land. Therefore, Borthwick Park must be managed in accordance with the Plan.

Therefore, to progress this matter and to proceed on the basis of amending the Plan pursuant to Section 198 of the Act, by excluding Allotment 141 in D123797 (Heanes Lane), the Council was advised that as the lodgement of the Plan of Division will officially change the use of Heanes Lane and sever Heanes Lane from Borthwick Park, community consultation was required to be undertaken as there is some impact to the community (at least for the residents of 51, 51A, 51B and 51C Bridge Street), in accordance with Section 198(2) of the Act.

Following consideration of the matter, the Council subsequently resolved the following:

1. *That the Council commence the process under Section 198(1) of the Local Government Act 1999 to amend the Parks and Reserves Community Land Management Plan for Borthwick Park, adopted by the Council on 1 June 2020, to sever Heanes Lane from Allotment 14 Deposited Plan 41630 comprised in Certificate of Title Volume 5549 Folio 330.*
2. *That the Chief Executive Officer be authorised to take all action necessary to facilitate the process under the Local Government Act 1999 (SA).*
3. *That public consultation will comprise a public notice of the 6 May 2019 decision placed in a newspaper circulating within the Council area and on the Council website, plus a formal notification sent to adjacent landowners at 51, 51A, 51B and 53 Bridge Street. The information provided will clearly state that Heanes Lane will be vested as a public road and access to properties will remain unchanged.*

Following the Council's decision as set out above, community consultation was undertaken and letters were forwarded to the adjacent property owners to advise of the Council's proposal to sever Heanes lane from the Borthwick Park Community Land Management Plan and inviting their comments regarding the proposal.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 1: Social Equity

Objective 1.2

A people-friendly, integrated and active transport and pedestrian network.

Strategies

1.22 *Provide safe and accessible movement for all people.*

1.23 *Work with other agencies to influence or provide improved and integrated public transport networks.*

FINANCIAL AND BUDGET IMPLICATIONS

Once declared as public road, Heanes Lane will be incorporated in the Council's Asset Register and Public Roads Register and any future costs associated with the management and maintenance of the Lane will be in accordance with the Council's Whole-of-Life Asset Management Plans. There will also be minor legal costs associated with the legislative process for formally vesting Heanes Lane as a public road under Section 208(1) of the Act and costs associated with the process, including publication of the Notice in the South Australian Government Gazette.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

While Heanes Lane is not currently recognised as a public road, it is used as a road. It is anticipated that the formal recognition of Heanes Lane as a public road will not have any impact on the adjoining owners.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The key purpose of this process is to rectify the legal and property status of Heanes Lane, Kensington, to reflect its actual usage as public road and to provide clarity regarding its ownership and maintenance into the future.

CONSULTATION

- **Elected Members**

Elected Members previously considered the matter at the Council meetings held on 6 May 2019, 6 April 2021 and 4 September 2023.

- **Community**

A letter dated 26 February 2024 was forwarded to the residents of Bridge Street Kensington regarding the proposal to declare Heanes Lane as a public road pursuant to Section 208(1) of the Act.

Community consultation was undertaken over a four (4) week period commencing on 26 February 2024 and concluding on 22 March 2024.

- **Staff**

The Council's Manager, City Assets and Manager, City Services have provided advice as required as part of this process.

- **Other Agencies**

The Lands Titles Office of SA will be involved in approving the vesting of the land comprising Heanes Lane in the Council as public road, and the issue of two (2) new Certificates of Title for the public road and the adjacent land comprising a portion of Borthwick Park.

Written notice to all relevant service authorities (including, eg, SA Water, South Australia Power Network and SA Police) will also be undertaken as part of this process.

Norman Waterhouse Lawyers has been assisting the Council with the process of vesting Heanes Lane as a road in accordance with the Act, including consideration of the owner of 51B Bridge Street's correspondence dated 22 March 2024.

DISCUSSION

Outcome of the Community Consultation

Community Consultation was undertaken for a four (4) week period in respect to the proposed amendment to the Plan. The consultation process was advertised via a notice in The Advertiser and the Government Gazette and on the Council's website.

In addition, on 26 February 2024, a letter was forwarded to the owners of 51, 51A, 51B and 53 Bridge Street, Kensington, advising of the Council's intention to amend the Community Land Management Plan and to declare Heanes Lane as a Public Road.

One (1) submission was received as part of the consultation process.

The submission was received from the owner of 51B Bridge Street, who has objected to the proposal to vest Heanes Lane as a Public Road due to concerns relating to the loss of the right-of-way over the land.

A copy of the submission dated 22 March 2024 is contained in **Attachment D**.

The owner of 51B Bridge Street has objected to the proposal to vest Heanes Lane as a Public Road on the basis of the following:

- Heanes Lane serves as a private access road for the surrounding properties and this ought to take priority to the use of Heanes Lane by the public;
- that the adjoining property owners (51, 51A, 51B and 53 Bridge Street, Kensington), have a registered right-of-way for access over Heanes Lane;
- converting Heanes Lane to a public road will extinguish the rights-of-way over Heanes Lane;
- Heanes Lane is narrow which does not support increased vehicular access; and
- Section 210 of the Act is not the relevant provision under the Act for converting Heanes Lane to a public road.

Response to the Submission

1. Heanes Lane is a Private Access Road

In respect to the comment that Heanes Lane is a private access road, this is not the case and has not been the case for many years. Heanes Lane is Community Land that is owned by the Council. This means that Heanes Lane is public land for the purposes of the Act.

2. Right-of-Way over Heanes Lane

Whilst the adjoining property owners enjoy private rights-of-way over Heanes Lane, this does not extend to the right to park vehicles in the laneway or otherwise obstruct the laneway as a thoroughfare to Borthwick Park by the public.

There is no intention to undertake any changes to the laneway. The existing conditions regarding parking will remain unchanged, however, this may need to be formalised once the lane becomes a Public Road.

3. Converting Heanes Lane to a Public Road will extinguish the Rights-of-Way over Heanes Lane

The conversion of Heanes Lane to a Public Road will result in the extinguishment of the private rights-of-way (which is a requirement of the Act), however the adjacent property owners will continue to have full access to Heanes Lane in the same manner as they do currently. This is no different to any property with a frontage to a Public Road.

4. Section 210 of the Act is not the relevant provision under the Act for converting Heanes Lane to a Public Road

This comment is correct insofar as Section 210 of the Act is not the relevant provision of the Act because Heanes Lane is not a private road.

However, for the purposes of clarification, the Council is not proposing to proceed under Section 210 of the Act. Rather, it is merely seeking to amend the Community Land Management Plan to exclude Heanes Lane and thereafter take steps to vest Heanes Lane in the Council as a Public Road pursuant to Section 208 of the Act.

If the Council makes the decision to sever Heanes Lane, Heanes Lane will still be classified as Community Land. The process to remove this classification is to lodge a Plan of Division with Lands Services SA, which will effectively revoke the land status assigned to Heanes Lane and formally vest Heanes Lane as a Public Road under the *Real Property Act 1886*.

If the Council determines to proceed with formalising the status of Heanes Lane, a response to the owner of 51B Bridge Street, which will address the concerns that have been raised, will be prepared.

OPTIONS

The following options are available to the Council in respect to this matter:

1. **Retain the status quo with respect to Heanes Lane**

Endorsing this option means that Heanes Lanes remains as is and is not severed from Borthwick Park. This option means the process to vest Heanes Lane as a Public Road will not proceed. The Lane will not be placed on the Council's Asset Register or Public Road Register and will therefore not be maintained by the Council.

2. **Finalise the process to vest Heanes as a Public Road**

Endorsing this option means that the Community Land Management Plan will be amended to sever Heanes Lane from Borthwick Park and the Application to Deposit D123797 will be lodged with the Lands Titles Office of SA to vest Heanes Lane in the Council as public road pursuant to Section 208 of the Act. This will involve the issuing of two (2) new Certificates of Title, one for Heanes Lane and the other for Borthwick Park.

For the reasons set out in this report, this is the recommended option.

CONCLUSION

The process of declaring Heanes Lane as a Public Road appropriately reflects the current use of Heanes Lane as a road as well as providing clarity on its ownership and on-going maintenance. In addition, it will allow the Council to incorporate Heanes Lane into its Assets Register and Public Road Register.

COMMENTS

Nil.

RECOMMENDATION

1. That the status of the process to formally recognise Heanes Lane, Kensington as a public road pursuant to Section 208(1) of the *Local Government Act 1999*, be noted.
 2. That the correspondence dated 22 March 2024 (**Attachment D**) in response to the community consultation undertaken by the Council to amend the Community Land Management Plan for Borthwick Park pursuant to Section 198(1) of the *Local Government Act 1999*, be received and noted.
 3. That the Council approves the process to sever Heanes Lane from Borthwick Park by amending the Community Land Management Plan for Borthwick Park (Allotment 14 Deposited Plan 41630 in Certificate of Title Volume 5549 Folio 330) pursuant to Section 198(1) of the *Local Government Act 1999*, so that Heanes Lane can be vested as a Public Road under Section 208 of the *Local Government Act 1999*.
-

Cr Mex moved:

1. *That the status of the process to formally recognise Heanes Lane, Kensington as a public road pursuant to Section 208(1) of the Local Government Act 1999, be noted.*
2. *That the correspondence dated 22 March 2024 (Attachment D) in response to the community consultation undertaken by the Council to amend the Community Land Management Plan for Borthwick Park pursuant to Section 198(1) of the Local Government Act 1999, be received and noted.*
3. *That the Council approves the process to sever Heanes Lane from Borthwick Park by amending the Community Land Management Plan for Borthwick Park (Allotment 14 Deposited Plan 41630 in Certificate of Title Volume 5549 Folio 330) pursuant to Section 198(1) of the Local Government Act 1999, so that Heanes Lane can be vested as a Public Road under Section 208 of the Local Government Act 1999.*

Seconded by Cr Callisto and carried unanimously.

13.10 CHURCH AVENUE, NORWOOD - ROAD PROCESS

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE: qA65051
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide an update to the Council and to obtain the Council's endorsement to proceed with the finalisation of the outstanding matters in relation to the conversion of Church Avenue and Kingsborough Lane, Norwood into Public Roads.

BACKGROUND

For a number of years, Church Avenue and Kingsborough Lane, Norwood have been the subject of an ongoing process to ensure that the roads (as the roads exists in their current form), are under the ownership of the Council rather than being a mix of various land holdings of differing legal status. The key purpose of this process is to rectify the legal and property status of Church Avenue and vest Kingsborough Lane under the Council's ownership to reflect the actual usage as public roads and to formally recognise the Council as owner of both Church Avenue and Kingsborough Lane.

A copy of the Preliminary Plan 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

It is important from an ongoing risk management perspective to ensure clear ownership for Church Avenue and Kingsborough Lane.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Progressing this matter has been informed by legal advice provided by Norman Waterhouse Lawyers and Alexander Symonds Pty Ltd (Surveyors).

DISCUSSION

Church Avenue and Kingsborough Lane are sealed roads that are used by the community and in practice these roads are maintained by the Council, however the legal ownership of the land is complex and therefore endeavours have been made since 2020, to convert the entirety of Church Avenue and Kingsborough Lane, Norwood, to Public Road.

A staged approach to this process has been taken due to the complexity of the differing legal status of the relevant land holdings. This process is now in the final stages.

Through the process, it was identified that the northern end of Church Avenue (from the bend in the middle to The Parade) is owned by the Council, however the parcel of land in the centre of Church Avenue (at the bend), was a private Right-of- Way. This section of the road was converted to Public Road in 2021 under Section 210 of the *Local Government Act 1999*, which means that this section of the road is now under the Council's ownership.

Section 210 of the *Local Government Act 1999* was also used to convert the remainder of Church Avenue (from the Right-of-Way section through to William Street in the South) to Public Road. This was successfully completed in 2021.

In addition, in 2022, Kingsborough Lane, which joins the northern section of Church Avenue and which is a private laneway, was identified via the Council's *Private Laneways Policy* implementation process, as suitable for conversion to a Public Road pursuant to Section 210 of the *Local Government Act 1999*.

In November 2023, it was identified that there would be issues with converting the remainder of Church Avenue (including a portion of Allotment 17 and Allotment 15 in DP798) to Public Road under either a Section 210 process or a land division. In particular, whilst Allotment 15 is arguably a road and could be converted using the provisions of Section 210, the adjoining Allotment 70 (contained in Certificate of Title 5872 Folio 781) is Council land designated as Reserve and therefore, cannot be merged as Public Road using this process. An alternative process involves converting this land using a land division process, however this was discounted as a viable option as this process requires all property owners to sign the application to deposit the plan, however certain sections are in the estate of long deceased persons.

It was therefore determined that it would be preferable to deal with the remaining small areas of land in the middle section under the provisions of Part 6 of the *Roads (Opening and Closing) Act 1991* with a portion to vest as public road and the balance to be amalgamated with the adjoining Council owned reserve (which gives effect to what is currently on the ground). This process does require Ministerial approval but is appropriate in the circumstances.

In addition, although significant progress had previously been made to convert Kingsborough Lane to a Public Road under Section 210 of the *Local Government Act 1999*, while investigating the conversion of Church Avenue, further anomalies were found with Kingsborough Lane which indicated that the preferred mechanism is to use the provisions of the *Roads (Opening and Closing) Act 1991* to also vest this land as Public Road. It is therefore logical to combine Kingsborough Lane with that of Church Avenue as part of one road opening process.

The plan contained in Attachment A to this report provides the Preliminary Plan prepared by Alexander Symonds Pty Ltd (Surveyors) which delineates the area to be opened as a road under the *Roads (Opening and Closing) Act 1991*. This is the first step in the Road Opening process under that legislation. This Preliminary Plan is an initial plan which is submitted to the Office of the Surveyor-General and is also available to affected land owners and interest holders who are identified as part of the road opening process.

The land identified on the Preliminary Plan by the numbers 30 and 31, is the land that will be opened as a road under the *Roads (Opening and Closing) Act 1991*.

Before a road process order can be made by the Council, as required under the *Roads (Opening and Closing) Act 1991*, the Council's *Parks and Reserves Community Land Management Plan* (CLMP) needs to be amended. In particular, to remove the portion of the land indicated on the Preliminary Plan by the number 30 as it currently forms part of Council reserve land (contained in Certificate of Title 5872 Folio 781 and marked 19 on the Preliminary Plan). The remainder of the land identified in number 30 (at its left corner) forms part of the adjoining private Allotment 17 and does not form part of the CLMP.

Given that the area to be removed from the CLMP is very minor and is already part of the sealed road (and therefore for all intents and purposes is a road), the Council is not required to engage in community consultation in amending the CLMP in accordance with Section 198(3) of the *Local Government Act 1999*. If the Council does resolve to amend the CLMP, the Council will still be required to give public notice of this amendment in accordance with Section 198(4) of the *Local Government Act 1999*.

Once the matter of the amendment to the CLMP has been resolved, the road process order can be progressed in accordance with the legislative requirements. This process will be undertaken by Alexander Symonds Pty Ltd on the Council's behalf.

Based on the Council approving the amendment to the CLMP and the requisite public notice being provided, Alexander Symonds will prepare a statement in the required form containing the names and addresses of those persons affected by the road process who can be identified by reasonable enquiry and such other information in relation to the subject land as required by the Surveyor-General then lodge these documents with the Surveyor-General.

OPTIONS

Not Applicable.

CONCLUSION

While this report seeks the Council's approval to remove a portion of land from the Council's *Parks and Reserves CLMP*, it is an important next step towards progressing rectification of the complex historic land ownership of Church Avenue and Kingsborough Lane.

There are no impacts from this process on the community as the land in question is already part of the sealed road network.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council Parks and Reserves Community Land Management Plan be amended by removing from Certificate of Title Volume 5872 Folio 781, that portion of the land numbered "30" in Preliminary Plan No. 24/00, under Section 198(1) of the *Local Government Act 1999*.
2. Approval is granted to proceed with opening those portions numbered 30 and 31, in the said Preliminary Plan as Public Roads under the *Roads (Opening and Closing) Act 1991*.

Cr Piggott moved:

- 1. That the Council Parks and Reserves Community Land Management Plan be amended by removing from Certificate of Title Volume 5872 Folio 781, that portion of the land numbered “30” in Preliminary Plan No. 24/00, under Section 198(1) of the Local Government Act 1999.*
- 2. Approval is granted to proceed with opening those portions numbered 30 and 31, in the said Preliminary Plan as Public Roads under the Roads (Opening and Closing) Act 1991.*

Seconded by Cr McFarlane and carried unanimously.

13.11 ERA WATER – REQUEST TO INSTALL A BOOSTER PUMP

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

PURPOSE OF REPORT

The purpose of this report is to present to the Council, a request which has been received from ERA Water for ERA Water to instal a booster pump on Council owned land for approval.

BACKGROUND

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

ERA Water has written to the Council seeking the Council's approval to install a booster pump at Payneham Oval or Adey Reserve or an alternative location within the City to the ERA Water Network to enable connections of other sites as well as improving water pressure for existing sites.

A copy of the letter dated 27 March 2025 from Mr Jeff Tate, Independent Chair, ERA Water Board, is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The ERA Water has lodged an application for funding as part of the Department Environment and Water's *Alternative Water Supply Efficiency Measure (AWSEM) Program*. The ERA Water Board has allocated funding as part of the 2024-2025 Budget to commence the preliminary design for the booster pump.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

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

DISCUSSION

In March 2024, the ERA Water Board resolved to seek approval from the City of Norwood Payneham & St Peters to install a booster pump within the City in the section of the distribution network servicing the City of Burnside and the City of Norwood Payneham & St Peters.

Increasing pressure and volume is a key aspect of improving the delivery of harvested stormwater for irrigation purposes in the network for existing sites and to ensure additional sites can be connected to the network.

ERA Water's consulting engineers, WGA, have identified Payneham Oval and Adey Reserve at Firlie as potential sites for the booster pump, recognising that there may also be other suitable sites in the City. A building, measuring approximately 3m by 3m, would be required to house the booster pump and associated pipe infrastructure and access to electricity will also be required.

As stated previously, ERA Water have applied for funding as part of the Department Environment and Water's *Alternative Water Supply Efficiency Measure (AWSEM) Program* (the Program). The Program grants aim to deliver water savings to the Murray-Darling Basin. The program is funded under the Australian Government [Resilient Rivers Water Infrastructure Program: State-led Water Recovery Program Arrangements](#).

The Program provides funding to invest in infrastructure that substitutes River Murray water used for open space irrigation and industry with stormwater, treated wastewater, and other alternative water sources.

As well as providing an environmental benefit to the River Murray by returning water entitlements under the Basin Plan, the program aims to deliver a wide range of benefits for urban areas.¹

ERA Water has therefore requested that the Council endorses the request to install a booster pump within the City and that ERA Water work with staff to identify a suitable location for the booster pump and associated infrastructure.

OPTIONS

The Council can choose not to support the request from ERA Water to install a booster pump within the City, however, there are no specific issues or activities which present a financial or risk management issue for the Council to take this course of action and, on the basis that the booster pump will improve water pressure and volume which will improve the delivery of harvested stormwater for irrigation purposes in the network for existing sites and to ensure additional sites can be connected to the network it is recommended that the Council approves the request.

¹ <https://www.environment.sa.gov.au/topics/water-and-river-murray/projects-plans-and-security/water-projects/alternative-water-supplies-efficiency-measures-program-grants>

CONCLUSION

There are a number of opportunities that ERA Water are considering to ensure the future growth and financial performance of ERA Water and therefore any infrastructure required to ensure these objectives can be met should be supported.

COMMENTS

Nil

RECOMMENDATION

1. The Council advises ERA Water that it endorses the installation of a booster pump and associated infrastructure at a suitable location within the City.
 2. That the Council notes that staff will work with ERA Water to identify a location within the City for the installation of the booster pump, which may include Payneham Oval or Adey Reserve or an alternative location within the City.
-

Cr Robinson moved:

1. *The Council advises ERA Water that it endorses the installation of a booster pump and associated infrastructure at a suitable location within the City.*
2. *That the Council notes that staff will work with ERA Water to identify a location within the City for the installation of the booster pump, which may include Payneham Oval or Adey Reserve or an alternative location within the City.*

Seconded by Cr McFarlane and carried unanimously.

13.12 PROPOSED BY-LAWS

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE: qA166868
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present the proposed *City of Norwood Payneham & St Peters By-laws* to the Council for endorsement, for the purpose of undertaking public consultation.

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.

Section 247 of the Act, sets out the principles applying to By-laws which are made by a council. By-laws 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.*

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 are therefore due to be 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 taking effect from January 2026.

Kelley Jones Lawyers was engaged to commence the By-law review process. In addition to reviewing the current six (6) By-laws, a proposed Cats By-law for the Council's consideration has been prepared.

The proposed By-laws which have been prepared as follows:

- 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

A copy of the proposed 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

Not Applicable.

CONSULTATION

- **Elected Members**
An Information Briefing Session on the proposed By-laws was provided to Elected Members on Monday, 14 March 2025.
- **Community**
As required by the legislation, the community will be 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 3 – Local Government Land* will be referred to the Minister for Transport and the *proposed By-law 5 – Dogs* and *By-law 7 - Cats*, will be referred to the Dog & Cat Management Board, as required by the *Dog and Cat Management Act 1995*.

DISCUSSION

The *Local Government Act 1999*, *Dog and Cat Management Act 1995* and *Harbours and Navigation Act 1993*, provide powers for the Council in relation to By-laws for certain circumstances.

In addition to the legislative principles applying to By-laws pursuant to Section 247 of the Act, Section 248 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.*

The Council's existing 2018 By-laws have been reviewed and amended where relevant. The changes are not material and ostensibly relate to consistency in language between the By-laws and updated legislative requirements.

The proposed Cats By-law is new and has been prepared to provide an introductory framework for the management of cats within the City. It was envisaged that following the 2024 review of the *Dog and Cat Management Act 1995* in 2024, there would be changes made to that Act which would facilitate a consistent approach to cat management across the State beyond micro-chipping and desexing however, this has not occurred. It is therefore essentially up to each Council to determine if additional management requirements are warranted in each Council area (i.e., registrations, curfews etc.).

While Cats By-laws that have been introduced by some Councils seek to confine or place a curfew on cats, given the additional costs and complexities associated with enforcement of these requirements, this Council's proposed Cats By-law, aims to promote responsible cat ownership within the City. It is important to note that the registration requirement for cats, contained in the proposed By-law, can only be implemented via a resolution of the Council to do so. This could be done at the time the By-laws are made or at a later date. As stated above, as the Cats By-law is new, it is considered that a gradual approach for the new By-law is the preferred way for the Council to proceed.

In summary:

- *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 and a potential registration process.

The next stage of the process is to enable the community to provide comments on the proposed By-laws through the community consultation process.

In accordance with the Act, a minimum period of 21 days will be provided for the community consultation process.

Following the consultation process, the Council must give reasonable consideration to a written or other acceptable submission made to the council on a proposed By-law.

Prior to considering the making of the By-laws, a certificate will be obtained from Ms Burke, as Council's legal practitioner for this matter, which certifies the By-law in accordance with Section 249(4) of the Act.

It is proposed that the Council will make the By-laws at the Council Meeting to be held on 7 July 2025. In accordance with Section 249(3) of the Act a By-law cannot be made unless:

- (a) *the by-law is made at a meeting of the council where at least two-thirds of the members of the council are present; and*
- (b) *the relevant resolution is supported by an absolute majority of members of the council.*

Once the Council makes the By-laws, the By-laws are then published in the *SA Government Gazette* and in a newspaper circulating with the City of Norwood Payneham & St Peters. A copy of the By-laws is also required to be forwarded to the Legislative Review Committee of the South Australian Parliament.

OPTIONS

The Council is required to review the By-laws in accordance with the legislative requirements. While the Council is not required to have By-laws, they play an important role in providing a regulatory framework when the legislation is deficient.

The Council may choose not to introduce a Cat By-law however as the proposed Cats By-law provides an introductory framework that encourages responsible cat ownership, it is recommended to proceed to introduce this By-law and seek feedback through the community consultation process.

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.

COMMENTS

Nil

RECOMMENDATION

1. That the proposed City of Norwood Payneham & St Peters By-laws (as contained within Attachment A of this report), be endorsed for the purposes of community consultation:
 - 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. The Council notes that following the conclusion of the community consultation process, a report will be prepared for the Council's consideration.

Cr Holfeld moved:

1. *That the proposed City of Norwood Payneham & St Peters By-laws 1 – 6 (as contained within Attachment A of this report), be endorsed for the purposes of community consultation:*
 - *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; and*
 - *By-law 6 - Waste Management*
2. *That the proposed City of Norwood Payneham & St Peters By-law 7 – Cats (as contained within Attachment A of this report), be endorsed for the purposes of community consultation subject to the inclusion of provisions which address the 24 hour containment of cats, to be enacted by a resolution of the Council.*
3. *The Council notes that following the conclusion of the community consultation process, a report will be prepared for the Council's consideration.*

Seconded by Cr Mex and carried.

13.13 REPRESENTATION REVIEW – COMMUNITY CONSULTATION & FINAL REPORT

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE: qA170713
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present to the Council the final *City of Norwood Payneham & St Peters Representation Report* (the Representation Report) for the purposes of making a submission to the Electoral Commissioner of South Australia, in accordance with the requirements of Section 12 of the *Local Government Act 1999* (the Act).

BACKGROUND

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

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

The Council's preferred structure, including the number of Councillors, number and distribution of Wards and the names of these Wards, forms the basis for the Representation Report. The Representation Report summarises the review process undertaken by the Council, the key issues considered and the consultation undertaken with the community.

The Electoral Commissioner will determine whether the requirements of Section 12 of the Act have been satisfied and then certify the structure prior to gazettal.

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

The final Representation Report 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

Not Applicable.

CONSULTATION

- **Elected Members**
This matter has been considered at various Information Briefing Sessions (29 April 2024, 22 May 2024 and 12 August 2024) and Council Meetings (5 February 2024, 5 August 2024, 2 September 2024 and 8 October 2024).
- **Community**
Community consultation has been undertaken in accordance with Section 12(7) of the Act and the Council's Community Consultation Policy.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

At its meeting held on 5 August 2024, the Council determined by resolution, its preferred structure which provides for a Mayor and eleven (11) Councillors with four (4) Wards with Wards 1,3, and 4 each being represented by three (3) Councillors and the proposed Ward 2 being represented by two (2) Councillors.

At its meeting held on 8 October 2024, the Council noted the draft *Representation Report* which was prepared on the basis of the Council's preferred structure and also determined by resolution its preferred Ward names as follows:

- Ward 1 – Payneham / Felixstow Ward
- Ward 2 – St Peters / Kent Town Ward
- Ward 3 – Trinity / Maylands Ward
- Ward 4 – Kensington / Norwood Ward

The Council endorsed the draft *Representation Report* for consultation which was undertaken from Monday, 21 October 2024 to Friday, 15 November 2024. In accordance with the requirements of Section 12(7) of the Act, the process for the consultation was based on the Council's Community Consultation Policy.

Since the Council undertook its last Representation Review in 2017, the Act has significantly changed the way that a Representation Review is to be conducted and separate changes to the Act reduced the display requirements for Council documents. In accordance with the legislative requirements and the Council's Community Consultation Policy, an advertisement was placed in The Advertiser and in the Council's Latest News section of the Council's website and for viewing at the Norwood Town Hall.

There was one (1) submission received during the consultation period. This submission supported the preferred structure proposed by the Council.

As Elected Members will recall, at the conclusion of the consultation period it was identified that The Advertiser Notice had not been published on the date that was requested by staff and as that is the trigger date for the required three (3) weeks consultation period, the required duration of consultation was not met.

A new consultation period therefore commenced on 6 January 2025 and concluded on 31 January 2025. In accordance with the legislative requirements and the Council's *Community Consultation Policy*, an advertisement was placed in The Advertiser and in the Council's Latest News section of the Council's website and for viewing at the Norwood Town Hall. In addition, posters were put up in the Council's Libraries. There were no further submissions received during this second consultation period.

Chapter 5 of the draft *Representation Report* summarises the consultation undertaken.

The draft *Representation Report* also summarises the process of the review and sets out how the proposal that has been endorsed by the Council, has been considered in accordance with the legislative requirements. Section 12(6) of the Act requires that the draft *Representation Report* must include:

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

The principles of Section 26(1)(c) of the Act are summarised below:

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

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

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

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

OPTIONS

The Council can resolve not to endorse the Representation Report for submission to the Electoral Commissioner. This would result in the Representation Review process recommencing and would be completed within the timeframe stipulated by the Electoral Commission.

This is not the recommended option. In this respect, the process that has been undertaken has taken into account all of the relevant issues and has considered all of the relevant options.

CONCLUSION

The Council's Representation Review has been undertaken in accordance with the legislative requirements.

COMMENTS

Nil

RECOMMENDATION

1. That taking into consideration the representation review process and the community consultation that has been undertaken, the following structure of the Council be endorsed:
 - the Council comprise a Mayor and eleven (11) Ward Councillors; and
 - the Council area be divided into four (4) Wards with:
 - Ward 1 to be named Payneham / Felixstow Ward and to be represented by three (3) Councillors;
 - Ward 2 to be named St Peters / Kent Town Ward and to be represented by two (2) Councillors;
 - Ward 3 to be named Trintiy / Maylands Ward and to be represented by three (3) Councillors; and
 - Ward 4 to be named Kensington / Norwood Ward and to be represented by three (3) Councillors.
2. That pursuant to Section 12(11a) and 12(12) of the *Local Government Act 1999*, the Council endorses the draft *City of Norwood Payneham & St Peters Representation Report*, contained in Attachment A, for submission to the Electoral Commissioner of South Australia, noting the required appendices will be included prior to the submission of the report.

Cr Moorhouse moved:

1. *That taking into consideration the representation review process and the community consultation that has been undertaken, the following structure of the Council be endorsed:*
 - *the Council comprise a Mayor and eleven (11) Ward Councillors; and*
 - *the Council area be divided into four (4) Wards with:*
 - *Ward 1 to be named Payneham / Felixstow Ward and to be represented by three (3) Councillors;*
 - *Ward 2 to be named St Peters / Kent Town Ward and to be represented by two (2) Councillors;*
 - *Ward 3 to be named Trintiy / Maylands Ward and to be represented by three (3) Councillors; and*
 - *Ward 4 to be named Kensington / Norwood Ward and to be represented by three (3) Councillors.*
2. *That pursuant to Section 12(11a) and 12(12) of the Local Government Act 1999, the Council endorses the draft City of Norwood Payneham & St Peters Representation Report, contained in Attachment A, for submission to the Electoral Commissioner of South Australia, noting the required appendices will be included prior to the submission of the report.*

[The above highlighted resolution was amended at the Council meeting held on 1 September 2025. Refer to Item 13.7, Page 51 of the Council Minutes dated 1 September 2025].

Seconded by Cr Sims and carried unanimously.

13.14 REVIEW OF CONFIDENTIAL ITEMS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA65013
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to present information to the Council regarding a review of the Confidential Items which has been undertaken.

BACKGROUND

In accordance with the *Local Government Act 1999* (the Act), Council (and Committee) meetings are open to the public and attendance is encouraged and welcomed.

There are, however, times where the Council (or a Committee), believes it is necessary in the broader community interest, to exclude the public from the discussion of a particular matter in accordance with Section 90(3) of the Act.

The public will only be excluded when the need for confidentiality outweighs the principle of open decision making.

In addition to the above, the Act requires the Council to specify the duration of the order (ie determine a suitable period for which the item will remain confidential), and either impose a “release” date or event which will trigger the release of the item or a period after which the Council will review the order and determine if in fact the item should remain confidential.

In accordance with the Act, a review of the Council’s Confidential Items as at 30 June 2023, has been undertaken. A summary of all Confidential Items is set out in the Register of Confidential Items which details the date of the order, the grounds upon which the order was made and whether or not the document has become public by virtue of the resolution.

A review of the Audit & Risk Committee’s Confidential Items has also been undertaken and a separate register for this Committee’s Confidential Items has been prepared.

A copy of the Register of Confidential Items is contained within **Attachment A**.

A copy of the Audit & Risk Committee Register of Confidential Items is contained within **Attachment B**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

DISCUSSION

Council Confidential Items

A review of the Confidential Items as at 31 December 2024, has been undertaken.

The Council’s last review of the Confidential Items was conducted in August 2024 for the period ending 30 June 2024. A total of 8 items have been considered by the Council “in camera” since that time (up 31 December 2024) and these items have been included in the Register of Confidential Items.

In accordance with the process endorsed by the Council in August 2024, all Confidential Orders relating to Tenders have been extended by a further two (2) year period which means that all items relating to Tenders will remain confidential for a total period of seven (7) years.

A seven (7) year time frame has been determined, as this is a standard period of time for the retention of financial records according to the benchmark determined by both the Australian Taxation Office and the Australian Securities and Investments Commission.

There will be no further extensions in terms of the Confidential Order for these matters and the items will be automatically released at the conclusion of the seven (7) year period.

Nineteen (19) items are no longer confidential by virtue of the Council's original resolution which specified a time and/or an event to trigger the release of the item. The details of these items are contained in Attachment A.

There are three (3) items that require the Council's consideration. These items will be considered as part of a separate Confidential report.

Audit & Risk Committee Confidential Items

A review of the Audit & Risk Committee Confidential Items as at 31 December 2024 has also been undertaken.

Two (2) items are no longer confidential by virtue of the Council's original resolution which specified a time and/or an event to trigger the release of the item. The details of these items are contained in Attachment B.

There are no other confidential items which require the Council's consideration.

OPTIONS

The annual review in accordance with Section 91(9) of the Act is simply an administrative review. This does not mean that every confidentiality order needs to be remade. The only orders that need to be remade are those where the existing order is due to expire and the documents have been assessed against the relevant ground contained in Section 90(3) and determined to be required to remain confidential.

This report, therefore, is presented to the Council for information purposes only.

CONCLUSION

The review of the Council's (and Committee), confidentiality orders ensures compliance with the legislative requirements as set out in Sections 90 and 91 of the *Local Government Act 1999*.

COMMENTS

Nil.

RECOMMENDATION

That the report be received and noted.

Cr Moorhouse moved:

That the report be received and noted.

Seconded by Cr Callisto and carried.

14. ADOPTION OF COMMITTEE RECOMMENDATIONS
Nil.

15. OTHER BUSINESS
Nil

16. CONFIDENTIAL REPORTS

16.1 REVIEW OF CONFIDENTIAL ITEMS – EXTENSION OF CONFIDENTIALITY ORDER

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:

- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any duty of confidence;

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

Cr Granozio moved:

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

- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any duty of confidence;*

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

Seconded by Cr Holfeld and carried unanimously.

Cr Sims moved:

In accordance with Section 91(7) of the Local Government Act 1999, the following report and attachments be kept confidential for a five (5) year period, at which time the order will be reviewed:

- *Organisational Structure (Attachment A).*

Seconded by Cr Duke and carried.

Cr Callisto moved:

In accordance with Section 91(7) of the Local Government Act 1999, the following report and attachments be kept confidential for a five (5) year period, at which time the order will be reviewed:

- *Organisational Restructure Update (Attachment B).*

Seconded by Cr Knoblauch and carried.

Cr Sims moved:

In accordance with Section 91(7) of the Local Government Act 1999, the following report and attachments be kept confidential until the matter is finalised:

- *Property Matter (Item 14.2 Council Meeting held on 6 May 2024) (Attachment C).*

Seconded by Cr Callisto and carried unanimously.

16.2 STAFF RELATED MATTER

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

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

Cr Robinson moved:

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

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

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

Seconded by Cr Knoblauch and carried unanimously.

Cr Holfeld moved:

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

Seconded by Cr Knoblauch and carried unanimously.

17. CLOSURE

There being no further business, the Mayor declared the meeting closed at 10.50pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)