

# Council Meeting Minutes

**6 April 2021**

## **Our Vision**

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

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

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City of  
Norwood  
Payneham  
& St Peters

1.	KAURNA ACKNOWLEDGEMENT .....	1
2.	OPENING PRAYER .....	1
3.	CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 1 MARCH 2021 .....	1
4.	MAYOR'S COMMUNICATION.....	2
5.	DELEGATES COMMUNICATION .....	3
6.	QUESTIONS WITHOUT NOTICE.....	3
7.	QUESTIONS WITH NOTICE .....	3
8.	DEPUTATIONS .....	3
9.	PETITIONS .....	3
10.	WRITTEN NOTICES OF MOTION .....	3
	10.1 CAT MANAGEMENT IN SOUTH AUSTRALIA – SUBMITTED BY CR EVONNE MOORE .....	4
11.	STAFF REPORTS .....	7
	<b>Section 1 – Strategy &amp; Policy.....</b>	<b>8</b>
11.1	INVESTIGATIONS OF A PROPOSED CITYWIDE 40KM/H SPEED LIMIT FOR RESIDENTIAL STREETS AND THE PARADE .....	9
11.2	DRAFT CORPORATE EMISSIONS REDUCTION PLAN.....	19
	<b>Section 2 – Corporate &amp; Finance.....</b>	<b>27</b>
11.3	MONTHLY FINANCIAL REPORT – FEBRUARY 2021 .....	28
11.4	EXTENSION OF THE SEPARATE RATE FOR THE NORWOOD PARADE PRECINCT .....	31
11.5	DRAFT 2021-2022 NORWOOD PARADE PRECINCT ANNUAL BUSINESS PLAN .....	40
11.6	SOUTH AUSTRALIAN HOME AND COMMUNITY CARE PROGRAM – CITIZENS AGED UNDER 65 LIVING WITH A DISABILITY .....	46
	<b>Section 3 – Governance &amp; General.....</b>	<b>52</b>
11.7	BUSINESS READINESS FOR THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016.....	53
11.8	ESTABLISHMENT OF COMMITTEES – QUADRENNIAL PUBLIC ART ASSESSMENT PANEL .....	57
11.9	NOMINATIONS TO EXTERNAL BODIES - APPOINTMENT OF COUNCIL REPRESENTATIVE TO MARDEN SENIOR COLLEGE GOVERNING COUNCIL.....	60
11.10	STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL 2020 – NEW BEHAVIOURAL FRAMEWORK.....	61
11.11	DECLARATION OF SEPARATE RATE – CHARLOTTE LANE, NORWOOD .....	68
11.12	HEANES LANE, KENSINGTON – PRESERVATION OF PRIVATE EASEMENTS.....	71
11.13	LINDE COMMUNITY GARDEN – LEASE TO NP&SP COMMUNITY GARDEN ASSOCIATION INC. ....	74
12.	ADOPTION OF COMMITTEE MINUTES.....	79
13.	OTHER BUSINESS .....	80
14.	CONFIDENTIAL REPORTS .....	80
15.	CLOSURE.....	80

**VENUE** Council Chambers, Norwood Town Hall

**HOUR** 7.00pm

**PRESENT**

**Council Members** Mayor Robert Bria  
Cr Kester Moorhouse  
Cr Evonne Moore  
Cr Garry Knoblauch  
Cr John Minney  
Cr Carlo Dottore  
Cr Kevin Duke  
Cr Connie Granozio  
Cr Mike Stock  
Cr Scott Sims  
Cr Fay Patterson  
Cr Sue Whittington  
Cr John Callisto

**Staff** Mario Barone (Chief Executive Officer)  
Peter Perilli (General Manager, Urban Services)  
Carlos Buzzetti (General Manager, Urban Planning & Environment)  
Lisa Mara (General Manager, Governance & Community Affairs)  
Sharon Perkins (General Manager, Corporate Services)  
Andrew Alderson (Financial Services Manager)  
Gayle Buckby (Manager, Traffic & Integrated Transport)  
Rosanna Busolin (Manager, Community Services)  
Keke Michalos (Manager, Economic Development & Strategic Projects)  
Isabella Dunning (Manager, Governance, Legal & Property)  
Naomi Doolette (Sustainability Officer)  
Marina Fischetti (Executive Assistant, Urban Services)

**APOLOGIES** Cr Christel Mex

**ABSENT** Nil

**1. KAURNA ACKNOWLEDGEMENT**

**2. OPENING PRAYER**

The Opening Prayer was read by Cr John Callisto.

**3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 1 MARCH 2021**

*Cr Minney moved that the minutes of the Council meeting held on 1 March 2021 be taken as read and confirmed. Seconded by Cr Callisto and carried unanimously.*

#### 4. MAYOR'S COMMUNICATION

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Monday, 1 March	<ul style="list-style-type: none"><li>• Presided over a Council meeting, Council Chamber, Norwood Town Hall.</li></ul>
Tuesday, 2 March	<ul style="list-style-type: none"><li>• Attended an on-site meeting with Resident, Ninth Avenue, St Peters.</li></ul>
Tuesday, 2 March	<ul style="list-style-type: none"><li>• Attended an on-site meeting with Cr Moore, Cr Moorhouse and Ninth Avenue residents, Ninth Avenue, St Peters.</li></ul>
Friday, 5 March	<ul style="list-style-type: none"><li>• Attended a breakfast meeting with Eastern Region Alliance Mayors, Luigi's Delicatessen, Adelaide.</li></ul>
Friday, 5 March	<ul style="list-style-type: none"><li>• Radio Interview with Jules Schiller, ABC Radio 891.</li></ul>
Thursday, 11 March	<ul style="list-style-type: none"><li>• Attended a meeting of the ERA Mayors and CEO's group, Town of Walkerville offices, Walkerville.</li></ul>
Tuesday, 16 March	<ul style="list-style-type: none"><li>• Attended the 2020 Governor's Multicultural Awards, Government House, Adelaide.</li></ul>
Wednesday, 17 March	<ul style="list-style-type: none"><li>• Workshop: 2021-2022 Budget, Mayor's Parlour, Norwood Town Hall.</li></ul>
Friday, 19 March	<ul style="list-style-type: none"><li>• Attended a meeting with the Chief Executive Officer, Madame HE Lanjing (Consul-General for China in Adelaide), Mr PI Lijun (Deputy Consul-General for China in Adelaide) and Mr Zhang Li, Consul for China in Adelaide, Mayor's Office, Norwood Town Hall.</li></ul>
Saturday, 20 March	<ul style="list-style-type: none"><li>• Attended a Council Bus Tour of Library Facilities (Town of Gawler, City of Salisbury and City of Prospect).</li></ul>
Sunday, 21 March	<ul style="list-style-type: none"><li>• Attended the 200<sup>th</sup> anniversary of Greek Independence 'Cultural Evening' event, Greek Orthodox Church of Prophet Elias for Norwood and the Eastern Suburbs, Norwood.</li></ul>
Tuesday, 23 March	<ul style="list-style-type: none"><li>• Presided over a Special meeting of the Norwood Parade Precinct Committee, Mayor's Parlour, Norwood Town Hall.</li></ul>
Thursday, 25 March	<ul style="list-style-type: none"><li>• Hosted a tour of the Norwood Town Hall Complex for Norwood Primary School students (Year 4), Norwood Town Hall.</li></ul>
Friday, 26 March	<ul style="list-style-type: none"><li>• Participated in the Judging for the 2021 Eastside Business Awards, Solstice Media, Adelaide.</li></ul>
Sunday, 28 March	<ul style="list-style-type: none"><li>• Officially opened the Kent Town Residents Association Neighbours Day event, Kent Town.</li></ul>
Monday, 29 March	<ul style="list-style-type: none"><li>• Presided over a Citizenship Ceremony, Norwood Town Hall.</li></ul>
Tuesday, 30 March	<ul style="list-style-type: none"><li>• Meeting with Cr John Minney and Cr Garry Knoblauch, Mayor's Office, Norwood Town Hall.</li></ul>
Wednesday, 31 March	<ul style="list-style-type: none"><li>• Meeting with General Manager, Governance &amp; Community Affairs and Communications Officer, Mayor's Office, Norwood Town Hall.</li></ul>

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Wednesday, 31 March	<ul style="list-style-type: none"><li>• Attended a Workshop: 2021-2022 Budget, Mayor's Parlour, Norwood Town Hall.</li></ul>
Thursday, 1 April	<ul style="list-style-type: none"><li>• Attended the pre-match function followed by the Norwood versus Port Adelaide Magpies football match, Norwood Oval.</li></ul>
Tuesday, 6 April	<ul style="list-style-type: none"><li>• Radio Interview with ABC Radio 891.</li></ul>

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**5. DELEGATES COMMUNICATION**

- Cr Whittington advised that on Wednesday 24 March 2021, she and Cr Knoblauch attended the Eastern Health Authority Board Budget Workshop.  
  
Cr Whittington advised that on Sunday 28 March 2021, she attended the Kensington Residents Association Neighbours Day.  
  
Cr Whittington advised that on Saturday 20 March 2021, she attended on behalf of Mayor Bria, the Persian Association of SA New Year's celebration.
- Cr Knoblauch advised that on Monday 22 March 2021, he attended the Annual General Meeting of the Marden Senior College Governing Council. This was followed by the regular monthly meeting of the Governing Council.
- Cr Minney advised that on Monday 29 March 2021, he attended a meeting of the ERA Water Board.

**6. QUESTIONS WITHOUT NOTICE**

Nil

**7. QUESTIONS WITH NOTICE**

Nil

**8. DEPUTATIONS**

Nil

**9. PETITIONS**

Nil

**10. WRITTEN NOTICES OF MOTION**

## 10.1 CAT MANAGEMENT IN SOUTH AUSTRALIA – SUBMITTED BY CR EVONNE MOORE

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**NOTICE OF MOTION:** Cat Management in South Australia  
**SUBMITTED BY:** Cr Evonne Moore  
**FILE REFERENCE:** qA1039 qA2136  
**ATTACHMENTS:** Nil

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

### NOTICE OF MOTION

That the following resolution made at the Council meeting held on 1 February 2021 be rescinded:

*That the Council writes to The Honourable David Speirs, Minister for Environment and Water, requesting that the State Government together with the Dog & Cat Management Board undertake a review of cat management laws with a view to introducing uniform cat management regulations, including provisions for the containment of cats, in metropolitan Adelaide and/or State-wide.*

### REASONS IN SUPPORT OF MOTION

1. It is a good thing to keep tame owned domestic cats inside at night. But it is better to encourage and educate people to do this rather than impose laws on them. The community group our Council has worked with since 1997, Cats Assistance to Sterilise Inc, has always advocated for residents to keep their tame pet cats inside at night where possible.
2. However it is a punitive thing to force confinement 24 hours a day on to all cat owners regardless of their situation. It will impose a significant burden on many cat owners, with a particularly heavy burden on many elderly, poor people, renters, and people with disabilities. Elderly people may have trouble catching their cat to take it inside at night or to stop it sitting on their fence. Renters may not be able to have an animal inside their rented premises. What are they to do with their cat? People with disabilities too may find it challenging to keep a cat confined inside at all times. Not everyone can afford a cat-proof fence or large metal cage enclosure. Poor people will find it harder to have a pet cat if compulsory confinement comes in. The extra cost of kitty litter for an indoor cat and the worry it may get out the door when you go outside will deter poorer people from having a cat. Cats which are used to exercising in a back-garden may become restive and unruly if locked indoors 24 hours a day.

Pets provide much company for the elderly, the isolated and sick people. The benefits of pet ownership are well documented. If we make it harder for people to own a pet cat, we make many people's lives less fulfilling.

If we make it harder for people to own a cat, we ensure more cats are abandoned and dumped.

3. Compulsory confinement of cats will make much of the work Cats Assistance to Sterilise Inc does in co-operation with our Council impossible to continue. C.A.T.S. often helps residents who are feeding stray cats. Most stray cats by their nature cannot be confined to one property. Stray cats can be fed by residents, trapped and desexed. But they cannot be confined to one property unless they are very sick. Cat confinement will mean less residents looking after stray cats and more unowned hungry cats roaming our neighbourhoods killing mice, rats and birds.

Last year, the Council received a complaint about cats at a property in a suburb next to mine. Council staff visited the property in question to speak with the resident who was the subject of the complaint and then asked C.A.T.S. to try to resolve this complaint. Ms. C. Pierson of C.A.T.S. asked me if I could help. I spoke with the elderly owner of the property and gained his agreement to trap and desex his cats and the cats visiting his property. I gained the cooperation of two neighbours who were enthusiastic about stabilizing the local cat population. In the end the neighbours set traps on their properties and over the next 13 months 13 cats were trapped, desexed and returned to the resident's property. Some of these cats may have been passing through the resident's property, not resident there.

C.A.T.S. paid for these cats to be desexed. The resident cooperated with one neighbour who caught 17 kittens. These kittens received medical care and were eventually adopted out through the work of another cat welfare group of Volunteers. This case was a great example of neighbours working with a resident, C.A.T.S. and the Council to control the local cat population humanely. Strong support networks were formed during this work.

This example is typical of the work which C.A.T.S. and our Council do together throughout our Council area.

This work will not be done in future if compulsory cat confinement comes in. If there is a complaint to Council about any cat seen in the street or on a neighbour's property, the Council will be obliged to send a Council officer to speak to the owner/ person feeding the cat(s) and to remove the cat(s) if the cat(s) is not confined to one property. Residents may face Council fines if their cat is found outside their property. This is likely to lead to increased social conflict between neighbours. The Council will also incur considerable extra costs for Council officers to trap and confine cats.

4. Cats Assistance to Sterilise Inc has advised the Council over the past few weeks that it will not be able to work with a Council which supports compulsory confinement of domestic cats. It would be a great pity if the many years of cooperation between C.A.T.S. and this Council to control local cat populations through a humane mass desexing program were to be ended.

Our Council has been working with C.A.T.S. for several decades to keep our cat population as low as possible. That is why our Council receives few complaints. Where complaints are received, the Council can and does take action.

5. The February resolution of our Council to request Minister David Speirs to consider introducing compulsory cat confinement is now undermining the cooperation of Cats Assistance to Sterilise Inc with our Council. The passing of this resolution would now appear to be in conflict with Council's *Dog and Cat Management Plan*. This policy states that the Council "will continue its existing partnership with Cats Assistance to Sterilise Incorporated (CATS) to assist with cat management issues ..." (p 10 *Dog and Cat Management Plan 2019-2024*).

This Council has run a successful partnership with C.A.T.S. for some 30 years to control the size of our cat population. Why would we throw that work away?

6. Legislated compulsory cat confinement will be onerous, expensive and time-consuming for Council officers to police. This may not be obvious at first glance. But just as a complaint from a resident about a street tree must be investigated by Council staff, and a complaint about a heaving footpath must be inspected by Council staff, so a complaint that a cat has been seen on a street or neighbour's property will have to be investigated by Council staff, whether at night or in the day. It is highly likely that our Council staff will have to be setting traps to catch 'offending' cats seen on a street or neighbouring property.

The Whyalla Council introduced a Cat By-law in 2007. In 2013 a compliance audit on the Council conducted by the Dog and Cat Management Board as part of the Board's statutory requirement showed that the Whyalla Council was not enforcing its Cat By-law. The Board ordered the Council to provide evidence of its enforcement activities. So whether it is a Council By-law or State-wide legislation, Councils will be required to enforce cat legislation. This will mean trapping 'offending' cats, confining them somewhere and trying to work out what to do with them if they are unclaimed or not owned. Both the RSPCA and the Animal Welfare League have stated that they do not wish to continue to receive cats from Councils. Caring for impounded cats will be expensive for Council.

I urge you to consider the cost of extra staff resources and the impact on our already stressed budgets if legislated cat confinement is introduced. Plus the economic and social costs for many of our most vulnerable residents.

## STAFF COMMENT

Nil

*Cr Moore moved:*

*That the following resolution made at the Council meeting held on 1 February 2021 be rescinded:*

*That the Council writes to The Honourable David Speirs, Minister for Environment and Water, requesting that the State Government together with the Dog & Cat Management Board undertake a review of cat management laws with a view to introducing uniform cat management regulations, including provisions for the containment of cats, in metropolitan Adelaide and/or State-wide.*

*Seconded by Cr Whittington.*

*The Mayor put the motion to the meeting, which resulted in a tied vote.*

*The Mayor used his casting vote to vote in favour of the motion and declared it carried.*



**11. STAFF REPORTS**

## **Section 1 – Strategy & Policy**

### **Reports**

## 11.1 INVESTIGATIONS OF A PROPOSED CITYWIDE 40KM/H SPEED LIMIT FOR RESIDENTIAL STREETS AND THE PARADE

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**REPORT AUTHOR:** Manager, Traffic & Integrated Transport  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4542  
**FILE REFERENCE:** qA60176  
**ATTACHMENTS:** A - E

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### PURPOSE OF REPORT

The purpose of this report is to:

- inform the Council of the investigations which have been undertaken into the proposed introduction of a Citywide 40km/h area speed limit for residential streets and The Parade; and
- seek Council endorsement to commence community consultation for a proposed 40km/h area speed limit in the residential streets of Norwood and Kent Town.

### BACKGROUND

At the Council meeting held on 6 April 2020, the Council resolved to request the Council's *Traffic Management & Road Safety Committee*, to investigate the introduction of a Citywide 40km/h speed limit in residential streets and The Parade.

Initial investigations were subsequently undertaken by Council staff, the results of which were presented to the *Traffic Management & Road Safety Committee* (Committee) meeting held on 18 August 2020. The report included discussion on the strategic context that underpins the lowering of speed limits, as well as information on the safety benefits, the status of areas with reduced speed limits in other parts of Metropolitan Adelaide and an overview of community understanding of the safety benefits of lowered speed limits. A copy of the report considered by the Committee is contained in **Attachment A**.

The initial investigations concluded that implementing a Citywide 40 km/h speed limit at one time is complex due to a constraint or lack of support in one area may preclude implementation in all other areas. Therefore, it was recommended to the Committee that a staged approach be undertaken, commencing with the suburbs of Kent Town and Norwood, which are located adjacent to Stepney, Maylands and Evandale, already subject to a 40km/h area speed limit. This would be a pragmatic way to enable the progression of reduced speed limits in residential streets in the short term.

Subsequently, Council staff undertook the detailed investigations required by the Department for Infrastructure & Transport (DIT) to implement a 40km/h area speed limit in Norwood and Kent Town. A report documenting these investigations and outcomes was presented to the Traffic Management and Road Safety Committee meeting held on 16 February 2021 and a copy of that report is contained in **Attachment B**.

The detailed investigations concluded that there is a justification to implement a 40km/h area speed limit in the residential streets of Norwood and Kent Town, excluding The Parade West and Osmond Terrace.

The investigations have been completed and it is therefore timely to present the findings to the Council to ascertain whether the proposal to introduce a Citywide 40km/h speed for residential streets and The Parade should be pursued further and if so, whether it should be pursued on a staged basis.

## RELEVANT STRATEGIC DIRECTIONS & POLICIES

Reducing traffic speed in residential streets and The Parade has the potential to support and facilitate the Outcomes and Objectives of the Council's Strategic Management Plan, *City Plan 2030*, as listed below.

### **Outcome 1: Social Equity**

A connected, accessible and pedestrian-friendly community.

Objective 1: Convenient and accessible services, information and facilities.

Objective 2: A people-friendly, integrated, sustainable and active transport network.

Objective 3: An engaged and participating community.

Objective 4: A strong, healthy, resilient and inclusive community.

### **Outcome 2: Cultural Vitality**

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

Objective 4: Pleasant, well designed, and sustainable urban environments

Objective 5: Dynamic community life in public spaces and precincts.

## FINANCIAL AND BUDGET IMPLICATIONS

If the Council determines to proceed to community consultation to gauge the community's level of interest in reduced speed limits in residential streets, the community consultation will be undertaken by staff. It is anticipated that the costs for printing and distribution would be in the order of \$4,000.

If, following community consultation, the Council determines to proceed with the implementation of reduced speed limits in residential streets in Norwood and Kent Town, additional costs will be incurred for the planning, manufacture and installation of signage. The cost of implementing the required signage and promotion is estimated to be in the order of \$25,000.

## EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

## SOCIAL ISSUES

The introduction of a Citywide 40 km/h speed limit was considered by the Council in 2015, but was not implemented due to results of the community survey which was undertaken, whereby 67% of respondents indicated that they were satisfied with the current speed limits.

However, 40km/h speed limits have become more widespread in recent years and the familiarity of 40km/h speed limits has resulted in a higher level of community acceptance for lowered speed limits. The City of Unley was the first South Australian Council to implement 40km/h Citywide in 1999 and the City of Prospect most recently endorsed a Citywide 40km/h speed limit in January 2021. Large Councils such as the City of Charles Sturt and the City of Port Adelaide Enfield have been rolling out 40km/h speed limits in designated areas for several years.

Recently this Council implemented a 40km/h speed limit in Stepney, Maylands and Evandale and since that time, Council staff have received a number of requests for a 40km/h speed limit to be introduced in other suburbs, including Norwood, Kent Town, St Peters, Hackney, Felixstow, Glynde, Payneham, Trinity Gardens, Kensington and Marryatville.

Notwithstanding the above, it is likely that there will still be considerable debate, discussion and possibly opposition to the introduction of 40km/h speed limits. As such, it will be important to provide information and facts on the benefits of speed reduction as part of the consultation material.

## CULTURAL ISSUES

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

The work required to undertake community consultation for the proposal to introduce a 40km/h speed limit in residential streets in Norwood and Kent Town can be undertaken by Council staff, within existing resources.

## **RISK MANAGEMENT**

Not Applicable.

## **COVID-19 IMPLICATIONS**

Not Applicable.

## **CONSULTATION**

### **Traffic Management & Road Safety Committee**

The Traffic Management & Road Safety Committee considered this matter at meetings held on 18 August 2020 and 16 February 2021. Crs Kevin Duke, Carlo Dottore and Fay Patterson are members of the Committee.

### **Staff**

General Manager, Urban Planning & Environment  
Manager, Economic Development & Strategic Projects

### **Community**

The Parade Master Plan, which has been endorsed by the Council, proposed the implementation of the following speed limits along The Parade:

- 50 km/h from Fullarton Road to Osmond Terrace; and
- 40 km/h from Osmond Terrace to Portrush Road.

Community engagement of these proposed speed limit changes via The Parade Masterplan project received 62.6% and 52.8% support respectively.

Final approval from the Department for Infrastructure & Transport to change speed limits on The Parade has not yet been provided. Therefore The Parade has been excluded from the community consultation for a 40km/h area speed limit in the residential streets in Norwood and Kent Town.

### **Other Agencies**

- Department for Infrastructure and Transport (the Department):

A meeting between Council staff and staff from the Department was held on 9 February 2021, to discuss the implementation of reduced speeds in Norwood and Kent Town with the following outcomes:

The Department provided approval for the Council to commence community consultation for a 40km/h speed limit on the residential streets in Norwood and Kent Town (excluding Osmond Terrace and The Parade West).

The Department agreed that further consultation for reduced speed limits on The Parade is not required because it was undertaken as part of The Parade Master Plan Project, receiving majority support.

The Department are currently considering the introduction of reduced speed limits along The Parade as per The Parade Master Plan, but recommended that this be undertaken separately from the area-wide 40km/h speed limit and instead it would be assessed as a 'road corridor speed reduction'.

The Department supports the installation of variable message signs on The Parade to enable 25km/h speed limit during large events at the Norwood Oval.

- City of Burnside
- City of Adelaide
- SAPOL

## **DISCUSSION**

The investigations into a Citywide 40 km/h speed limit were undertaken in two stages, and have been presented to the Traffic Management & Road Safety Committee (the Committee) as follows:

- Initial investigations into a Citywide 40km/h speed limit - presented to the Committee on 18 August 2020.
- Investigations into a 40km/h speed limit in Norwood and Kent Town - presented to the Committee on 16 February 2021.

The investigations, findings and outcomes are set out below.

### **Initial investigations into a Citywide 40km/h speed limit (presented to the Traffic Management & Road Safety Committee meeting held on 18 August 2020)**

The initial investigations into a Citywide 40km/h speed limit included a literature review of the current status of 40km/h in South Australia and how that could best be translated to the City of Norwood Payneham & St Peters. The investigations included:

- The Strategic Context;
- Why 40km/h?;
- What other Councils are doing in Metropolitan Adelaide;
- Evaluation of the 40km/h Area Speed Limit in Maylands, Evandale and Stepney;
- NPSP: A Road Safety Snapshot;
- Overview of public opinion and community understanding; and
- Review of the DIT requirements to gain approval for implementing 40km/h area speed limits.

The key findings and outcomes of these initial investigations identified that:

- Lowering urban speed limits is a direct outcome of 'The Safe System Approach' which was adopted in Australia in 2011. The Safe System Approach has four main pillars that are Safe Roads, Safe Speeds, Safe Vehicles and Safe People and is mandated in the National Road Safety Strategy and the South Australian Road Safety Strategy – Toward Zero Together.
- Traffic speed across the City's road network is higher than 40 km/h and therefore is not aligned with the Safe System Approach for minimising conflict with pedestrians and cyclists.
- The implementation of 40km/h signs in appropriate streets results in widespread minor speed reduction, indicating that it is a successful and low-cost intervention that changes motorist behaviour and improves safety.
- There has been 160 crashes involving vulnerable users (cyclists and pedestrians) within the Council's road network over the past five (5) years and a reduced speed limit to 40km/h represents an opportunity to significantly reduce the number of crashes over time.

- The Department of Infrastructure & Transport (the Department) supports 40km/h speed-limited areas to help create a speed environment appropriate to residential streets and in precincts where existing speeds are not overly high.
- Community acceptance of 40km/h speed limits is not strong overall but this is likely to be attributed to a lack of understanding of the safety benefits to all road users and increased liveability for residents. Community acceptance is likely to increase if widespread education and information is undertaken as part of the community consultation process.
- The Speed Limit Guidelines (by the Department) have been updated to provide more flexibility for Local Government to implement 40km/h speed limit areas. The Department no longer *requires* Local Government to consult the community prior to implementation of 40km/h speed limits, but do however *recommend* that consultation is undertaken.

The initial investigations concluded that implementing a 40 km/h speed limit across the entire city at one time is complex because a constraint or lack of support in one area may preclude implementation in all other areas. Therefore, it was recommended that a staged approach would be a pragmatic way to enable progress in the short term.

The suburbs of Norwood and Kent Town were selected for the first stage because:

- the short street sections in Norwood and Kent Town and existing vehicle speeds would readily meet some of the requirements set out by the Department;
- research undertaken by the City of Charles Sturt found that people living in suburbs closest to the Adelaide CBD (such as Norwood and Kent Town) were more likely to support reduced speed limits; and
- reduced speed along The Parade has already been endorsed by the Council and supported by the community and the Department as part of The Parade Master Plan Project.

Given the findings set out above, the Committee endorsed the investigation of the introduction of a 40km/h area speed limit in Norwood and Kent Town. The full report presented to the Traffic Management & Road Safety Committee held on 18 August 2020 is contained in **Attachment A**.

#### **Investigations into a 40km/h speed limit in Norwood and Kent Town (presented to the Traffic Management & Road Safety Committee meeting held on 16 February 2021)**

The area that has been investigated for the possible implementation of a 40km/h area wide speed limit (the subject area) is bound by Magill Road, Portrush Road, Kensington Road and Dequetteville Terrace. The subject area lies adjacent to Stepney, Maylands and Evandale, where the Council introduced a 40km/h speed limit since 2019. The affected areas are depicted on the map contained in **Attachment C**.

The Parade, Rundle Street and Flinders Street lie within the subject area and are under the care, control and management of the Department for Infrastructure and Transport (the Department). The speed limits proposed for The Parade (aligning with The Parade Master Plan) are formally being considered by the Department and discussions to expedite this process are ongoing. Community consultation is not required for reduced speed limits on The Parade because this was undertaken with majority support, as part of The Parade Master Plan. The Department has informed the Council that Rundle Street, and Flinders Street will not be converted to 40km/h in foreseeable future. Therefore, all roads under the care, control and management of The Department will be exempt from the proposed 40km/h area wide speed limit.

The Council does not have the authority to install 40km/h speed limit signs and approval must be granted by The Department. The investigations described in this report, align with the requirements of the *Speed Limit Guideline for South Australia*. The list of requirements are listed in the Table below, together with the current progress of each item. Community consultation is not a requirement of the Department, but the Guidelines suggest that where the speed limit change affects a large area, consultation is recommended and it may be in the form of a survey of a representative sample of that community.

**TABLE 1: THE DEPARTMENT FOR INFRASTRUCTURE & TRANSPORT REQUIREMENTS PRIOR TO APPROVAL FOR THE IMPLEMENTATION OF A 40KM/H AREA SPEED LIMIT**

Item	Requirement (from Speed Limit Guidelines of South Aust.)	Current Progress
1	A clear boundary (generally bound by arterial roads, rivers, rail lines etc)	Completed
2	Resolution from Council	In progress, dependant on consultation outcomes
3	Indication of support from Local State Member of Parliament	In progress
4	Consultation with neighbouring Councils, DIT & SAPOL	Completed
7	Speed data collection & street speed/length analysis	Completed
8	Proposed traffic calming devices where analysis dictates	Not required
10	A site plan showing proposed signs, parking controls and traffic calming devices	To be undertaken if endorsed by Council post-consultation
11	A Traffic Impact Statement	In progress

The investigations and analysis identified that all Council-owned streets meet the requirements for a 40km/h area wide speed limit without the need for additional traffic calming devices. This was identified from collecting traffic data and determining that the arithmetic mean speed of the relevant streets was less than 50km/h as per item 7 in the Table above.

The function and land use of each street and the interface between the Council roads and the Department roads have been assessed to ensure that the speed limit reduction was appropriate and consistent for each street. In addition, the main streets that continue into the City of Burnside and the City of Adelaide were also assessed for consistency. This assessment identified that it would be appropriate for the speeds on The Parade West and Osmond Terrace to be excluded from the 40km/h speed limit and be maintained at 50km/h as described below.

#### *The Parade West*

The Parade West acts as a sub-arterial road, linking roads owned by the Department: Rundle Street (50km/h), Flinders Street (60km/h), Fullarton Road (60km/h) and The Parade (future proposed 50km/h). Roads with this function are rarely reduced to 40km/h unless major infrastructure changes were applied and therefore, it is prudent to retain 50km/h along The Parade West at the present time.

#### *Osmond Terrace*

Osmond Terrace is a major north-south link between Nelson Street, Stepney (a Department road with a speed of 60km/h) and Prescott Terrace (a City of Burnside road with a speed of 50km/h). Liaison with the Department and the City of Burnside, identified that there are no plans to reduce the speed limits of these roads. Therefore, for motorist consistency it is considered appropriate to maintain the existing speed of 50km/h along Osmond Terrace.

In summary, it is proposed that a 40km/h area speed limit be implemented in all Council-owned streets in Norwood and Kent Town, except for The Parade West and Osmond Terrace. Other roads that will remain unchanged are roads maintained by the Department for Infrastructure and Transport which are Fullarton Road, Rundle Road and Flinders Street. A map depicting the proposed speed limits for Norwood and Kent Town is contained in **Attachment D**.

If the Council accepts the rationale for reducing speed limits in residential streets and the rationale for pursuing reduced speed limits in a staged manner, for the reasons set out in this report and the reports considered by the Traffic Management and Road Safety Committee (contained in Attachments A and B), then the next stage in the process of implementing reduced speed limits is to undertake community consultation.

At the Traffic Management & Road Safety Committee meeting held on 16 February 2021, the Committee resolved to recommend to the Council that it proceed to undertake community consultation on the proposal to introduce a 40km/h area wide speed limit in Norwood and Kent Town as detailed in **Attachment D** of this report.

The proposed consultation methodology was agreed at the Committee meeting and is detailed below for the consideration of and endorsement by the Council.



## CONSULTATION METHODOLOGY

### Previous Consultation on 40km/h Speed Limits

The Council has undertaken consultation for 40km/h previously as set out below.

- *Citywide 40km/h speed limit - 2015*

The introduction of a Citywide 40 km/h speed limit (except The Parade), was considered in 2015 but was not implemented following consideration of the submissions received from a community survey. Approximately 24,000 survey forms were delivered to residents, property owners and business operators and there was a 26% response rate. 67% response indicated that they were satisfied with the speed limits that currently apply to the residential streets within the City, 21% were dissatisfied, and 12% were neutral. In addition, more than three quarters (76%) of the survey respondents thought that the speed limit of 50 km/h that currently applies to the majority of residential streets within the City “*is about right*”. Given the survey results, the Council unanimously determined that on the basis of the results of the survey, there was no warrant or mandate to pursue the matter any further.

- *Stepney, Maylands & Evandale Local Area Traffic Management Plan - 2017*

Consultation for a 40km/h area wide speed limit in the suburbs of Stepney, Maylands and Evandale was undertaken as part of the Local Area Traffic Management Plan. There was general support for a reduced speed limit, with 68% either agreeing or strongly agreeing to the draft recommendation to introduce a 40kph speed limit. The Council was satisfied that the consultation results met the criteria of ‘*majority support*’, and therefore, endorsed the introduction of a 40km/h area speed limit in Stepney, Maylands and Evandale.

- *The Parade Master Plan - 2019*

The Parade Master Plan which proposed 50 km/h on The Parade from Fullarton Road to Osmond Terrace; and 40 km/h on The Parade from Osmond Terrace to Portrush Road.

These sections of The Parade are under the care, control and management of the Department for Infrastructure & Transport (the Department), who have provided “*in-principle*” support for the reduced speed limits. Community engagement was undertaken as part of The Parade Masterplan Project and there was 62.6% support for 50km/h from Fullarton Road to Osmond Terrace and 52.8% support for 40km/h from Osmond Terrace to Portrush Road, indicating a majority level of community support for reduced speed.

### Proposed Consultation Methodology for 40km/h speed limit Norwood and Kent Town

The proposed community consultation strategy involves letterboxing a simple and engaging postcard flyer into every residence and business in Norwood and Kent Town (estimated to be 5,100 postcards). The postcard would provide information on why the Council is seeking to introduce a 40km/h speed limit:

*Worldwide research shows that in 40km/h neighbourhoods:*

- *Streets are safer for everyone,*
- *Streets are quieter and nicer to live in,*
- *Its more enjoyable to walk or ride a bike, and*
- *Traffic flow is smoother with less CO2 emissions.*
- *Travel time will not increase. The road layout and current speeds in Norwood & Kent Town means that travel time would only be reduced by a few seconds...if at all.*
- *The Council does not raise revenue with reduced speed limits. Fines are imposed by SAPOL, who work independently from the Council to enforce speed limits on residential streets*

The postcard will also provide a QR Code and link to a detailed map and a short online *Have Your Say!* questionnaire and provide details on how to request a hard-copy questionnaire to be posted if required. A mock-up of the postcard is contained in **ATTACHMENT E**. If the Council endorses the recommendation to proceed to community consultation, the postcard content would be refined by the Council’s Communications staff.

It is also proposed that the survey questions would include the following:

- *Do you support a 40km/h speed limit on residential streets in Norwood and Kent Town as shown on the map? **Yes/No/Unsure***
- *Do you live and/or work in Norwood or Kent Town?*
- *Space for Comment.*

In addition to the postcard, other forms to raise awareness of the *Have Your Say!* campaign will be undertaken, including core flute signs at key locations, a media release and on-line/social media.

## OPTIONS

The investigations and proposed outcomes discussed in this report have identified that:

- The residential streets in Norwood and Kent Town meet the guidelines for a 40km/h area wide speed limit and the Department for Infrastructure and Transport has given approval to commence consultation. The 40km/h area speed limit would not apply to any roads under the care, control and management of the Department or the Council roads that act as major collector roads which are The Parade West and Osmond Terrace.
- The speed limits proposed for The Parade (aligning with The Parade Master Plan) are formally being considered by DIT and discussions to expedite this process are ongoing. Community consultation is not required for reduced speed limits on The Parade because this was undertaken with majority support, as part of The Parade Master Plan.

The Council is now required to consider whether it accepts the rationale for reducing speed limits in residential streets and if so, whether it accepts the rationale for pursuing reduced speed limits across the City in a staged manner. If the Council endorses the rationale, then it is recommended that community consultation commence for the proposal to implement a 40km/h area speed limit in the residential streets of Norwood and Kent Town.

Possible options for the next steps are listed below.

### Option 1

Do nothing. The Council can determine that despite the outcomes of the investigation, the reduced speed limits in Norwood and Kent Town as contained in **Attachment D** should not be implemented.

This approach is not recommended as the proposed reduction of speed limits has merit and it is prudent to proceed to consultation.

### Option 2

The Council can decide that community consultation is not required and endorse the implementation of a 40km/h area speed limit for Norwood and Kent Town without consultation.

Consultation is not a requirement of the Department of Infrastructure & Transport and therefore, the Council does have authority to implement 40km/h without consultation. However, this approach is not recommended because it would be beneficial to the success of the speed limit proposal to determine whether there is a high level of community support before implementing the speed limit change.

### Option 3

The Council can endorse the proposal to proceed with community consultation to introduce a 40km/h speed limit on residential streets in Norwood and Kent Town (except for The Parade West and Osmond Terrace), as contained in **Attachment D**.

This approach is recommended for reasons set out in this report.

## CONCLUSION

It is considered that there is justification to pursue the implementation of reduced speed limits in residential streets in Norwood and Kent Town, for the reasons outlined in this report and that the Council proceed to undertake community consultation on the proposal to introduce a 40km/h area speed limit on residential streets in Norwood and Kent Town (except for The Parade West and Osmond Terrace), as contained in **Attachment D**.

## COMMENTS

Council staff will continue to liaise with the Department to introduce reduced speed limits on The Parade to coincide with the timing of the implementation of a 40km/h speed limit in the residential streets of Norwood and Kent Town, subject to the outcomes of the consultation process.

If the Council resolves to undertake community consultation on the proposal to introduce a 40km/h area speed limit on residential streets in Norwood and Kent Town (except for The Parade West and Osmond Terrace), the results of the consultation will be referred to the Council's Traffic Management & Road Safety Committee for consideration in the first instance and then the Committee will make further recommendations to the Council.

## RECOMMENDATION

1. That the outcomes of the investigations which have been undertaken by staff, as outlined in this report and the reports presented to and considered by the Traffic Management & Road Safety Committee on 18 August 2020 and 16 February 2021, regarding the proposal to investigate a Citywide 40km/h speed limit in residential streets and The Parade, be received and noted.
  2. That the Council notes that the proposal outlined in this report to investigate reduced speed limits in residential streets in Norwood and Kent Town, meets all of the requirements set out in the Department for Infrastructure and Transport publication, *Speed Limit Guideline for South Australia*.
  3. That having regard to the outcomes of the investigations which have been undertaken and the requirements of the Department for Infrastructure & Transport publication, *Speed Limit Guideline for South Australia*, the Council endorse community consultation on the proposal to introduce a 40km/h area wide speed limit in residential streets in Norwood and Kent Town (except for The Parade West and Osmond Terrace), as detailed in Attachment C to this report.
  4. That the Council notes that:
    - (a) a report will be presented to the Council's Traffic Management & Road Safety Committee, advising of the outcomes of the community consultation;
    - (b) a report will be presented to the Council following the Traffic Management & Road Safety Committee's consideration of the outcomes of the community consultation;
    - (c) ongoing liaison will be undertaken with the Department for Infrastructure & Transport regarding reducing speed limits on The Parade, as set out in the endorsed Thee Parade Master Plan project; and
    - (d) the proposal for reduced speeds on The Parade includes variable message signs that would enable a speed limit of 25km/h during large events at the Norwood Oval.
-

Cr Whittington moved:

1. *That the outcomes of the investigations which have been undertaken by staff, as outlined in this report and the reports presented to and considered by the Traffic Management & Road Safety Committee on 18 August 2020 and 16 February 2021, regarding the proposal to investigate a Citywide 40km/h speed limit in residential streets and The Parade, be received and noted.*
2. *That the Council notes that the proposal outlined in this report to investigate reduced speed limits in residential streets in Norwood and Kent Town, meets all of the requirements set out in the Department for Infrastructure and Transport publication, Speed Limit Guideline for South Australia.*
3. *That having regard to the outcomes of the investigations which have been undertaken and the requirements of the Department for Infrastructure & Transport publication, Speed Limit Guideline for South Australia, the Council endorse community consultation on the proposal to introduce a 40km/h area wide speed limit in residential streets in Norwood and Kent Town (except for The Parade West and Osmond Terrace), as detailed in Attachment C to this report.*
4. *That the Council notes that:*
  - (c) *a report will be presented to the Council's Traffic Management & Road Safety Committee, advising of the outcomes of the community consultation;*
  - (d) *a report will be presented to the Council following the Traffic Management & Road Safety Committee's consideration of the outcomes of the community consultation;*
  - (c) *ongoing liaison will be undertaken with the Department for Infrastructure & Transport regarding reducing speed limits on The Parade, as set out in the endorsed Thee Parade Master Plan project; and*
  - (d) *the proposal for reduced speeds on The Parade includes variable message signs that would enable a speed limit of 25km/h during large events at the Norwood Oval.*

*Seconded by Cr Duke and carried unanimously.*

## 11.2 DRAFT CORPORATE EMISSIONS REDUCTION PLAN

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**REPORT AUTHOR:** Sustainability Officer  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4532  
**FILE REFERENCE:** qA59080  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to seek the Council's endorsement to release the draft *Corporate Emissions Reduction Plan* for community consultation and noting of the supporting *Low Emissions Fleet Transition Paper*.

### BACKGROUND

The Council endorsed the preparation of a *Corporate Emissions Reduction Plan* in July 2020.

Following an open request for quotation and selection process, in August 2020, *DSquared Consulting*, a consulting firm with extensive experience in emissions reduction and carbon neutrality, was appointed to prepare an overarching *Corporate Emissions Reduction Plan* (the Plan) and a *Low Emissions Fleet Transition Paper* (Transition Paper). Further supporting documents were requested for a *Solar and Battery Feasibility Study including Solar PV Specifications*; and *Environmentally Sustainable Design Review*. These are internal documents intended to provide staff with technical specifications to allow prioritisation of its Capital Works projects, budgets and assets and are therefore not included as attachments to this report.

The key objective of the Plan is to analyse and understand the Council's emissions profile and prepare an emissions reduction pathway for corporate emissions. Corporate emissions are defined as emissions occurring from activities which the Council has direct operational control, such as operations within the Council owned and operated buildings. The analysis of the Council's corporate emissions profile has enabled the identification of key projects and activities to reduce emissions and provide high level cost implications for the Council's long term financial plan.

In December 2020, the Council updated its strategic management plan *CityPlan 2030: Shaping Our Future*, to, among other things, include a target of "zero corporate carbon emissions by 2030", thereby providing a clear target for inclusion in the *Corporate Emissions Reduction Plan*.

The consultant has now prepared the draft *Corporate Emissions Reduction Plan* with a list of emissions reduction initiatives following 'up front' consultation with staff and Elected Members. The Council's endorsement to release the draft *Corporate Emissions Reduction Plan* for community consultation is now sought.

The *Low Emissions Fleet Transition Paper* prepared by the consultant, aligns with the *Corporate Emissions Reduction Plan* but is of an operational nature and is therefore provided for the information of and noting by the Elected Members. The *Transition Paper* provides a pathway to enable its fleet to transition to zero emissions by 2030.

### 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.

#### **Objectives**

1.2.1 Enable sustainable and active transport modes.

1.2.3 Work with other agencies to influence or provide improved and integrated sustainable transport networks.

#### **Outcome 4: Environmental Sustainability**

A leader in environmental sustainability.

##### **Objectives**

- 4.1.1 Make better use of water resources including the harvesting and re-use of stormwater.
- 4.1.2 Investigate and implement innovative waste reduction and education initiatives.
- 4.1.3 Employ and promote energy efficiency initiatives and renewable energy resources.
- 4.1.4 Promote the use of sustainable, active and low emission transport mode.
- 4.4.1 Lead initiatives to reduce the City's ecological footprint and carbon emissions.

##### **Target**

Zero corporate carbon emissions by 2030.

#### **FINANCIAL AND BUDGET IMPLICATIONS**

The financial implications associated with this issue relate to some minor advertising costs that will need to be incurred to promote the draft *Corporate Emissions Reduction Plan* as part the community consultation process. The required funding for the advertising will be allocated against the existing budget for the project.

The *Low Emissions Fleet Transition Paper* and other supporting documents will not be released for public consultation as the intent of these documents is to guide operational processes and allow the Council to meet the *CityPlan 2030: Shaping Our Future* emissions reduction target.

It should be noted that following consultation, once the final version of the *Corporate Emissions Reduction Plan* is endorsed by the Council, associated costs should be identified in the Long Term Financial Plan; and any project and initiatives relating to the focus areas contained within the Plans will require funding at a future date, through the Council's annual budget setting process.

The draft *Corporate Emissions Reduction Plan* has high level estimated cost implications. The cost implications have not been identified for all initiatives and may be difficult to determine at this point, such as the transition to an electric vehicle fleet. Determining these costs will be reliant on further investigation, advancing technologies and improved payback times. In addition, costs associated with purchasing the remaining carbon offsets which will be required to achieve carbon neutrality, have not been identified due to predicted future market fluctuations. Whilst these will increase capital expenditure by approximately \$8,000 in 2025 or \$12,000 in 2030, based on low price projections, in the first few years there are expected operating savings that will result from reducing emissions as much as possible.

Additional funds are required to support the Plan. Various projects will be included within the current Capital Works operating budget for continued solar PV roll out and an additional proposal will be submitted for consideration for the allocation of \$11,000 in the 2021-2022 Budget for Energy and Water Audit initiatives that have been unidentified for immediate implementation. Other initiatives such as zero emissions fleet transition, electric vehicle (EV) charging stations, Environmental and Sustainable Design Guide, and procurement of Carbon Neutral products will be considered in future years.

#### **EXTERNAL ECONOMIC IMPLICATIONS**

The expenditure to reduce carbon emissions will change in relation to the progression of energy efficiency, advancing technologies and other supporting initiatives.

#### **SOCIAL ISSUES**

The Council has been working for many years to address its environmental footprint and its corporate emissions, showing leadership and aligning with the environmental expectations of the community. The draft *Corporate Emissions Reduction Plan* provides additional carbon management actions and leadership that will provide encouragement to the citizens to adopt better practices within their own homes and businesses.

#### **CULTURAL ISSUES**

Nil.

## ENVIRONMENTAL ISSUES

The draft *Corporate Emissions Reduction Plan* has key targets which will reduce the Council's carbon emissions in line with the *CityPlan 2030: Shaping Our Future* target. This shows the Council is serious about its intent to mitigate the impact of climate change.

Carbon emissions have far-ranging environmental and health effects. They trap heat in the atmosphere, causing hotter than average temperatures resulting in sea level rise, coral bleaching, heat waves, flooding, drought, food supply disruptions, increased bushfire risk and more. In addition to increased global mean temperatures, carbon emissions contribute to respiratory disease from smog and air pollution.

## RESOURCE ISSUES

The preparation of the draft Plan by DSquared Consulting, has been overseen by the Project Steering Group led by the Sustainability Officer, Manager, Urban Planning & Sustainability, Acting Manager, City Assets, and Financial Services Manager.

The Sustainability Officer will co-ordinate the community consultation process.

## RISK MANAGEMENT

The draft *Corporate Emissions Reduction Plan* has adopted the Council's target of zero corporate carbon emissions by 2030 which guides the initiatives with the intent to reduce and offset all carbon emissions to mitigate climate change. If ongoing budget is not allocated and actions are not implemented this would have the consequence of either having a larger volume of carbon offsets to purchase, or risk the Council not meeting the target of zero corporate carbon emissions by 2030 and therefore not responsibly mitigating the impacts of climate change that the community faces.

Implementing the actions and adequate resourcing projects will ensure that the Council progress towards its targets will lead by example and implementation will ensure the Council has minimal impact on global emissions.

## COVID-19 IMPLICATIONS

Given the on-going and dynamic nature of the COVID-19 restrictions, in-person 'drop in' information sessions for interested citizens to discuss the draft Plan with Council staff may have limited attendance and may need to be cancelled. Instead, community consultation may have to take a more targeted approach via electronic communication in addition to availability for those who wish to attend a 'drop in' information session.

## CONSULTATION

- **Elected Members**

An Information Session was held with Elected Members on 23 November 2020, to 'set the scene' for the development of a *Corporate Emission Reduction Plan* and to inform Members of current trends, targets and plan for Federal, State and Local Government in Australia.

- **Community**

In accordance with the Council's endorsed *Community Consultation Policy*, it is proposed to release the draft *Corporate Emission Reduction Plan* for community consultation and invite submissions on the draft Plan for a period of twenty one (21) days.

The Plan will be made available for viewing at the Council's Principal Office at the Norwood Town Hall and Libraries and a copy will be posted on the Council's website. Promotion of the draft Plan and consultation period will be provided on the Council's website and social media.

- **Staff**

One (1) 'up front' engagement session for staff was held in November 2020 as well as three Project Steering Group meetings with the consultant.

- **Other Agencies**

Nil.

## DISCUSSION

Emissions reduction is the action of reducing and/or offsetting all carbon emissions associated with an activity and in this case it refers to only the Council's corporate activities.

The Council started its emission reduction journey over twenty years ago and implemented a number of sustainability programs that work towards reducing corporate emissions. The previous *Greenhouse Strategy Plan* published in October 2002, contained two high-level milestones relating to corporate and community carbon emissions levels sought to be achieved by 2012/13.

The Council then developed a *Corporate Energy Management Project* in 2005 to deliver implementation of the *Greenhouse Strategy Plan*. Funding was specifically allocated for the implementation of these initiatives.

In 2008, the Council adopted its Strategic Management Plan, *CityPlan 2030: Shaping Our Future*. The Plan was reviewed and updated and previously included the target:

- reduce the amount of Corporate greenhouse gas emissions by 5% from the 2015-2016 levels by 2020-2021 (2,264 tonnes baseline).

This target has recently been achieved, attributed in large part to the transition to LED street lights on local roads in 2018-2019. The Council's 2019-2020 Annual Report reported that this target had been met with recorded emissions of 1,616 tonnes, which contributes to an overall emissions reduction of 28.6% against the 2015-2016 levels.

In its review of the *CityPlan 2030: Shaping Our Future*, the Council set a zero corporate carbon emissions by 2030 target, to develop a strategic approach to reduce emissions and achieving this target over the next ten years.

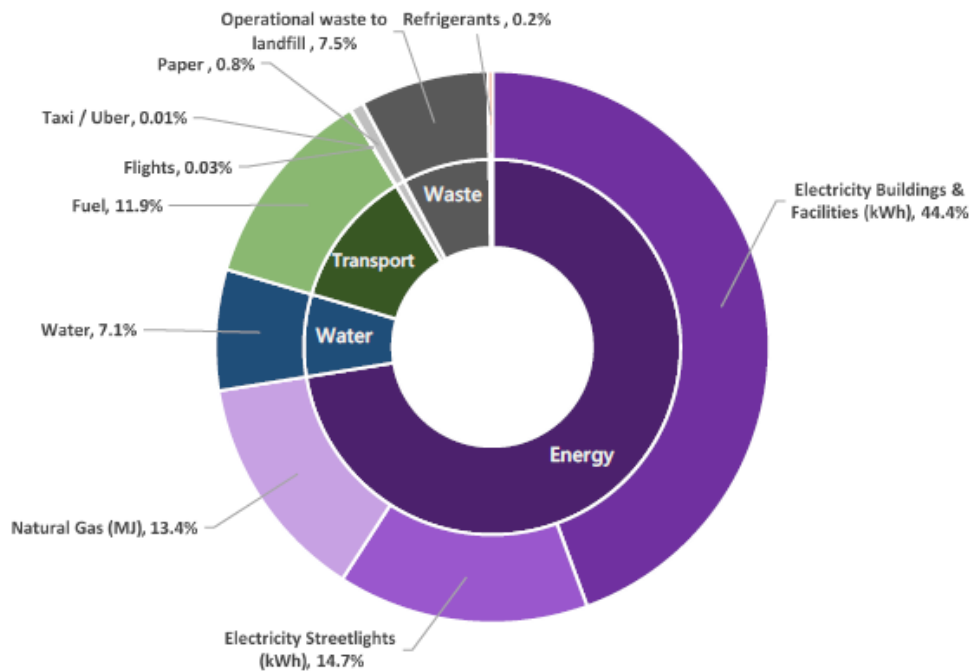
In February 2020, the State Government announced its aim for South Australian emissions to be reduced by more than 50% below 2005 levels by 2030 and aiming to achieve net zero emissions by 2050. Several councils in South Australia have also made the commitment to achieve zero emissions by 2030, including the Adelaide Hills Council and the City of Marion.

The draft *Corporate Emissions Reduction Plan*, contained in **Attachment A**, establishes a pathway that utilises a quadruple bottom line approach to ensure that the Council can achieve outcomes that support social, economic, cultural and environmental sustainability and guide the Council towards zero corporate carbon emissions by identifying a suite of key initiatives to achieve the target.

The Plan focuses on the Council's corporate emissions which can be defined as emissions occurring from activities which the Council has direct operational control, such as operations within Council owned and operated buildings and facilities. It does not include any of the construction phase of capital works and or operational projects that the Council undertakes, as this is not a requirement of the National Carbon Offsets Standards (NCOS) reporting towards carbon neutrality.

The analysis contained in the draft Plan shows the Council's baseline corporate carbon emissions is approximately 1,890 tonnes of carbon dioxide equivalent per year based on 2018-2019 data. The top five (5) emissions sources for the Council are energy, natural gas, transport, landfill and water and they equate to over 95% of the total emissions and therefore, the Plan has a priority focus on these emissions. The remaining emissions sources are from paper and refrigerants. Figure 1 below - Emissions Profile displays the breakdown of the Council's corporate emissions.





**Figure 1:** City of Norwood Payneham & St Peters Baseline Emissions Profile (based on 2018-2019 data)

The corporate emission profile has been projected out to 2030 in order to develop an implementation program and emission reduction roadmap for the Council. The Plan ensures an optimal suite of capital and non-capital initiatives to be implemented by 2030. The seventeen (17) initiatives identified in the Plan have been reviewed with the following considerations in mind:

- key benefits, including primary benefits of carbon abatement, but also social and economic benefits;
- initial capital cost;
- operations and maintenance considerations;
- simple payback;
- timeframes for planning and implementation; and
- key risk and other considerations.

The seventeen (17) recommended initiatives are broken down into two categories, direct and supporting emissions reduction initiatives. The direct reduction initiatives are:

- on-site rooftop solar PV for nominated sites;
- energy efficiency audits and initiatives;
- Environmentally Sustainable Design (ESD) Guidelines – for new buildings and refurbishments;
- zero emissions fleet transition (refer to *Low Emissions Fleet Transition Paper*);
- electric vehicle charging stations (refer to *Low Emissions Fleet Transition Paper*);
- 100% renewable energy contract;
- increased corporate landfill waste diversion;
- water efficiency improvements; and
- procurement of Carbon Neutral supplies.

The supporting emissions reduction initiatives are:

- communication and promotion;
- sustainable staff commuting and survey;
- natural gas transition;
- Carbon Neutral certification;
- Community Carbon Neutral Plan;
- Carbon Neutral events;
- Develop a Sustainable Procurement Policy; and
- sustainable behaviour program.

If all of the direct and supporting emissions reduction initiatives are implemented by timeline within the draft Plan, the projections show that there is an opportunity for the Council to reduce its corporate emissions by over 50% by 2025 and over 60% by 2030 through the recommended initiatives. To ensure the Council can meet its target of “zero corporate emissions by 2030”, the Council will need to offset the remaining emissions it cannot avoid or reduce.

Though every carbon offset represents one tonne of carbon dioxide equivalent, the cost is variable. The factors that vary the cost are: the standard it is certified against; preferences for different projects types or geographies; associated supply and demand dynamics; and project costs required to plan, implement and monitor the project. As a result, the prices fluctuate depending upon availability of offsets, quantity, type of project, local of project, and market demand at the time of purchase. An international standard for carbon offsets was developed to differentiate high quality offsets, known as the Gold Standard. The Gold Standard ensures that key environmental criteria have been met by offset projects that carry this label, thus a Grade A carbon offset would meet the Gold Standard criteria. The current market price for accredited Grade A carbon offsets range from \$15 per tonne to \$38 per tonne.

An Australian Government Treasury Report on Carbon Pricing modelling (September 2011), indicates that the demand for carbon offsets will increase over time and availability will decrease, therefore causing the price to increase. The same accredited Grade A carbon offsets available today, will increase to \$27 per tonne to \$68 per tonne in 2030. It is also important to keep in mind the geographical location of carbon offset being purchased, through Council’s procurement process it is important to consider local projects where possible.

The Council has two options to substantiate its claim that it will have achieved zero corporate emissions by 2030. The Council can become certified ‘carbon neutral’ by developing a full carbon inventory meeting Climate Active standards and continue to undertake that process annual. Alternatively, the Council can simply offset its emissions through certified carbon offsets, as described above, or undertake its own carbon sequestering projects (e.g. tree plantings) to claim zero emissions but will not be an accredited “carbon neutral” recognition. The Plan proposes a decision on carbon offsets and carbon neutral certification to be reviewed in 2025 when the Council will have a better understanding of its carbon reduction initiatives and costs of pursuing a fully accredited system.

The existing electricity supply contract through Local Government Association Procurement (LGAP) will expire 31 December 2022. The development of a new contract presents opportunities to reduce costs and associated emissions but requires early engagement to maximise these potential benefits. The Council has agreed to participate in the LGAP Local Government Electricity Procurement Reference Group (including LGAP staff) to guide the procurement of electricity supply contract to commence 1 January 2023 with a focus on renewable electricity supply options.

The draft *Corporate Emissions Reduction Plan* identifies zero emissions fleet transition as an immediate initiative to introduce, as fleet vehicles become due for renewal. This initiative is informed by the *Low Emissions Fleet Transition Paper*, contained in **Attachment B**. The purpose of the Transition Paper is to provide strategic direction for operations to transition to zero emissions vehicles by 2030. It guides the procurement and management of vehicles used for Council operations; and provides an understanding of the infrastructure required to support a zero emissions fleet.

The key recommendations from the Paper are:

- transition all corporate passenger fleet vehicles to hybrid vehicles by 2023, with a small number of vehicles transitioned straight to full electric vehicle (EV) where there are no hybrid alternatives;
- transition all corporate passenger fleet vehicles to fully electric vehicles by 2026 as part of fleet replacement;
- begin plant and maintenance vehicle transition to low and zero emission options from 2025 (as vehicle technology and availability increases); and
- ensure 100% renewable energy is procured as part of the Local Government Association Procurement electricity contract negotiations to ensure emissions for the fleet is zero.

The Council's endorsement to release the draft *Corporate Emissions Reduction Plan* for community consultation is now sought.

## OPTIONS

The Council can choose not to endorse the draft *Corporate Emissions Reduction Plan* for public consultation. However, preparation of the Plan is prepared based on the *CityPlan2030* emissions target, analysis of the Council's emission sources and feedback which have been received during the staff and Elected Member engagement phase, as well as extensive research of South Australian and Australian trends and emissions reduction pathways. On this basis, it is recommended that the draft *Corporate Emissions Reduction Plan*, as contained in **Attachment A**, be endorsed by the Council for community consultation and engagement.

## CONCLUSION

For the Council to achieve its target of "zero corporate carbon emissions by 2030" it requires a plan that outlines an emissions reduction pathway for ongoing measurement, avoidance, reduction and switching its emissions together with consideration of the purchase of carbon offsets to offset any remaining emissions from its operations. The draft Plan and various supporting documents prepared by the consultant provides the Council with a tailored pathway. The draft Plan can be tested and further informed through submissions received during public consultation.

## COMMENTS

Nil.

## RECOMMENDATION

1. That the draft *Corporate Emission Reduction Plan*, contained in Attachment A, be endorsed for community consultation.
  2. That the Chief Executive Officer be authorised to make any editorial changes to the draft *Corporate Emissions Reduction Plan*, as necessary, to finalise the document in a form suitable for community consultation.
  3. That the *Low Emissions Fleet Transition Paper*, contained in Attachment B, be received and noted and the Council notes that implementation of the fleet to low emission vehicles will be progressed as the opportunities arise and taking into account operational needs, financial budget implications (cost) and availability of appropriate vehicles.
-

*Cr Minney moved:*

- 1. That the draft Corporate Emission Reduction Plan, contained in Attachment A, be endorsed for community consultation.*
- 2. That the Chief Executive Officer be authorised to make any editorial changes to the draft Corporate Emissions Reduction Plan, as necessary, to finalise the document in a form suitable for community consultation.*
- 3. That the Low Emissions Fleet Transition Paper, contained in Attachment B, be received and noted and the Council notes that implementation of the fleet to low emission vehicles will be progressed as the opportunities arise and taking into account operational needs, financial budget implications (cost) and availability of appropriate vehicles.*

*Seconded by Cr Patterson and carried unanimously.*

## **Section 2 – Corporate & Finance**

### **Reports**

### 11.3 MONTHLY FINANCIAL REPORT – FEBRUARY 2021

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**REPORT AUTHOR:** Financial Services Manager  
**GENERAL MANAGER:** General Manager, Corporate Services  
**CONTACT NUMBER:** 8366 4585  
**FILE REFERENCE:** qA64633/A139262  
**ATTACHMENTS:** A

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#### **PURPOSE OF REPORT**

The purpose of this report is to provide the Council with information regarding its financial performance for the period ended February 2021.

#### **BACKGROUND**

Section 59 of the *Local Government Act 1999* (the Act), requires the Council to keep its resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review. To assist the Council in complying with these legislative requirements and the principles of good corporate financial governance, the Council is provided with monthly financial reports detailing its financial performance compared to its Budget.

#### **RELEVANT STRATEGIC DIRECTIONS AND POLICIES**

Nil

#### **FINANCIAL AND BUDGET IMPLICATIONS**

Financial sustainability is as an ongoing high priority for the Council. Given the COVID-19 pandemic, the Council adopted a Budget which included measures to minimise the impact on ratepayers and support local business. As a result, the Council adopted a Budget which forecasts an Operating Deficit of \$798,455 for the 2020-2021 Financial Year. The Mid Year Budget update reports an Operating Deficit of \$651,547 for the 2020-2021 Financial Year an improvement of \$146,908.

For the period ended February 2021, the Council's Operating Surplus is \$2,396,000 against a budgeted Operating Surplus of \$1,711,000, resulting in a favourable variance of \$685,000.

#### **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

#### **SOCIAL ISSUES**

Not Applicable.

#### **CULTURAL ISSUES**

Not Applicable.

#### **ENVIRONMENTAL ISSUES**

Not Applicable.

#### **RESOURCE ISSUES**

Not Applicable.

#### **RISK MANAGEMENT**

Not Applicable.

## COVID-19 IMPLICATIONS

As Elected Members are aware, the development of the 2020-2021 Budget, was undertaken during an unprecedented time where the on-going health, social and economic impacts of the COVID-19 Pandemic were relatively unknown and the future impacts of the physical distancing measures introduced to address the health impacts remained uncertain and were changing rapidly.

For the period ended February 2021, the Council has spent \$180,000 on its response to the COVID-19 pandemic. This covers additional cleaning services across all Council facilities and the purchase of materials to ensure that appropriate physical distancing and other protective measures are in place to assure both staff and users of Council Services.

## CONSULTATION

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

## DISCUSSION

For the period ended February 2021, the Council's Operating Surplus is \$2,396,000 against a budgeted Operating Surplus of \$1,711,000, resulting in a favourable variance of \$685,000.

Employee Expenses are \$213,000 favourable to budget as at the end of February 2021. The primary driver behind this variance, is due to the reduction in hours worked compared to the Budget by temporary contract staff at the Depot, which has resulted in a \$120,000 favourable variance. It is planned to utilise this favourable variance in undertaking some project works later in the coming months of the 2020-2021 financial year. Vacant staff positions account for an additional \$40,000. Some of these vacant positions have been recently filled. Residue variance is due to the timing of leave being taken as compared to budget expectations.

Whilst Sundry Expenses are up (\$164,000) there are no individually significant variances, rather a number of smaller timing variances to budget expectations which are expected to be resolved in the coming months. These variances include items such as turf renovations, planned building maintenance services and tree pruning services.

Legal expenses are unfavourable to the budget by \$143,000. The primary driver behind the costs related to advice with respect to The Parade Scramble Crossing (\$133,500). This spend is split between the Chapley's and 166 The Parade (Coles) Judicial Review against the Council (\$112,500) and the Council's Judicial Review (\$21,000).

The Monthly Financial report is contained in **Attachment A**.

## OPTIONS

Nil

## CONCLUSION

Nil

**COMMENTS**

Nil

**RECOMMENDATION**

That the February 2021 Monthly Financial Report be received and noted.

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*Cr Stock moved:*

*That the February 2021 Monthly Financial Report be received and noted.*

*Seconded by Cr Minney and carried unanimously.*



## 11.4 EXTENSION OF THE SEPARATE RATE FOR THE NORWOOD PARADE PRECINCT

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**REPORT AUTHOR:** Economic Development Coordinator  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4616  
**FILE REFERENCE:** qA981  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to present to the Council, an evaluation of the effectiveness of the Separate Rate, which has been applied to the properties within The Parade Precinct and to seek the Council's approval to undertake consultation on the extension of the Separate Rate for a further three (3) year period.

### BACKGROUND

At its meeting held on 17 March 2020, the Norwood Parade Precinct Committee (NPPC) considered a report regarding the extension of the Separate Rate for The Parade Precinct and resolved the following:

1. *That the Committee advises and recommends to the Council that it supports the continuation of the Separate Rate for The Parade for a further three (3) year period.*
2. *That the Committee supports the amount of revenue raised by the Separate Rate on The Parade to be set at \$215,000 for the 2020-2021, 2021-2022 and 2022-2023 financial years.*

At the same meeting, the Committee highlighted the importance of continuing the marketing and promotion of The Parade, particularly given these unprecedented times with the economic impacts of the COVID-19 Pandemic. It should be noted, that at the time that the Committee considered this matter, all businesses were still open and operating, albeit with a reduced number of customers. The Federal Government's Level 1 and Level 2 restrictions in response to the COVID -19 Pandemic, had not yet been implemented. Notwithstanding this, the clear message from the Committee was that post the Pandemic, the business and economic sector and in this case, the businesses within The Parade Precinct, will need significant support to help these sectors rejuvenate and progress to normal conditions.

At its meeting held on 6 April 2020, the Council considered a report regarding the extension of the Separate Rate for The Parade Precinct, which highlighted the importance of continued support for The Parade businesses during and post the COVID-19 Pandemic. The Council resolved the following:

1. *That the Separate Rate for The Parade Precinct, (as shown on the Norwood Parade Precinct Committee Map in Attachment B), be endorsed 'in principle'.*
2. *That consultation and implementation of the Separate Rate for The Parade Precinct be temporarily held in abeyance as result of the financial and community impacts of the COVID-19 Pandemic.*
3. *That the Council notes that a COVID-19 Pandemic Financial Package, which will include the promotion and marketing of The Parade Precinct (and other business precincts in the City) will be considered as part of the Draft 2020-2021 Budget.*

Subsequently, at its meeting held on Monday 6 July 2020, the Council adopted the 2020-2021 Budget and Declaration of Rates, which included the following in respect to The Parade Separate Rate:

*Waiving of The Parade Development Separate Rate for businesses within the Norwood Parade Business Precinct.*

As a result of the Council waiving The Parade Separate Rate for the 2020-2021 financial year, the proposal to extend the Separate Rate for a further three (3) years was not released for consultation with The Parade business community. For the 2020-2021 financial year, the Council allocated \$215,000, which was equivalent to the Separate Rate amount raised in the 2019-2020 financial year and the amount that the Council anticipated that it would collect in the 2020-2021 financial year.

At its meeting held on 16 February 2021, the Norwood Parade Precinct Committee considered a report regarding the extension of the Separate Rate for The Parade Precinct and resolved the following:

1. *That the Committee advises and recommends to the Council that it supports the continuation of the Separate Rate for The Parade for a three (3) year period.*
2. *That the Committee supports the amount of revenue raised by the Separate Rate on The Parade to be set at \$215,000 for the 2021-2022, 2022-2023 and 2023-2024 financial years.*

## **RELEVANT STRATEGIC DIRECTIONS & POLICIES**

The relevant Objectives and Strategies contained in *CityPlan2030 Mid Term Review* are outlined below:

### **Outcome 3: Economic Prosperity**

#### **A dynamic and thriving centre for business and services.**

- **Objective 3.1 A diverse range of businesses and services.**
  - *Strategy 3.1.1*  
*Support and encourage local small, specialty, independent and family-owned businesses.*
- **Objective 3.2 Cosmopolitan business precincts contributing to the prosperity of the City.**
  - *Strategy 3.2.1*  
*Retain, enhance and promote the unique character of all our City's business precincts.*
  - *Strategy 3.2.3*  
*Promote the City as a tourist destination.*
- **Objective 3.5 A local economy supporting and supported by its community.**
  - *Strategy 3.5.1*  
*Support opportunities for people to collaborate and interact in business precincts.*
  - *Strategy 3.5.2*  
*Retail accessible local shopping and services.*

The relevant Strategies contained in the *2021-2026 Economic Development Strategy* are outlined below:

### **Dynamic & Diverse City**

**Outcome: A City with thriving and resilient business sectors that drive employment and deliver growth.**

**Objective: Support the growth and viability of the City's business sectors based on their competitive strength and strategic priority.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 1.1*  
*Focus on the support and growth of the City's priority sectors*
- *Strategy 1.3*  
*Identify emerging trends and support opportunities for economic growth*
- *Strategy 1.4*  
*Promote opportunity and collaboration across the sectors*
- *Strategy 1.5*  
*Identify and promote local competitive advantage*

### **Destination City**

**Outcome: A destination with dynamic, cultural, vibrant and attractive precincts.**

**Objective: Increase the number of people who live, work and visit the City and enhance the community well-being of existing residents, workers and visitors.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 2.1  
Showcase and promote the City's attractions and events to facilitate growth in visitation and spending.*
- *Strategy 2.2  
Support the City's vibrant mainstreet precincts.*
- *Strategy 2.3  
Facilitate the activation of key spaces and precincts in the City.*
- *Strategy 2.4  
Work with local business operators to strengthen the viability of precincts and enhance the customer experience.*

### **Innovative City**

**Outcome: An innovative City that supports business and attracts investment.**

**Objective: Attract and maintain competitive businesses with the capacity for resilience and ongoing sustainability, innovation and growth.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 3.2  
Recognise businesses and business sectors that make a significant contribution to the City.*
- *Strategy 3.3  
Facilitate communication, education and networking programs to support businesses.*
- *Strategy 3.5  
Encourage sustainable working methods in all aspects of business.*

### **Business Friendly City**

**Outcome: A City that understands the needs of business.**

**Objective: Remove barriers and make it easy for business owners to start, run and grow a business.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 4.1  
Ensure that Council processes are business friendly and contribute to a well-functioning City.*

## **FINANCIAL AND BUDGET IMPLICATIONS**

Previously, the revenue collected from the Separate Rate on The Parade Precinct was based on raising \$205,000 in its base year (2017-2018), which was then increased in line with the Consumer Price Index (CPI) annually, resulting in total amount of revenue of \$209,715 collected in 2018-2019 and \$215,000 in 2019-2020. As outlined in the Background section of this report, the Council allocated the same amount of \$215,000 in 2020-2021.

To assist the Council, Table 1 below sets out a comparison of the Separate Rate for similar mainstreet precincts within metropolitan Adelaide.

**TABLE 1: COMPARISON OF THE SEPARATE RATE COLLECTED FOR SIMILAR MAINSTREET PRECINCTS IN METROPOLITAN ADELAIDE**

YEAR	MAINSTREET / PRECINCT	SEPARATE RATE REVENUE
2019-2020	Village Heart, Prospect Road	\$19,500
2019-2020	Goodwood Road, Goodwood	\$57,225
2019-2020	Unley Road, Unley	\$113,395
2019-2020	King William Road, Hyde Park	\$147,400
2019-2020	The Parade, Norwood	\$215,000
2019-2020	Jetty Road, Glenelg	\$578,088

The comparison demonstrates that the quantum of rates collected from The Parade Precinct is commensurate within the size of the Precinct and the number of businesses that fall within the Precinct.

Should the Separate Rate be extended for a further three (3) years, it is recommended that the Separate Rate be set at \$215,000 for the 2021-2022, 2022-2023 and 2023-2024 financial years. This proposal would ultimately result in a zero revenue increase for the next three (3) consecutive years, which is a change from the current model, which would reset the base year and then apply a CPI increase over the following two (2) years. Given the economic impacts of the COVID-19 Pandemic and to assist in the recovery efforts for local businesses, this is considered to be an appropriate and reputable approach. The proposed amount will still enable the Committee to deliver The Parade Precinct's Annual Business Plan.

This Separate Rate model for The Parade has been designed to ensure that the Precinct remains viable in metropolitan Adelaide's increasingly competitive market, whilst bearing in mind the additional cost to the property owners and businesses.

Reducing the rate would result in less revenue to implement initiatives and less capacity to market The Parade. In contrast however, increasing the Separate Rate would add additional financial burden to property owners and subsequently business owners, in the instances where the additional levy is passed on. Given a significant number of marketing and promotional initiatives have been delivered with an annual budget of between \$205,000 and \$215,000 over the last four (4) years, it is considered that the proposed total revenue of \$215,000 annually over the next three (3) years is considered sufficient.

On this basis, it is recommended that retaining the Separate Rate at the current level would ensure that the Committee is still able to deliver significant initiatives for the size and diversity of the businesses and properties within the Precinct.

#### **EXTERNAL ECONOMIC IMPLICATIONS**

The success of the *2021-2022 Parade Precinct Annual Business Plan* may be impacted by the broader economic environment and worldly events such as the COVID-19 Pandemic. Whilst the Annual Business Plan does not make specific reference to the Pandemic, it will be considered during the development stage of programs and initiatives.

#### **SOCIAL ISSUES**

Economic and social issues are invariably intertwined. Business and economic development impacts on both the business sector and the local community, and the future development of key business precincts such as The Parade also impacts on the broader community. The collection of a separate rate that enables a range of incentives to be delivered will not only assist in delivering economic benefits but will also assist in developing social capital and substantially contribute to the ongoing development of a vibrant local community.

The NPPC is working to maintain and enhance The Parade as the leading mainstreet in South Australia, providing a single precinct where residents and visitors can access a variety of services including major banks and credit unions as well as a Centrelink Office. The continued success and viability of The Parade moving forward will be critical from a social perspective. As the country recovers from COVID-19 restrictions, the community will seek to re-engage with the places that they are familiar with and emotionally attached to, in order to re-instate a level of normality.

## **CULTURAL ISSUES**

Many of the initiatives delivered as part of the Annual Business Plan aim to enhance the unique character of The Parade and its sense of place and reinforces its critical significance.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

The full Separate Rate revenue is used to deliver the various initiatives and programs outlined in the Norwood Parade Precinct Annual Business Plan. The Council provides all of the required staffing to meet the needs of the Committee and to deliver various initiatives and programs that the Committee has approved within its funding from the Separate Rate levy of the Norwood Parade businesses. The resourcing provided by the Council includes Economic Development Staff, Communications Staff (including Social Media, Website, and Graphic Design) and Event Management Staff.

## **RISK MANAGEMENT**

Prior to implementing a Separate Rate, the Council must comply with the provisions of the *Local Government Act 1999*, in respect to the consultation requirements regarding a Separate Rate. For this reason it is important that the Council undertakes comprehensive consultation with the business and property owners regarding the extension of the Separate Rate before resolving to extend the application of a Separate Rate. More detail regarding the proposed consultation process is outlined in the Discussion Section of this Report.

## **COVID-19 IMPLICATIONS**

The COVID-19 Pandemic has had a significant impact on the economy at a local, national and international level, which has forced all levels of Government to introduce a range of financial support packages. As Elected Members will recall at its meeting held on 6 April 2020, the Council endorsed an initial financial support package in response to the COVID-19 Pandemic and its economic impacts. This initial package included, The Parade Separate Rate, Outdoor Dining Fees, Outdoor Dining Permit Holders, Council rates and Financial Hardship Provisions.

Subsequently at its meeting held on 4 May 2020, the Council endorsed additional financial support for non-residential property owners.

Prior to the COVID-19 Pandemic, the Council's focus for The Parade Precinct, through the collection of the Separate Rate, was on marketing and promotion to assist the businesses to achieve growth. However, the effects on businesses, and in particular on certain sectors, due to the Pandemic have been substantial, and therefore it has been essential during this Pandemic that the Council take into consideration the economic and social impacts that the Pandemic has caused when making decisions that impact directly on businesses.

Collecting a Separate Rate will enable the Council and the Norwood Parade Precinct Committee to assist The Parade business community in its recovery and rebuild post the COVID-19 Pandemic, acknowledging that many businesses are currently in a mode of survival, rather than growth.

Consumer confidence and the behaviour of consumers choosing to shop in a "brick and mortar" store as opposed to online, is continuing to improve but will take some time to restore. The collection of the Separate Rate will assist in promoting The Parade and will act as mechanism in assisting to change consumer behaviour and ultimately support business recovery.

Notwithstanding this, business survival and resilience will require an ability to adapt to the situation, minimise expenses, take advantage of government packages and have clear and effective communication (with tenants, landlords, employees and the community which includes the Council). The Council will continue to support the business community through and post Pandemic.

## CONSULTATION

- **Elected Members**

Mayor Robert Bria and Councillors Sue Whittington, Fay Patterson, John Callisto and Carlo Dottore, are Members of the Norwood Parade Precinct Committee and they are aware of this issue.

- **Business Community**

If the Council resolves to continue to collect a Separate Rate, consultation is required to be undertaken with the key stakeholders (The Parade businesses and property owners) in accordance with the provisions set out in the *Local Government Act 1999*.

To ensure that all affected stakeholders are informed of the Council's intentions, a variety of different platforms will be used to communicate with the key stakeholders, including an advertisement in *the Advertiser*, written information packs sent to all business and commercial property owners located in the affected area, information posted on both The Parade and the Council's websites. In addition, the monthly Electronic Direct Marketing (EDM) newsletter, '*News on Parade*', will also be used to inform The Parade Businesses of the Council's intentions.

It should be noted that in addition to the consultation regarding the Separate Rate, The Parade business and commercial property owners are consulted annually on the development of the Annual Business Plan. The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* will be released for consultation at the same time as the Separate Rate, to demonstrate what the Council proposes to do with the revenue which is collected through the separate rate.

- **Staff**

General Manager, Corporate Services  
Manager, Economic Development & Strategic Projects  
Economic Development & Strategic Projects Officer

- **Other Agencies**

Not Applicable

## DISCUSSION

In accordance with the provisions of Section 154 of the *Local Government Act 1999*, the revenue collected by the Council as part of the Separate Rate, is required to be used expressly for the benefit of the area from which it is raised and for the property owners who pay the Separate Rate.

More specifically, the revenue raised through the Separate Rate, is allocated by the Council to the Norwood Parade Precinct Committee, which was established to perform the following functions.

- To develop and recommend to the Council in each financial year, an Annual Business Plan and Budget for The Parade Precinct.
- To develop a budget in conjunction with the Annual Business Plan that meets the objectives set out in the Annual Business Plan, for the Council's approval.
- To oversee the implementation of the Annual Business Plan as approved.
- To oversee the implementation of the approved Marketing and Promotional Plan for The Parade.
- To assist in the development and promotion of a vibrant cultural and leisure tourism destination for businesses, residents and visitors.
- To facilitate and encourage networking and communication between the businesses.

Each financial year, the Norwood Parade Precinct Committee is required to present an Annual Business Plan to the Council for its approval, outlining how the Committee intends to use the Separate Rate revenue to market and promote The Parade Precinct. An overview of the key programmes and initiatives that were delivered by the Norwood Parade Precinct Committee using the Separate Rate, over the past four (4) years, is contained in **Attachment A**.

In general, each of the NPPC Annual Business Plans contain strategies to promote and market The Parade with the overarching objective of attracting more people to The Parade, which will ultimately enhance the prosperity and sustainability of The Parade. This in turn is likely to attract additional business opportunities, which contributes to the diversity of the businesses and services available and has the spinoff effect of increasing local employment opportunities.

Through the establishment of the Norwood Parade Precinct Committee and the revenue collected through the Separate Rate, the Council is ensuring that The Parade continues to maintain its status as Adelaide's Premier Mainstreet as well as enhancing The Parade as "the CBD of Adelaide's east" - which provides a single precinct where residents and visitors can access a variety of services and entertainment options. Achieving a dynamic and thriving commercial centre in turn creates a community hub and a sense of pride for residents.

Over the last four (4) years, the NPPC has implemented a range of initiatives designed to promote the Norwood Parade Precinct and support the diverse range of businesses on The Parade. Whilst the majority of these initiatives are difficult to measure quantitatively, the anecdotal evidence suggests that The Parade is a successful mainstreet both through the low vacancy rates, the feedback which is received as well as the number of visitors to Precinct each day and the overall vibrancy of the Precinct. Obviously, this has fluctuated in the short term in light of the COVID-19 Pandemic and the enforced closure of businesses due to social distancing and gathering requirements.

In considering whether to recommend the extension, the Council must consider why both it and the NPPC, supported the proposal of a Separate Rate for The Parade when it was first proposed. A summary of these reasons is set out below.

- The Parade is constantly facing competition from master planned, off-street shopping centres such as the Westfields (Marion and Tea Tree Plaza), Burnside Village, Unley Shopping Centre and Mitcham Shopping Centre, as well as Rundle Mall. These centres and Rundle Mall enjoy co-ordinated management, which includes a compulsory marketing levy along with maintenance of centre infrastructure and management of retail mix. While the charm and unique character of mainstreets like The Parade act as a significant drawcard, they simply cannot continue to compete in this increasingly competitive retail environment without a more coordinated marketing approach.
- In addition, over the next two (2) years, the proposed major Coles Redevelopment will affect the number of visitors to The Parade, pedestrian activity moving through the 'heart' and in turn place increased pressure on retailers.
- The unique charm, character and '*sense of place*' has been recognised for a long time by Adelaide's other major mainstreet precincts including Unley Road, King William Road, Prospect Road, Jetty Road Glenelg and Rundle Mall, which are considered to be The Parade's principle competitors and are themselves undertaking major marketing, promotion and development programmes in order to stay competitive in metropolitan Adelaide's retail environment.
- Historically, the Council has supported The Parade through funding over a number of years, however it is clear that The Parade must contribute to its own marketing, promotion and development, in order to stay competitive today and into the future, particularly in light of the fact that the Council has an obligation to consider how it can also support other significant business precincts in the City such as Magill Road, Payneham Road and the suburbs of Kent Town, Glynde and Stepney, which have high concentrations of key priority sectors identified in the *Economic Development Strategy 2021-2026*.

## Consultation

Section 151(5) of The *Local Government Act 1999*, requires that the Council consult all stakeholders before declaring a Separate Rate. The consultation program is an important process and must ensure that all commercial property and business owners located within the Precinct are well informed and have ample opportunity to comment.

If the Council proceeds with extending the Separate Rate for The Parade Precinct, it is required to provide details of what the revenue would be used for. At its meeting held on 16 February 2021, the NPPC endorsed a Draft 2021-2022 Annual Business Plan for recommendation to the Council based on a Separate Rate of \$215,000.

If the Council endorses the extension of the Separate Rate for The Parade, it is recommended that consultation commence as soon as practicable to stay in line with the Council's general budget setting process.

It is proposed that consultation will comprise of an advertisement in *the Advertiser* newspapers announcing consultation on the proposed Separate Rate and providing details of the consultation program. It is also proposed that information will be distributed to both The Parade business owners and to each of the business and commercial property owner potentially affected by the proposed Separate Rate, outlining the following information:

- what is a Separate Rate/Trader Levy;
- where the proposed Separate Rate would be applied;
- how much revenue would be raised through the Separate Rate (\$215,000);
- on what basis the Separate Rate would be applied (Capital Value);
- what the revenue raised from the Separate Rate would be used for (enclose *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan*);
- for what period the Separate Rate would apply (three (3) years);
- the likely impact of the Separate Rate on traders (ie. the sample effect figures); and
- details of the consultation program, how to access further information and how to provide written feedback on the proposal (available on the Council website and The Parade website).

In line with the Council's *Consultation Policy* and Section 151(7)(a) of the *Local Government Act 1999*, it is proposed that a consultation period of at least twenty-one (21) days will be applied to ensure, as far as possible, that all stakeholders have the opportunity to participate.

In addition, all business and property owners will be given the opportunity to meet with Council Staff to obtain more information and discuss any concerns.

## **Implementing the Separate Rate**

At the conclusion of the consultation period a report will be prepared for the Council's consideration. If the Council resolves to extend the Separate Rate on The Parade, it will become part of the Council's overall Annual Business Plan and Budget.

It should be noted that the Local Government Act requires details of the Separate Rate to be listed separately on the relevant rates notices, including information about what that rate revenue will be used for.

## **OPTIONS**

The Council has a number of options available to it, including determining that a Separate Rate should no longer be collected. However, given that a Separate Rate has now been applied for three (3), three (3) year periods (i.e. nine (9) years in total) each time following comprehensive consultation with The Parade business community, the option of no longer collecting the Separate Rate is not recommended, particularly given that the previous consultation experiences have been quite positive, with business owners generally appreciating the direct benefit to their business of paying the Separate Rate to fund the initiatives of the NPPC, which focus strongly on promoting the Precinct as a whole.



Eliminating the Separate Rate would be detrimental to the long term survival and sustainability of The Parade particularly given that nearby centres (which contain both retail and office uses) are undergoing, or have recently undergone, major redevelopments and The Parade's mainstreet peers have all implemented a Separate Rate for many years.

Notwithstanding the current economic situation, the Council can resolve to implement the Separate Rate for a period of three (3) years commencing on 1 July 2021. Under this scenario the model that currently exists does not change and the property owners will be charged as per normal through their rates notices in the 2021-2022 financial year.

As such, it is recommended that the Council endorse the extension of the Separate Rate for a further three (3) years and that The Parade business community again be consulted with regard to again declaring a Separate Rate on the Precinct for a further three (3) year period.

## **CONCLUSION**

The Separate Rate enables the Council to raise sufficient revenue to ensure high impact marketing and promotion programmes for The Parade, whilst minimising the impact on individual ratepayers who will experience the benefits of these programmes through increased patronage. A safeguard has been built in with the three (3) year timeframe, at which time the Separate Rate will once again be evaluated for its effectiveness.

## **RECOMMENDATION**

1. That the Separate Rate for The Parade Precinct, (as shown on the Norwood Parade Precinct Committee Map in Attachment B), be endorsed 'in principle' for a further three (3) years commencing on 1 July 2021.
  2. That the Separate Rate for The Parade Precinct, based on achieving an annual revenue of \$215,000 for the 2021-2022, 2022-2023 and 2023-2024 financial years, be endorsed 'in principle'.
  3. That consultation with business and commercial property owners located within The Parade Precinct be undertaken on the proposal to extend the application of a Separate Rate on The Parade Precinct for a further three (3) years commencing in the 2021-2022 financial year, for a period of twenty-one (21) days.
- 

Cr Sims left the meeting at 8.19pm.

*Cr Whittington moved:*

1. *That the Separate Rate for The Parade Precinct, (as shown on the Norwood Parade Precinct Committee Map in Attachment B), be endorsed 'in principle' for a further three (3) years commencing on 1 July 2021.*
2. *That the Separate Rate for The Parade Precinct, based on achieving an annual revenue of \$215,000 for the 2021-2022, 2022-2023 and 2023-2024 financial years, be endorsed 'in principle'.*
3. *That consultation with business and commercial property owners located within The Parade Precinct be undertaken on the proposal to extend the application of a Separate Rate on The Parade Precinct for a further three (3) years commencing in the 2021-2022 financial year, for a period of twenty-one (21) days.*

*Seconded by Cr Callisto and carried unanimously.*

## 11.5 DRAFT 2021-2022 NORWOOD PARADE PRECINCT ANNUAL BUSINESS PLAN

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**REPORT AUTHOR:** Economic Development Coordinator  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4616  
**FILE REFERENCE:** qA69610  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of this report is to seek endorsement from the Council to release the Norwood Parade Precinct Committee's (NPPC) *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan*, for consultation for a period of twenty-one (21) days.

### BACKGROUND

Pursuant to the Committee's Terms of Reference, which have been set by the Council, The Norwood Parade Precinct Committee is required to prepare an Annual Business Plan prior to each financial year, to guide its programmes and initiatives for the ensuing financial year and to assist in determining the funding requirements for consideration and approval by the Council.

The Draft Plan is based on revenue which the Council collects from The Parade Separate Rate. A copy of the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* is contained in **Attachment A**.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

The *Draft 2021-2022 Parade Precinct Annual Business Plan* is structured to implement the strategies relevant to The Parade, Norwood, which are contained in the Council's *2021-2026 Economic Development Strategy*, as well as working towards achieving the Vision for the City outlined in the *CityPlan 2030 Mid Term Review* and translated into the four (4) Outcomes of Cultural Vitality, Social Equity, Environmental Sustainability and predominantly Economic Prosperity.

The relevant Objectives and Strategies contained in *CityPlan 2030 Mid Term Review* are outlined below:

#### **Outcome 3: Economic Prosperity**

##### **A dynamic and thriving centre for business and services.**

- **Objective 3.1 A diverse range of businesses and services.**
  - Strategy 3.1.1  
*Support and encourage local small, specialty, independent and family-owned businesses.*
- **Objective 3.2 Cosmopolitan business precincts contributing to the prosperity of the City.**
  - Strategy 3.2.1  
*Retain, enhance and promote the unique character of all our City's business precincts.*
  - Strategy 3.2.3  
*Promote the City as a tourist destination.*
- **Objective 3.5 A local economy supporting and supported by its community.**
  - Strategy 3.5.1  
*Support opportunities for people to collaborate and interact in business precincts.*
  - Strategy 3.5.2  
*Retail accessible local shopping and services.*

The relevant Strategies contained in the *2021-2026 Economic Development Strategy* are outlined below:

### **Dynamic & Diverse City**

**Outcome: A City with thriving and resilient business sectors that drive employment and deliver growth.**

**Objective: Support the growth and viability of the City's business sectors based on their competitive strength and strategic priority.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 1.1  
Focus on the support and growth of the City's priority sectors*
- *Strategy 1.3  
Identify emerging trends and support opportunities for economic growth*
- *Strategy 1.4  
Promote opportunity and collaboration across the sectors*
- *Strategy 1.5  
Identify and promote local competitive advantage*

### **Destination City**

**Outcome: A destination with dynamic, cultural, vibrant and attractive precincts.**

**Objective: Increase the number of people who live, work and visit the City and enhance the community well-being of existing residents, workers and visitors.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 2.1  
Showcase and promote the City's attractions and events to facilitate growth in visitation and spending.*
- *Strategy 2.2  
Support the City's vibrant mainstreet precincts.*
- *Strategy 2.3  
Facilitate the activation of key spaces and precincts in the City.*
- *Strategy 2.4  
Work with local business operators to strengthen the viability of precincts and enhance the customer experience.*

### **Innovative City**

**Outcome: An innovative City that supports business and attracts investment.**

**Objective: Attract and maintain competitive businesses with the capacity for resilience and ongoing sustainability, innovation and growth.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 3.2  
Recognise businesses and business sectors that make a significant contribution to the City.*
- *Strategy 3.3  
Facilitate communication, education and networking programs to support businesses.*
- *Strategy 3.5  
Encourage sustainable working methods in all aspects of business.*

## **Business Friendly City**

**Outcome: A City that understands the needs of business.**

**Objective: Remove barriers and make it easy for business owners to start, run and grow a business.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 4.1*  
*Ensure that Council processes are business friendly and contribute to a well-functioning City.*

## **FINANCIAL AND BUDGET IMPLICATIONS**

A budget of \$215,000 has been allocated in the Draft 2021-2022 Annual Business Plan. This figure reflects the amount which is proposed to be collected by the Council through The Parade Separate Rate in 2021-2022.

The 2020-2021 Norwood Parade Precinct Committee Annual Business Plan was also based on a budget of \$215,000, which was the amount that the Council intended to collect through The Parade Separate Rate. However, due to the COVID-19 Pandemic, the Council resolved not to collect the Separate Rate in 2020-2021 and instead allocated an equivalent budget to enable the Committee to continue to deliver its initiatives. A separate report regarding the extension of The Parade Separate Rate has been prepared for the Council's consideration as part of this Agenda.

## **EXTERNAL ECONOMIC IMPLICATIONS**

The *Draft 2021-2022 Parade Precinct Annual Business Plan*, includes strategies and initiatives which are intended to improve the economic development of the Norwood Parade Precinct in areas including, but not limited to:

- increasing diversity of businesses and services;
- prosperity and development of The Parade precinct;
- attracting investment and business opportunities to the area;
- increasing local employment opportunities;
- development and support of appropriate industry clusters;
- building community support;
- attracting tourism visitors to The Parade; and
- creating a cohesive brand for The Parade.

The success of the *2021-2022 Parade Precinct Annual Business Plan* may be impacted by the broader economic environment and international events such as the COVID-19 Pandemic. Whilst the Annual Business Plan does not make specific reference to the Pandemic, it will be considered during the development stage of programs and initiatives. The Annual Business Plan is a high level document and to remain flexible and be able to respond to external economic issues as they arise, the budget allocations set out in the document are fluid and funds can be re-allocated at the Committee's discretion.

## **SOCIAL ISSUES**

The future development of key business precincts such as The Parade, Norwood impacts positively on the City. A vibrant local economy contributes significantly to creating a vibrant local community and assists in developing social capital.

## **CULTURAL ISSUES**

Many of the initiatives delivered as part of the Annual Business Plan aim to enhance the unique character of The Parade and its sense of place and reinforces its critical significance.

## ENVIRONMENTAL ISSUES

Not Applicable.

## RESOURCE ISSUES

The implementation of the *2021-2022 Norwood Parade Precinct Annual Business Plan* will be undertaken by Council staff and managed by the Manager, Economic Development & Strategic Projects. Input and involvement from other Council staff and/or external contractors will be sought as required.

## COVID-19 IMPLICATIONS

The COVID-19 Pandemic has had a significant impact on the economy at a local, national and international level, which has forced all levels of Government to introduce a range of financial support packages. As Elected Members will recall at its meeting held on 6 April 2020, the Council endorsed an initial financial support package in response to the COVID-19 Pandemic and its economic impacts. This initial package included, The Parade Separate Rate, Outdoor Dining Fees, Outdoor Dining Permit Holders, Council rates and Financial Hardship Provisions.

Subsequently at its meeting held 4 May 2020, the Council endorsed additional financial support for non-residential property owners.

Prior to the COVID-19 Pandemic, the Council's focus for The Parade Precinct, through the collection of the Separate Rate, was on marketing and promotion to assist the businesses to achieve growth. However, the effects on businesses, and in particular on certain sectors, due to the Pandemic have been substantial, and therefore it has been essential during this Pandemic that the Council take into consideration the economic and social impacts that the Pandemic has caused when making decisions that impact directly on businesses.

Collecting a Separate Rate will enable the Council and the Norwood Parade Precinct Committee to assist The Parade business community in its recovery and rebuild post the COVID-19 Pandemic, acknowledging that many businesses are currently in a mode of survival, rather than growth.

Notwithstanding this, business survival and resilience will require an ability to adapt to the situation, minimise expenses, take advantage of government packages and have clear and effective communication (with tenants, landlords, employees and the community which includes the Council). The Council will continue to support the business community through and post Pandemic.

The Annual Business Plan outlines the Objectives and Strategies for the 2021-2022 financial year and remains flexible to provide the Norwood Parade Precinct Committee with the ability to adapt its response to suit the needs of The Parade Precinct businesses.

## CONSULTATION

- **Elected Members**  
Mayor Robert Bria and Councillors Sue Whittington, Fay Patterson, John Callisto and Carlo Dottore, are Members of the NPPC and are aware of and have had input into the Draft Business Plan.
- **Business Community**  
If the Council resolves to continue to collect a Separate Rate, consultation is required to be undertaken with the key stakeholders (The Parade businesses and property owners) in accordance with the provisions set out in the *Local Government Act 1999*.

To ensure that all affected stakeholders are informed of the Council's intentions, a variety of different platforms will be used to communicate with the key stakeholders, including an advertisement in *the Advertiser*, written information packs sent to all business and commercial property owners located in the affected area, information posted on both The Parade and the Council's websites. In addition, the monthly Electronic Direct Marketing (EDM) newsletter, '*News on Parade*', will also be used to inform The Parade Businesses of the Council's intentions.

The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* will be released for consultation at the same time as the Separate Rate, to demonstrate what the Council proposes to do with the revenue which is collected through the Separate Rate.

Following endorsement by the Council, the *Draft 2021-2022 Parade Precinct Annual Business Plan* will be released for consultation for a period of twenty-one (21) days.

- **Staff**  
Not Applicable.
- **Other Agencies**  
Not Applicable.

## DISCUSSION

The Vision for The Parade in the *Draft 2021-2022 Parade Precinct Annual Business Plan* has been identified as:

*A vibrant meeting place and business precinct where residents and visitors can experience and enjoy a place to eat, meet, shop and do business.*

In addition to the Vision, the Draft Plan has been developed around four (4) clear Objectives:

- Attract new customers.
- Promote the Precinct.
- Build on the Precinct's unique atmosphere, culture and 'sense of place'.
- Strengthen relationships amongst businesses and provide support.

Sitting below the overarching Objectives are five (5) Strategies all of which contain a number of Deliverables detailing the Strategies and more broadly how the Objectives will be achieved.

The five (5) Strategies are listed in the Table below:

**TABLE 1: STRATEGIES CONTAINED IN DRAFT PLAN**

<b>Strategy</b>	<b>Budget</b>
Events & Activations	\$40,000
Marketing & Communication	\$74,000
Identity & Brand	\$93,500
Business Development	\$6,000
Administration	\$1,500
<b>TOTAL</b>	<b>\$215,000</b>

The Council is now required to endorse the *Draft 2021-2022 Parade Precinct Annual Business Plan*, in order for it to be released for consultation with The Parade business community.

## OPTIONS

The Council can choose to either endorse this *Draft 2021-2022 Parade Precinct Annual Business Plan* as presented, and release it for consultation, or alternatively, the Council can amend the contents of the *Draft 2021-2022 Parade Precinct Annual Business Plan*, including the Separate Rate, prior to releasing it for consultation.

## CONCLUSION

Nil

## COMMENTS

Nil

## RECOMMENDATION

That the *Draft 2021-2022 Annual Business Plan* as approved by the Norwood Parade Precinct Committee, be endorsed for the purposes of consultation with The Parade business community for a period of twenty-one (21) days.

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*Cr Whittington moved:*

*That the Draft 2021-2022 Annual Business Plan as approved by the Norwood Parade Precinct Committee, be endorsed for the purposes of consultation with The Parade business community for a period of twenty-one (21) days.*

*Seconded by Cr Callisto and carried unanimously.*

## 11.6 SOUTH AUSTRALIAN HOME AND COMMUNITY CARE PROGRAM – CITIZENS AGED UNDER 65 LIVING WITH A DISABILITY

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**REPORT AUTHOR:** Manager Community Services  
**GENERAL MANAGER:** General Manager Governance & Community Affairs  
**CONTACT NUMBER:** 8366 4600  
**FILE REFERENCE:** qA59733  
**ATTACHMENTS:** Nil

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### PURPOSE OF REPORT

The purpose of this report is to present information to the Council regarding the funding arrangements for future home support services for citizens aged under 65 living with a disability.

### BACKGROUND

The Council's *Home Support Services* for citizens aged under 65 years of age and living with a disability, includes services such as Domestic Assistance, Home Modification, Home Maintenance, Transport and Social Programs. The program is funded by the State Department of Human Services through the South Australian Home and Community Care program (HACC SA).

In 2019-2020, the State Department of Human Services undertook a review of the HACC SA program and in particular, the services it will be funding in the future. An outcome of this review is that the State Department of Human Services has developed a new program called *Community Connections*. This program focuses on creating social networks for clients who are socially isolated and will now only provide services such as Domestic Assistance, Home Maintenance or Transport on a short term basis. The clients in receipt of the Council's *Home Support Services* require the services on a long term basis. Meaning that they need the services for an extended period of time possibly years.

The HACC SA funding that the Council's receives will cease as at 30 April 2021.

Whilst some clients have transitioned to other services through either *My Aged Care* or the *National Disability Insurance Scheme*, there will be approximately seventeen (17) citizens from the Council's *Home Support Program* who will not be eligible for either of these programs or the new *Community Connections* program and therefore, are likely to be without services after 30 April 2021 when the funding for these services ceases.

Without this funding there is an unmet need for these seventeen (17) citizens for home support services particularly Domestic Assistance, Transport and Home Maintenance. Whilst the Department of Human Services is considering its position in relation to addressing this gap, the Council needs to determine its position in relation to the continuation (or otherwise) of these services.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

*Outcome 1 – Social equity*

*Objective 1.1 -Convenient and accessible services, information and facilities*

*Strategy 1.1.2 - Maximise access to services, facilities information and activities*

### FINANCIAL AND BUDGET IMPLICATIONS

As part of the 2019-2020 Budget the State Department of Human Services provided the Council with \$40,000 for the period 1 July to 30 April 2021. These funds were for the assessment of clients, co-ordination of services and services such as Social Programs, Domestic Assistance, Home Maintenance and Transport (Escorted Shopping and Shopping List Services) for citizens under 65 living with disability. The majority of funds were allocated to Domestic Assistance Services.

### EXTERNAL ECONOMIC IMPLICATIONS

There are no external economic implications associated with this matter.



## **SOCIAL ISSUE**

Based on the 2016 Australian Bureau of Statistics Census, 5.8% (or 2042 citizens) in the City of Norwood Payneham & St Peters have a disability which requires some kind of support in their home. A significant proportion of this group (52%) are aged over 65 years of age. Approximately 6.7% (or 452 citizens) of this group are aged between 18 to 64 years of age.

Whilst comparatively the figures indicate that there is less of a demand for home support services from citizens aged 18 to 64 years of age, there are some citizens in this age group who require assistance.

The *National Disability Insurance Scheme* (NDIS) provides funding to provide assistance to citizens under 65 years of age, living with a moderate to severe permanent disability. However, not all citizens living with a disability are eligible for the NDIS and therefore, receive assistance from the Council. In this regard, with the State Government's decision to discontinue funding for services to citizens under 65 years of age, there is a risk to these existing citizens of losing their support services. With no other services available they will be unable to maintain their homes which may impact their well-being.

## **CULTURAL ISSUES**

There are no cultural issues associated with this matter.

## **ENVIRONMENTAL ISSUES**

There are no environmental issues associated with this matter.

## **RESOURCE ISSUES**

There are no resource issues associated with this matter.

## **RISK MANAGEMENT**

There are no risk management issues associated with this matter

## **COVID-19 IMPLICATIONS**

There are no Covid-19 implications associated with this issue.

## **CONSULTATION**

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

## DISCUSSION

The Council has been offering home support services to citizens aged under 65 years of age for over 15 years. To date, the services have been funded by the State Department of Human Services through the South Australian Home and Community Care Program (HACC SA).

The State Department of Human Services new *Community Connections* program will focus on reducing social isolation and providing services to assist socially isolated people to form social networks. This program is expected to commence in May 2021.

The demand for the Council's services from citizens aged under 65 years of age, has declined by 25% since the introduction of the NDIS. Since the 1 July 2018, the Council has received five (5) new referrals a year. The withdrawal of State Government funding will therefore mainly impact the Council's existing Home Support clients under the age of 65 years of age, as they will not be able to access services to support them in their homes.

The Department has recommended that existing HACC SA clients be transitioned to other programs such as the *National Disability Insurance Scheme*, *My Aged Care* or *Community Connections*. Some clients who receive Services from the Council who are either eligible for the *National Disability Insurance Scheme* or *My Aged Care* have already transitioned to these new arrangements.

There are however, a small number of clients who will not be eligible for either of these programs. The reason they are not eligible is because they have either not turned 65 years of age which is a requirement of *My Aged Care* or the functional limitation resulting from their disability is not sufficiently severe enough for them to be eligible for the *National Disability Insurance Scheme*.

This means that those citizens living with disability who are ineligible for either the *National Disability Insurance Scheme*, *My Aged Care* or *Community Connections*, will no longer be able to access the services they require to support them in their homes.

The State Department of Human Services has acknowledged that there is likely to be an unmet need of services such as Domestic Assistance, Home Maintenance and Transport across the State as a result of discontinuing the funding and the HACC SA program and are therefore considering how to address the gap. The State Department of Human Services has advised that there is the possibility that the *Community Connections* program could be used by citizens to access Home Maintenance Services. However at this stage the Department have not committed to any actions to deal with the gap in services.

As stated previously, there are currently seventeen (17) clients living within the City of Norwood Payneham & St Peters who receive support from the Council's *Home Support Services* who are likely to be impacted by the loss of funding. These clients are aged between 50 and 64 years of age. Table 1 set below provides summaries of the number of clients who receive services who will be unlikely to transition to another program. The figures in Table 1 do not represent individual clients as some clients have been receiving more than one (1) service.

**TABLE 1: SUMMARY OF THE NUMBER OF EXISTING CLIENTS IN RECEIPT OF SERVICES WHO WILL BE UNABLE TO TRANSITION TO ANOTHER PROGRAM**

Service	Number of Clients
Domestic Assistance	11
Home Maintenance	9
Shopping Services	3

As shown in Table 1 above, most of the clients are either in receipt of Domestic Assistance and/or Home Maintenance Services. Domestic Assistance is seen as an important service for maintaining home hygiene and Home Maintenance, is important for the safety of the client. Shopping is seen as an important service which enables clients to purchase their food and other essential items. Most clients do not have alternative options (i.e. friends or family) or the capacity to undertake the service themselves or afford to pay for services privately. Understandably, these clients are anxious with respect to the future of their services.

To ensure the ongoing well-being of these clients, the Council could continue to fund these services. This would mean that the Council would fund Home Support services for client aged under 65 years of age, if the State Department of Human Services did not offer any alternative services. The funds could support services for new Clients (new referral) and existing clients. This would enable new clients who need services to be able to access services and existing clients to continue to receive services from the Council.

It is estimated that a \$40,000 per annum would be required to continue the program. This funding would allow for services such as Domestic Assistance and Home Maintenance and Shopping services to continue. These are the essential services which are required to ensure these clients can remain in their home.

The issue with this option is that it may commit the Council to funding these services for an indefinite period. One way of managing this is to restrict the services to clients who are already in receipt of *Home Support Services* and not offer services to new clients. As mentioned above, the average number of new referrals is five (5) per year, therefore not offering the services to new clients would not impact many citizens. This would mean that the Council's funding would be focused on supporting existing clients for as long as possible until all or the majority of the existing clients have transitioned to another program such as *My Aged Care*. It is estimated that 70% of clients will transition to *My Aged Care* within the next seven (7) to eight (8) years.

If the Council determines to fund services for existing clients only, it is estimated that a budget of \$35,000 is required for the program. The reduced costs does not includes funds for the assessment and co-ordination of services for new clients. The funding would be limited to funding services for Domestic Assistance, Home Maintenance and Shopping for existing clients. This would mean that the Council would only fund these services for a number of years (i.e. until all existing clients have transitioned to *My Aged Care*). To reduce the financial burden, on the Council it is recommended that funding be allocated initially for a two (2) year period and then reviewed. The review would consider the progress in transitioning clients to *My Aged Care* but also review whether other options are available for these citizens to transition to.

The other option is to not fund services for Home Support clients aged under 65 years. Councils such as the Campbelltown City Council, City of Tea Tree Gully and the City of Charles Sturt, will not be providing funding to continue the delivery of their Home Support Services to citizens aged under 65 years of age living with disability. Their reason for not funding these services is that the number of people requiring services (i.e. approximately 20-25) is not significant enough to warrant the Council adopting this approach.

This argument could be applied to the situation with the Council's remaining clients who receive Home Support services. These clients however, have been in receipt of these services for an extended period of time and have come to rely on these services to support them in their homes. Withdrawing the services will have an impact on their wellbeing, as they are unable to maintain their home in a hygienic or safe manner.

Funding services at the very least for existing clients will enable them to maintain their homes until the majority of them have transitioned to *My Aged Care*. This is the preferred option as it supports the remaining clients will be in need of services until they can transition to *My Aged Care*.

## **OPTIONS**

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

### **Option 1**

The Council can determine to fund Home Support services for existing clients and new clients living with disability under 65 years of age. This will enable existing clients and new clients to access home support services. Services would include Domestic Assistance, Home Maintenance and Shopping Services. This is not the recommended option as it does not have an end date and may commit the Council to funding services for an extensive period.

### **Option 2**

The Council can determine to only fund Home Support services for the Council's existing clients living with disability and who are under 65 years of age. This will enable only existing clients in receipt of Home Support services to continue to receive these services until such time that the majority of the clients have transitioned to *My Aged Care*. Services would include Domestic Assistance, Home Maintenance and Shopping Services. This is the recommended option as it will continue to provide support to the existing clients in receipt of services until such a time that the majority of them have transitioned to *My Aged Care*.

### **Option 3**

The Council can determine not to fund Home Support service for clients living with disability under 65 years of age on the basis that it is not a Local Government responsibility. In short why should the Council take on this responsibility given that it is currently a State Government responsibility and the State Government is not providing the Council with any funding assistance.

### **CONCLUSION**

The State Department of Human Services has been supporting the Council to deliver services to citizens living with disability under 65 years of age through funding provided to the Council as part of the *South Australian Home and Community Care Program* for a number of years. The discontinuation of funding as at April 2021, will create an unmet need in the community. The continuation of these services as recommended will assist existing clients to remain in their homes and their local community.

### **COMMENTS**

Nil

### **RECOMMENDATION**

1. That the Council resolves to allocate funding of up to \$35,000 per annum for the provision of Home Support Services (Domestic Assistance, Home Maintenance and Shopping Services) to existing clients aged under 65 years of age living with a disability.
  2. That the services are initially funded for a period of two (2) years.
  3. That this option be activated only if the State Government does not provide alternative Home Support Services for clients.
  4. That the Council notes a report will be presented to the Council regarding the progress of the program at the end of the two (2) year period.
-

Cr Sims returned to the meeting at 8.21pm.

Mayor Bria declared a perceived conflict of interest in this matter as he has a family member who is registered with the NDIS. Mayor Bria advised that he would remain in the meeting.

*Cr Moorhouse moved:*

1. *That the Council resolves to allocate funding of up to \$40,000 per annum for the provision of Home Support Services (Domestic Assistance, Home Maintenance and Shopping Services) to clients aged under 65 years of age living with a disability.*
2. *That the following options be activated only if the State Government does not provide alternative Home Support Services for clients:*
  - a) *That the Council resolves to include new referrals for a two (2) year period;*
  - b) *That the services are initially funded for a period of two (2) years; and*
  - c) *That the Council notes a report will be presented to the Council regarding the progress of the program at the end of the two (2) year period.*

*Seconded by Cr Moore.*

*Variation*

*Cr Moorhouse, as the mover of the motion, with the consent of Cr Moore as the seconder, sought leave of the meeting to vary the motion with the inclusion of the following point:*

3. *That the Council forwards a letter to The Hon Steven Marshall MP, State Member for Dunstan and Mr James Stevens MP, Federal Member for Sturt, to bring the Council's concerns regarding this matter to their attention.*

*Mayor Bria put the request for leave to the meeting.*

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

*The motion (as varied) was put and carried unanimously.*

## **Section 3 – Governance & General Reports**

## 11.7 BUSINESS READINESS FOR THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

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**REPORT AUTHOR:** Manager, Development Assessment  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4567  
**FILE REFERENCE:** S/00421  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of the report is to present to the Council for its consideration, amended delegations under the *Planning, Development and Infrastructure Act 2016*.

### BACKGROUND

As Elected Members are aware, the State Government has been implementing the new planning and development system across the state under the *Planning, Development and Infrastructure Act 2016* (PDI Act). The program has been staged with elements of the system being progressively 'turned on' since 2016. The final stage of the program, referred to as Phase 3, is the introduction of the new *Planning and Design Code* with the associated development assessment pathways to metropolitan Adelaide. This phase commenced operation on 19 March 2021.

In preparation for the commencement of Phase 3 of the program, at its meeting held on 18 January 2021, the Council made resolutions in respect of each of the following matters:

- Delegations under the *Planning, Development and Infrastructure Act 2016*;
- Policy of Notification – Accredited Professionals;
- Establishment of a new Building Fire Safety Committee
- Revoking of the Building Inspection Policy

On 18 February 2021, the Local Government Association of South Australia released an amended set of template delegations under the *Planning, Development and Infrastructure Act 2016*. The amendments reflect a range of minor corrections and/or unintended omissions, based on advice which the Association received from Norman Waterhouse Lawyers.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

### EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

### SOCIAL ISSUES

Not Applicable.

### CULTURAL ISSUES

Not Applicable.

### ENVIRONMENTAL ISSUES

Not Applicable.

## RESOURCE ISSUES

Not Applicable.

## RISK MANAGEMENT

The adoption of an appropriate framework of delegations allows for decision making at appropriate levels within the organisation.

## CONSULTATION

- **Elected Members**  
Not Applicable.
- **Community**  
Not Applicable.
- **Staff**  
Consultation has taken place with relevant staff in relation to the formulation of the delegations under the *Planning, Development and Infrastructure Act 2016*.
- **Other Agencies**  
Not Applicable.

## DISCUSSION

The changes which have been made to the delegations, relate to Instrument B, which is the delegation of powers of the Council as a Relevant Authority to the Chief Executive Officer. The changes are summarised below.

Section 119(6)(b) of the PDI Act has been added to the delegations. This is a power to refuse a Development Application if a request for further information is not complied with within the relevant timeframe.

Regulation 38(2) of the PDI General Regulations has been added to the delegations. This is a power to lapse an application.

Regulation 65(1) of the PDI General Regulations has been replaced with Regulation 65(1)(a) in the delegations. This change limits the extent of the delegation to part (a) only (ie. to approve a minor variation), which is actually the only aspect of Regulation 65(1) that involves the execution of a power in any event.

Regulation 99 of the PDI General Regulations has been added to the delegations. This is a power to notify an applicant that, Building Rules Consent cannot be issued until the Construction Industry Training Board (CITB) levy has been paid in situations where it hasn't been paid.

These changes have been prepared by Norman Waterhouse Lawyers on behalf of the LGA. A copy of the updated Instrument of Delegations is contained in **Attachment A**.

## OPTIONS

In order to comply with the provisions of the *Planning, Development and Infrastructure Act 2016*, and to ensure that the requirements of the Act are dealt with on a day-to-day basis, it is recommended to the Council that the Council delegates certain powers to the Chief Executive Officer, in accordance with the Act.

## CONCLUSION

Council endorsement of amended delegations is sought under the *Planning, Development and Infrastructure Act 2016*, that came into operation for metropolitan Adelaide on 19 March 2021.

## COMMENTS

Nil



## RECOMMENDATION

1. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report considered by the Council at its meeting held on 18 January 2021 and entitled *Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority and a Designated Entity*) are hereby delegated this 18th of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
3. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report considered by the Council at its meeting held on 18 January 2021 and entitled *Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority*) are hereby delegated this 18th of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
4. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
5. That Council adopts the Accredited Professionals Notification Policy (annexed to the Report considered by the Council at its meeting held on 18 January 2021 and entitled *Policy of Notification – Accredited Professionals*) effective from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
6. That the City of Norwood Payneham & St Peters Building Fire Safety Committee be established pursuant to Section 157(17) of the *Planning, Development and Infrastructure Act 2016* effective from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
7. That the City of Norwood Payneham & St Peters Building Fire Safety Committee Terms of Reference as contained in Attachment C, be adopted.
8. That the following persons be appointed to the City of Norwood Payneham & St Peters Building Fire Safety Committee for a period of three (3) years, from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the Planning, Development and Infrastructure Act 2016:
  - Mr Troy Olds as a Presiding member of the Committee and a person with expertise in fire safety;
  - Mr Demetrius Poupoulas as a member of the Committee;
  - A primary person nominated by the Chief Officer (CO) of the SAMFS;
  - An alternate person (proxy) nominated by the Chief Officer (CO) of SAMFS; and
  - Mr Mario Hlavati as a person with qualifications in Building Surveying.

9. The Council notes that the *Building Inspection Policy* has been superseded by the State Planning Commission's *Practice Direction 8 - Council Swimming Pool Inspections 2019*, and *Practice Direction 9 - Council Inspections 2020* and that the *Building Inspection Policy* will be revoked on and from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
- 

Cr Minney left the meeting at 8.48pm.  
Cr Callisto left the meeting at 8.48pm.  
Cr Moorhouse left the meeting at 8.48pm.  
Cr Duke left the meeting at 8.48pm.  
Cr Minney returned to the meeting at 8.49pm.  
Cr Moorhouse returned to the meeting at 8.49pm.  
Cr Sims left the meeting at 8.49pm.  
Cr Moore left the meeting at 8.49pm.  
Cr Knoblauch left the meeting at 8.49pm.  
Cr Dottore left the meeting at 8.49pm.  
Cr Knoblauch returned to the meeting at 8.50pm.  
Cr Granozio left the meeting at 8.50pm.  
Cr Sims returned to the meeting at 8.51pm.  
Cr Moore returned to the meeting at 8.51pm.  
Cr Moorhouse left the meeting at 8.51pm.  
Cr Callisto returned to the meeting at 8.52pm.  
Cr Minney left the meeting at 8.52pm.  
Cr Granozio returned to the meeting at 8.52pm.  
Cr Duke returned to the meeting at 8.52pm.  
Cr Dottore returned to the meeting at 8.53pm.  
Cr Moorhouse returned to the meeting at 8.53pm.  
Cr Granozio left the meeting at 8.54pm.  
Cr Minney returned to the meeting at 8.54pm.  
Cr Granozio returned to the meeting at 8.55pm.

*Cr Stock moved:*

*That this matter be deferred to enable clarification of the relevant Instruments of Delegation to be undertaken.*

*Seconded by Cr Dottore and carried unanimously.*

## 11.8 ESTABLISHMENT OF COMMITTEES – QUADRENNIAL PUBLIC ART ASSESSMENT PANEL

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2714  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of the report is to present the draft Terms of Reference for the *Quadrennial Public Art Assessment Panel* for Council's consideration as part of the process of establishing the *Quadrennial Public Art Assessment Panel*.

### BACKGROUND

Section 41 of the *Local Government Act 1999* (the Act), provides the decision making framework for councils and sets out the requirements in terms of the conduct of Council meetings as part of the decision making process.

Section 41 of the Act also stipulates that councils may also establish committees to assist the council in the performance of its functions.

This report presents the draft Terms of Reference to the Council for consideration to enable the Council to establish the *Quadrennial Public Art Assessment Panel* for the purpose of overseeing the commissioning of the Council's fourth *Quadrennial Public Artwork*.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### DISCUSSION

At its meeting held on 6 November 2006, the Council adopted an on-going program of public art, which included the commissioning of a major piece of public art during the term of each Council. Since that time, three (3) major public artworks have been commissioned. The first Quadrennial Commission, in August 2010, was *Spectrum* which is installed at the intersection of Osmond Terrace and Kensington Road, Norwood, the second Quadrennial Commission was *Fallow*, which was commissioned to commemorate the Centenary of ANZAC in 2015 and is installed at the St Peters Library Complex and the third Quadrennial Commission was *Perpetual Sun* which is installed at the corner of Magill Road and Nelson Street, Stepney.

As part of the process associated with the Council's first Quadrennial Public Art Project, the Council established the *Quadrennial Public Art Assessment Panel* for the purpose of overseeing the process.

This approach is recommended to commence the process associated with the commissioning of the Council's fourth major public artwork, as this will provide for a clear and transparent framework to progress the public art project.

It is therefore proposed that the Council establishes a committee, to be known as the *Quadrennial Public Art Assessment Panel* (the Panel), to oversee the commissioning arrangements associated with this process.

The draft Terms of Reference do not provide for the delegation of any powers, functions and duties of the Council to the Panel. That is, all decisions of the Panel will constitute only recommendations to the Council – who in turn must consider any recommendation(s) from the Panel.

The establishment of a committee (ie Quadrennial Public Art Assessment Panel) which comprises both Elected Members and external representation is considered to be best practise for this type of project as it involves a considerable volume of subjectivity. The inclusion of external arts experts with experience in visual arts and design and the assessment of concepts to proceed for commission in the public realm, has proven to be beneficial in the past and as such, it is recommended that expressions of interest be invited from suitably qualified persons to be involved in the process.

Following the call for Expressions of Interest, the final selection of the Independent Members will be determined by the Chief Executive Officer. Applicants will be required to submit a resume and a statement of interest.

On the basis that the Council is seeking input from professional external arts experts it is recommended that the external arts experts who are appointed to the Panel, receive a sitting fee of \$250 for each meeting they attend.

The Council currently pays a sitting fee to external independent members of the Council Assessment Panel and Audit Committee on the basis that the external members are suitably qualified experts in their relevant fields and have therefore, been appointed to their role on the basis of their skills and knowledge. It is for these reasons that a sitting fee should be applicable to external arts experts appointed to the Panel.

A copy of the draft Terms of Reference for the *Quadrennial Public Art Assessment Panel* is contained within **Attachment A**.

#### **RECOMMENDATION**

1. That pursuant to Section 41 of the *Local Government Act 1999*, the Quadrennial Public Art Assessment Panel be established in accordance with the draft Terms of Reference, as contained within Attachment A.
2. That the following Elected Members be appointed to the Quadrennial Public Art Assessment Panel:  
  
\_\_\_\_\_;  
\_\_\_\_\_; and  
\_\_\_\_\_.
3. That the Chief Executive Officer be authorised to appoint the two (2) suitably qualified and experienced arts experts to the Panel, following an expression of interest process from suitably qualified arts experts.
4. That a sitting fee for the external arts experts appointed to the Panel be set at \$250 per meeting

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*Cr Moore moved:*

*That pursuant to Section 41 of the Local Government Act 1999, the Quadrennial Public Art Assessment Panel be established in accordance with the draft Terms of Reference, as contained within Attachment A.*

*Seconded by Cr Moorhouse and carried unanimously.*

#### Call for Nominations

The Mayor called for nominations for appointment to the Quadrennial Public Art Assessment Panel.

The following nominations were received:

- Cr Sue Whittington
- Cr Scott Sims
- Cr Carlo Dottore
- Cr John Minney
- Cr Kester Moorhouse
- Cr John Callisto

### Voting by Secret Ballot

A secret ballot was conducted. The General Manager, Governance & Community Affairs was appointed as Returning Officer for the counting of votes.

### Completion of Counting of Votes

The votes were counted and the results were declared to the Council as follows:

- Cr Sue Whittington (8 votes)
- Cr Scott Sims (4 votes)
- Cr Carlo Dottore (8 votes)
- Cr John Minney (5 votes)
- Cr Kester Moorhouse (5 votes)
- Cr John Callisto (6 votes)

*Cr Stock moved:*

*That the following Elected Members be appointed to the Quadrennial Public Art Assessment Panel:*

- *Cr Sue Whittington;*
- *Cr Carlo Dottore; and*
- *Cr John Callisto.*

*Seconded by Cr Minney and carried unanimously.*

*Cr Granozio moved:*

1. *That the Chief Executive Officer be authorised to appoint the two (2) suitably qualified and experienced arts experts to the Panel, following an expression of interest process from suitably qualified arts experts.*
2. *That a sitting fee for the external arts experts appointed to the Panel be set at \$250 per meeting*

*Seconded by Cr Callisto and carried unanimously.*

**11.9 NOMINATIONS TO EXTERNAL BODIES - APPOINTMENT OF COUNCIL REPRESENTATIVE TO  
MARDEN SENIOR COLLEGE GOVERNING COUNCIL**

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2146  
**ATTACHMENTS:** Nil

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**PURPOSE OF REPORT**

The purpose of the report is to advise the Council of an invitation which has been received from the *Marden Senior College* for the Council to nominate an Elected Member for appointment to the *Marden Senior College Governing Council*.

**BACKGROUND**

Nil

**DISCUSSION**

The Principal of the Marden Senior College has written to the Council requesting the appointment of a representative from the City of Norwood Payneham & St Peters to the College's Governing Council.

The Constitution of the College's Governing Council has provision for the appointment of three (3) Community Members, including representatives from the University of South Australia and the City of Norwood Payneham & St Peters.

The City of Norwood Payneham & St Peters is currently represented by Councillor Garry Knoblauch.

Councillor Knoblauch has advised that he would like to continue as this Council's representative.

**RELEVANT POLICIES & STRATEGIC DIRECTIONS**

Not Applicable.

**RECOMMENDATION**

That Councillor \_\_\_\_\_ be appointed as the City of Norwood Payneham & St Peters' representative to the Marden Senior College Governing Council.

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*Cr Sims moved:*

*That Councillor Cr Garry Knoblauch be appointed as the City of Norwood Payneham & St Peters' representative to the Marden Senior College Governing Council.*

*Seconded by Cr Stock and carried unanimously.*

## 11.10 STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL 2020 – NEW BEHAVIOURAL FRAMEWORK

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**REPORT AUTHOR:** General Manager Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** S/0022  
**ATTACHMENTS:** A - C

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### PURPOSE OF REPORT

The purpose of this report is to advise the Council of the status of the *Statutes Amendment (Local Government Review) Bill 2020* and to advise the Council of the invitation from the Local Government Association of South Australia to provide comments regarding the new Behavioural Management Framework.

### BACKGROUND

The *Statutes Amendment (Local Government Review) Bill 2020* (the Bill), was introduced into State Parliament on 17 June 2020. The Bill has been prepared in response to the State Government's reform program which focused on amendments to the *Local Government Act 1999* (the Act), and the *Local Government (Elections Act) 1999* (the Elections Act), in the following areas:

- strong Council Member capacity and better conduct;
- efficient Local Government representation;
- cost savings and financial accountability; and
- simpler regulation.

A copy of the *Statutes Amendment (Local Government Review) Bill 2020* is contained within **Attachment A**.

The Local Government Association of South Australia (LGA) has advised Councils that it anticipates that the Bill will be passed by the South Australian Parliament in April 2021. As such the LGA has commenced working on the implementation of the Bill and is inviting comments from Councils regarding the Bill's new behavioural management framework for Council Members.

The LGA has prepared a discussion paper, *Behavioural Management Framework Discussion Paper February 2021* (the Discussion Paper), and is inviting comments from Councils to assist the LGA in its advocacy regarding any new Regulations associated with the Bill and with the development of model policies, resources etc to support Councils with the implementation of the new framework.

A copy of the *Behavioural Management Framework Discussion Paper February 2021* is contained within **Attachment B**.

### 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.

## COVID-19 IMPLICATIONS

Not Applicable.

## CONSULTATION

- **Elected Members**  
Elected Members have previously considered a number of the proposed reforms at the Council meetings held on 3 June 2019, 8 October 2019 and 3 August 2020.
- **Community**  
Not Applicable.
- **Staff**  
Not Applicable.
- **Other Agencies**  
Not Applicable.

## DISCUSSION

The *Statutes Amendment (Local Government Review) Bill 2020*, has been prepared in response to the State Government's reform program which focuses on amendments to the *Local Government Act 1999* (the Act), and the *Local Government (Elections Act) 1999*, (the Elections Act), in the following areas:

- Reform Area 1: Stronger Council Member Capacity and Better Conduct;
- Reform Area 2: Lower Costs and Enhanced Financial Accountability;
- Reform Area 3: Efficient and Transparent Local Government Representation; and
- Reform Area 4: Simpler Regulation.

As stated previously, the Bill is expected to be passed by the SA Parliament later in April 2021.

The LGA has prepared a discussion paper, *Behavioural Management Framework Discussion Paper February 2021* (the Discussion Paper), which poses a number of questions for consideration by the Council.

The Bill focuses on *behavioural* and *integrity* matters.

Behavioural matters are those matters which will relate to the new *Behavioural Standards* which have been developed by the Minister and supporting *Behavioural Support Policies* which will be required to be prepared by Councils. Alleged breaches of the *Behavioural Standards* or a Council's *Behavioural Support Policies*, will be managed by Councils in accordance with their *Behavioural Management Policy*. A new *Behavioural Standards Panel* will be established to deal with serious or repeated misbehaviour.



Provisions relating to the general duties of Elected Members, Register of Interests, Gifts and Benefits, and Conflicts of Interest, are classified as Integrity matters and alleged breaches will continue to be referred to the South Australian Ombudsman and the Independent Commissioner Against Corruption (ICAC).

The Bill also includes provisions for the suspension of Elected Members when Elected Members fail to submit a return of their Register of Interests, meet mandatory training standards, where the Elected Member is subject to an intervention order, or as determined by the Behavioural Standards Panel, South Australian Ombudsman, or South Australian Civil and Administrative Tribunal.

The Discussion Paper poses a number of questions for the Council's consideration and response as set out below.

#### Behavioural Standards and Behavioural Support Policies

- 1) What values and behaviours should a Council Member display?
  - a) What are the minimum core standards of behaviour expected of council members?
  - b) What would you consider additional behaviours that councils might include in Behavioural Support Policies?
- 2) What do you like and dislike about South Australia's current Code of Conduct for Council Members?
- 3) What level of prescription should be in the Standards of Behaviour? For example, should high-level statements be supported by descriptions and/or examples?
- 4) Is the level of consistency across the sector important versus the freedom for councils to choose the behaviours they expect from their council members?

The *Behavioural Standards*, made by the Minister, in consultation with the LGA, will reflect high-level standards of behaviour that must be observed by all Elected Members. The *Behaviour Standards* will be supplemented by Council *Behavioural Support Policies*.

The adoption of *Behavioural Support Policies* will be optional, however Councils will be required to consider whether they should adopt a *Behavioural Support Policy* (or Policies) within six (6) months of each periodic election.

The LGA is seeking comments from Councils on what standards of behaviour should be expected of all Elected Members which should then be prescribed in the *Behavioural Standards*, which will be mandatory.

#### Behavioural Management Policies

- 5) Should the Governance Panel continue providing their services under the new behavioural management framework?
- 6) What in the current Complaints Handling Procedure under the Council Members' Code of Conduct works well and what does not?
  - a) What additional provisions should be included?

Councils will be required to adopt a *Behavioural Management Policy* that sets out the process associated with dealing with complaints against an Elected Member/s alleging a failure to comply with the *Behavioural Standards* or the Council's *Behavioural Support Policies*. The Behavioural Management Policy will be similar in to the Council's *Code of Conduct for Council Members - Complaint Handling Procedure*.

The Act however will provide a range of actions, similar to those in the current *Code of Conduct for Council Members*, that Councils will be able to take, following an investigation in accordance with their Behavioural Management Policy, including:

- (a) pass a censure motion;
- (b) require the Elected Member(s) to issue a public apology;
- (c) require the Elected Member(s) to undertake specified training;
- (d) remove or suspend the Elected Member from one or more offices held by the Elected Member(s).

The LGA intends to prepare a model *Behavioural Management Policy* in consultation with Councils and the Office of Local Government. Therefore, the LGA is seeking comments from Councils regarding their current complaints handling procedure in accordance with the *Code of Conduct for Council Members* and if there any additional provisions that should be included.

### Integrity Provisions

- 7) Do you agree with the integrity provisions the Office of Local Government is proposing to prescribe in regulations? Why or why not?
- 8) Should misuse of presiding member powers under section 86(6b) be considered as an integrity provision or as a behavioural matter?
- 9) What additional integrity provisions, if any, should be prescribed?

The Bill amends Chapter 5, Part 4, Division 1 to include *Member integrity and behaviour* which relates to Elected Member integrity, maladministration, misconduct, and corruption and includes provisions relating to general duties of Elected Members, Register of Interests, Gifts and Benefits, and Conflicts of Interest.

The Bill also provides the SA Ombudsman with additional powers which includes the ability to require the Council to suspend an Elected Member/s for a period not exceeding three (3) months.

In addition, the South Australian Civil and Administrative Tribunal (SACAT), will be able to impose suspensions for up to six (6) months or disqualify an Elected Member from office.

A new section 62(4e) allows additional integrity provisions to be prescribed by regulations.

### Suspension of Members

- 10) What is the appropriate length of suspension for:
  - a) a failure to submit a primary or ordinary return;
  - b) a failure to comply with mandatory training requirements under section 80A; and
  - c) a relevant final intervention order where the person protected is a council member of council employee.

In addition to the powers of the SA Ombudsman and the SACAT, the Bill includes additional situations where an Elected Member can be suspended from the Council.

A new Schedule 9 outlines the conditions that apply to an Elected Member while suspended, which includes the following:

- the suspension extends to all offices held in the Elected Member's capacity as a Member of the Council;
- the Elected Member must not use or retain a facility or service provided by the Council;
- the Elected Member must not carry out any function or duty of a member of the Council; and
- the Elected Member must not be given access by the Council to information, documents, or materials related to the performance or discharge of the functions or duties of members of the Council.

Suspension periods which have been set out in the Bill include the following:

- *Section 262W - Behavioural Standards Panel*  
The *Behavioural Standard Panel*, after inquiring into a complaint, may determine to suspend an Elected Member for a period not exceeding three (3) months. The Panel may also determine that the suspension is served with or without the Elected Member allowance.
- *Section 263B – Ombudsman*  
The SA Ombudsman may make a recommendation to the Council to suspend an Elected Member for a period not exceeding three (3) months, following the completion of an investigation. The SA Ombudsman may determine that the suspension is served with or without the Elected Member allowance.
- *Section 267 – SACAT*  
The SACAT, if satisfied a ground on which a complaint was lodged exists and that there is proper cause for taking action against the Elected Member to whom the complaint relates, may suspend the Elected Member for a period not exceeding six (6) months.

Other suspension periods will be prescribed by Regulations, which includes the following:

- *Part 4, Division 1, Subdivision 2 – Register of Interests*

An Elected Member who fails to submit their Primary or Ordinary Return within one (1) month from the end of the period allowed, will be suspended from the Council. In addition, the Elected Member will not be entitled to the Elected Member Allowance during the period of suspension. The suspension will be revoked when the Elected Member submits the Return.

If an Elected Member remains suspended for longer than the prescribed period (ie does not submit the Return within the suspension period), the Council must apply to SACAT for an order disqualifying the Elected Member from office.

- *Section 80A – Training and development*

Councils will be required to adopt a training and development policy for Elected Members which must incorporate the prescribed mandatory requirements which will be set out in regulations.

If an Elected Member does not complete the mandatory training requirements, the Council must suspend the Elected Member (unless they are satisfied that there was good reason for the failure).

The Elected Member will not be entitled to the Elected Member Allowance during the period of suspension. The suspension will be revoked when the Elected Member has completed all mandatory training requirements.

If the Elected Member does not comply with the mandatory training requirements within the suspension period the Council must apply to SACAT for an order disqualifying the Elected Member from office.

- *Section 80B – Suspension – member of council subject to intervention order*

Section 80B provides that if an Elected Member is subject to a relevant *interim intervention order* where the person protected by the order is another Elected Member, a council may suspend that Elected Member from office if they consider it appropriate to do so. If the person protected by the interim intervention order is an employee of the council, the Chief Executive Officer may suspend the Elected Member if they consider it appropriate to do so.

The suspension will be revoked if the relevant interim intervention order is revoked.

Section 80B provides that if an Elected Member is subject to a **final intervention order**, where the person protected by the order is an Elected Member or employee of the council, the Elected Member will be suspended from office.

The Elected Member suspended in relation to a final intervention order will not be entitled to receive the Elected Member Allowance during the period of suspension.

The suspension will be revoked if the relevant final intervention order is revoked. If an Elected Member suspended in relation to a relevant final intervention order, remains suspended for longer than the prescribed period, the Council must apply to SACAT for an order disqualifying the member from office.

### Conflict of Interest

- 11) Are the current exemptions to declaring a conflict of interest prescribed in the *Local Government (General) Regulations 2013* sufficient?
- 12) Are there any exemptions that should not be included in future regulations?
- 13) Are there any additional exemptions that should be prescribed?

The Bill replaces the current categories of conflict of interest (material, actual and perceived) with two (2) categories (material and general) which will also apply to Committees and Members of Committees and Subsidiaries and Board Members of Subsidiaries.

An Elected Member will be said to have a **general conflict of interest** in a matter to be considered by the Council, if an impartial, fair-minded person might consider that the Elected Member's private interests might result in them acting in a manner that is contrary to their public duty.

An Elected Member will be said to have a **material conflict of interest** in a matter to be discussed at a Council meeting, if any of the persons listed in Section 75 of the Act, (as set out below), would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting.

Section 75 sets out the following:

*75—Material conflicts of interest*

*Subject to section 75A, for the purposes of this Subdivision, a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if any of the following persons would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:*

- (a) the member;*
- (b) a relative of the member;*
- (c) a body corporate of which the member is a director or a member of the governing body;*
- (d) a proprietary company in which the member is a shareholder;*
- (e) a family company of the member (within the meaning of 5 Schedule 3);*
- (f) a family trust of the member (within the meaning of Schedule 3);*
- (g) a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee;*
- (h) a partner of the member;*
- (i) the employer or an employee of the member;*
- (j) a person with whom the member has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering process in connection with entering into, an agreement for the provision of professional or other services for which the member would be entitled to receive a fee, commission or other reward;*
- (k) a person or body from whom the member has received a designated gift;*
- (l) a person of a prescribed class.*

Section 75A allows interests that arise in relation to prescribed matters or in prescribed circumstances to be exempt.

As Elected Members will recall, in its submission to the LGA regarding the *Local Government Reform Discussion Paper* in 2019, this Council advised the LGA that the current conflict of interest provisions are too complicated and the 2016 changes have resulted in making the process more complex and confusing. The Council suggested at that time that the provisions need to be simplified – a Member either has a Conflict of Interest or they don't!

Summary

The *Statutes Amendment (Local Government Review) Bill 2020* (the Bill) has been passed by the House of Assembly and is now sitting with the Legislative Council for consideration and debate. It is expected that the Bill will be passed later in April 2021.

As stated previously, the LGA is intending to work with the Office of Local Government regarding any new Regulations associated with the Bill and with the development of model policies, resources etc to support Councils with the implementation of the new framework, and has therefore requested comments from Council's which will assist with this process.

A draft submission has been prepared which sets out responses based on the Council's previous submissions regarding the Local Government Reform program.

A copy of the draft submission to the Discussion Paper is contained within **Attachment C**.

The Local Government Association of South Australia requires submissions from Councils by 9 April 2021.

## **OPTIONS**

The Council can resolve to either provide comments to the Local Government Association of South Australia in respect to the new Behavioural Management Framework set out in the *Statutes Amendment (Local Government Review) Bill 2020* or decline the opportunity.

It is however recommended that the Council does respond to the Local Government Association of South Australia in respect to these provisions, to ensure the Council's position is considered by the Local Government Association of South Australia as part of the planning process associated with the implementation of the Bill.

## **CONCLUSION**

It is acknowledged that reform of governance has been an ongoing issue of concern for the State Government, the LGA and councils for some time, however, this Council, and indeed many councils, strive to achieve excellence in governance to ensure the integrity and accountability of Local Government.

## **COMMENTS**

Nil.

## **RECOMMENDATION**

That the *Behavioural Management Framework Discussion Paper February 2021 Submission*, as contained within Attachment C to this report, be submitted to the Local Government Association of South Australia in response to the request for submissions from councils regarding the new Behavioural Management provisions set out in the *Statutes Amendment (Local Government Review) Bill 2020*.

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*Cr Minney moved:*

*That the Behavioural Management Framework Discussion Paper February 2021 Submission, as contained within Attachment C to this report, be submitted to the Local Government Association of South Australia in response to the request for submissions from councils regarding the new Behavioural Management provisions set out in the Statutes Amendment (Local Government Review) Bill 2020.*

*Seconded by Cr Knoblauch and carried.*

## 11.11 DECLARATION OF SEPARATE RATE – CHARLOTTE LANE, NORWOOD

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**REPORT AUTHOR:** Manager, Governance, Legal & Property  
**GENERAL MANAGER:** General Manager, Governance & Community Affairs  
**CONTACT NUMBER:** 8366 4507  
**FILE REFERENCE:** qA65688  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of this report is to advise the Council of the outcome of the community consultation which has been undertaken with respect to the proposed declaration of a Separate Rate to recover the costs of converting Charlotte Lane, Norwood to Public Road.

### BACKGROUND

At its meeting held on 3 August 2020, the Council resolved to declare the private laneway known as Charlotte Lane, Norwood to be a Public Road, pursuant to Section 210(1) of the *Local Government Act 1999* (the Act) and the Council's *Private Laneways Policy & Procedure*.

Public notice of this declaration was published in the SA Government Gazette on 6 August 2020, thereby vesting Charlotte Lane in the Council as Public Road from that date.

At its meeting held on 18 January 2021, the Council considered the proposed declaration of a Separate Rate pursuant to Section 154 of the Act to recover the costs of converting Charlotte Lane, Norwood to Public Road, in accordance with the Council's *Private Laneways Policy & Procedure*, and resolved the following:

1. *That the Council gives notice of its proposal to declare a Separate Rate pursuant to Section 154 of the Local Government Act 1999 for the land adjacent to Charlotte Lane, Norwood and marked as 'Separate Rate Area' on the Map contained in Attachment B, and comprising the following properties:*
  - *Unit 1-2, 44 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 6114 Folio 763;*
  - *Unit 7, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5971 Folio 784;*
  - *Unit 8, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 136;*
  - *Unit 9, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 135;*
  - *Unit 10, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 134;*
  - *Unit 11, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 133;*
  - *Unit 12, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 132;*
  - *Unit 13, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 131;*
  - *Unit 14, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 130;*
  - *51A Sydenham Road, Norwood SA 5067, comprised within Certificate of Title Volume 5089 Folio 504;*
  - *43C Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6100 Folio 112;*
  - *43B Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6100 Folio 111;*
  - *43A Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6100 Folio 110;*
  - *4 Charlotte Place, Norwood SA 5067, comprised within Certificate of Title Volume 5090 Folio 93;*
  - *2 Charlotte Place, Norwood SA 5067, comprised within Certificate of Title Volume 5111 Folio 782;*

- 36 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5111 Folio 780;
- 40-42 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5089 Folio 995;
- 56 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5936 Folio 390;
- 49 Sydenham Road, Norwood SA 5067, comprised within Certificate of Title Volume 5926 Folio 879;
- 51 Sydenham Road, Norwood SA 5067, comprised within Certificate of Title Volume 5993 Folio 209;
- 49 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5440 Folio 271;
- 41 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5502 Folio 538;
- 39 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5090 Folio 799;
- 37 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5890 Folio 2;
- Unit 1, 46 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 6114 Folio 760;
- Unit 2, 46A Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 6114 Folio 761;
- Unit 3, 47 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5939 Folio 108;
- Unit 2, 47 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5939 Folio 107;
- Unit 1, 47 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5939 Folio 106;
- Unit 3, 45 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6198 Folio 722;
- Unit 2, 45 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6198 Folio 721; and
- Unit 1, 45 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6198 Folio 720,

*for the purpose of carrying out the activity of undertaking the conversion of Charlotte Lane to Public Road under Section 210 of the Local Government Act 1999.*

2. *That the Separate Rate is proposed to be a fixed charge of \$98.91 per rateable property, calculated by dividing the cost of carrying out the activity equally between the rateable properties listed in point 1 and is proposed to be declared for a period of one (1) year commencing 5 July 2021.*
3. *That consultation be undertaken on the proposed declaration of the Separate Rate with respect to Charlotte Lane, Norwood in accordance with the Council's Community Consultation Policy and Sections 151(5)(e) and 151(7) of the Local Government Act 1999.*
4. *That the Council approves the document contained in Attachment C, prepared pursuant to Section 151(5)(d) of the Local Government Act 1999, for the purposes of public consultation and authorises the Chief Executive Officer to make any required minor amendments to the document prior to consultation.*

Consultation was conducted for a period of three (3) weeks from Friday 29 January 2021 to Friday 19 February 2021. A notice was published on the Council's website and in the Advertiser newspaper on 29 January 2021. The Council website also provided information regarding the proposed Separate Rate, including a Separate Rate 'Fact Sheet', and invited interested persons to make written submissions and attend a public meeting.

A copy of the 'Fact Sheet' is contained within **Attachment A**.

All adjoining property owners of the laneway who would be affected by the proposed Separate Rate were also directly notified in writing on 28 January 2021 of the consultation and were invited to provide comments and attend the public meeting.

One (1) written response was received from an adjoining property owner during the consultation period who indicated their support for the proposed Separate Rate.

A public meeting was held on Monday, 22 February 2021, from 6.00-6.30pm in the Don Pyatt Hall in relation to the proposed Separate Rate. Three (3) persons attended, two (2) of whom were adjoining property owners and one (1) interested resident who lives in the vicinity of Charlotte Lane. No concerns were raised in relation to the proposed Separate Rate. A query was raised regarding the lighting to be installed in the laneway and temporary parking arrangements while the upgrade works to the laneway are completed. These enquiries have been dealt with and the resident was advised of the specifications and location of the new street lighting to be installed in the laneway. Temporary parking arrangements were provided on Fisher Street for residents adjoining the laneway who would be unable to access their garages while the upgrade works were completed.

Having met the consultation requirements set out in Sections 151(5)(e) and 151(7) of the Act, the Council is now in a position to proceed with the declaration of the Separate Rate in relation to Charlotte Lane, Norwood pursuant to Section 154 of the Act.

The Separate Rate will be declared as part of the Council's 2021-2022 Budget process.

### **RELEVANT STRATEGIC DIRECTIONS & POLICIES**

Not Applicable.

### **RECOMMENDATION**

1. That the Council notes the completion of public consultation as required by Section 151(5)(e) of the *Local Government Act 1999* with respect to the proposed declaration of a Separate Rate for the land adjacent to Charlotte Lane, Norwood, being the land identified in the resolution of the Council at its meeting held on 18 January 2021.
  2. That the Council acknowledges that the Separate Rate will be declared pursuant to Section 154 of the *Local Government Act 1999*, and in accordance with the terms of the Council resolution at its meeting held on 18 January 2021, as part of the 2021-2022 Budget process.
- 

*Cr Whittington moved:*

1. *That the Council notes the completion of public consultation as required by Section 151(5)(e) of the Local Government Act 1999 with respect to the proposed declaration of a Separate Rate for the land adjacent to Charlotte Lane, Norwood, being the land identified in the resolution of the Council at its meeting held on 18 January 2021.*
2. *That the Council acknowledges that the Separate Rate will be declared pursuant to Section 154 of the Local Government Act 1999, and in accordance with the terms of the Council resolution at its meeting held on 18 January 2021, as part of the 2021-2022 Budget process.*

*Seconded by Cr Patterson and carried unanimously.*



## 11.12 HEANES LANE, KENSINGTON – PRESERVATION OF PRIVATE EASEMENTS

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**REPORT AUTHOR:** Manager, Governance, Legal & Property  
**GENERAL MANAGER:** General Manager, Governance & Community Affairs  
**CONTACT NUMBER:** 8366 4507  
**FILE REFERENCE:** qA2005  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to seek the Council's approval to preserve the existing private easements in Heanes Lane, Kensington, upon vesting of Heanes Lane in the Council as public road, pursuant to Section 208(3) of the *Local Government Act 1999*.

### BACKGROUND

At its meeting held on 6 May 2019, the Council considered the existing status of Heanes Lane, Kensington, which is owned by the Council in fee simple but is used as a public road to provide access to the properties at 51A and 51B Bridge Street and to Borthwick Park. Following consideration of the matter, the Council resolved to proceed with the vesting of Heanes Lane in the Council as public road, as set out below:

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 Officer 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 effect the land division.*
3. *That pursuant to Section 219 of the Local Government Act 1999, the Council endorses and assigns the 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.*

A map showing the location of Heanes Lane, Borthwick Park and these two (2) properties is contained within **Attachment A**.

Following the Council's decision, Council staff engaged Alexander Symonds and Norman Waterhouse Lawyers to prepare the required Plan of Division and conveyancing documentation to effect the land division and vesting of Heanes Lane as public road. The Plan of Division was approved by the Lands Titles Office on 2 June 2020.

A copy of the approved Plan is contained within **Attachment B**.

In preparing the Plan of Division, a number of existing easements for water supply, sewerage and electricity transmission were identified over the land that will be vested in the Council as public road. Pursuant to Section 208(2) of the *Local Government Act 1999* (the Act), upon deposit of the Plan of Division and vesting of the land comprising Heanes Lane in the Council as public road, all existing easements will be discharged. The consent of any easement holder is, therefore, required in respect to the discharge of these easements in order to deposit the Plan of Division at the Lands Titles Office.

SA Water has provided consent for extinguishment of an SA Water easement for sewerage purposes, as SA Water will retain statutory rights of access to its sewerage infrastructure underneath the public road under the *Water Industry Act 2012*. However, SA Water has advised that the remaining easements for water supply and sewerage purposes over the land relate to private water and sewerage pipes running underneath Heanes Lane. These private pipes connect the properties at 51A and 51B Bridge Street to SA Water's mains water and sewerage infrastructure in Bridge Street. This private water and sewerage infrastructure was likely established when this land was first divided and is not uncommon in older parts of Adelaide.

If these private easements are extinguished, the property owners will not have any legal right to access, maintain or repair their private water or sewerage infrastructure underneath the public road. In addition, as this is private infrastructure which only services the two (2) private properties, it is not recommended that the Council take over ownership and responsibility of these private assets upon Heanes Lane becoming a public road.

In addition, there are two (2) existing private easements for gas supply and electricity transmission in favour of 51A and 51B Bridge Street, which will be affected in the same manner if they are extinguished upon Heanes Lane becoming a public road.

As such, it is recommended that the Council resolves to preserve these private easements pursuant to Section 208(3) of the Act prior to the vesting of Heanes Lane in the Council as public road. This means that these easements will continue to exist over the public road for the benefit of the two (2) adjoining properties now and into the future and will be clearly visible on their Certificates of Title. This will also assist in clarifying responsibility for ongoing maintenance and repair of this private infrastructure into the future.

If the Council resolves to proceed with the preservation of these private easements, the Plan of Division will be updated to reflect this and to prevent the extinguishment of these easements upon deposit of the Plan of Division. The remaining conveyancing documentation can then be lodged at the Lands Titles Office to finalise this matter.

## **RELEVANT STRATEGIC DIRECTIONS & POLICIES**

Not Applicable.

## **RECOMMENDATION**

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 Lands Titles Office SA, along with preparation and lodgement of all other required documentation, consents and notices required to effect the land division.
-

*Cr Granozio moved:*

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 Lands Titles Office SA, along with preparation and lodgement of all other required documentation, consents and notices required to effect the land division.*

*Seconded by Cr Moore and carried unanimously.*

## 11.13 LINDE COMMUNITY GARDEN – LEASE TO NP&SP COMMUNITY GARDEN ASSOCIATION INC.

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**REPORT AUTHOR:** Manager, Governance, Legal & Property  
**GENERAL MANAGER:** General Manager, Governance & Community Affairs  
**CONTACT NUMBER:** 8366 4507  
**FILE REFERENCE:** qA70748  
**ATTACHMENTS:** A - C

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### PURPOSE OF REPORT

The purpose of this report is to present to the Council, a draft Lease between the Council and the NP&SP Community Garden Association Inc., for the use of the *Linde Community Garden* at Linde Reserve in Stepney, for the Council's consideration and approval.

### BACKGROUND

The *Linde Community Garden* was established in 2010, after a proposal was developed by an organising committee of community members and local groups established at a Public Forum which was held in November 2009. In February 2010, the Council approved the development of a Community Garden on the former artificial bowling green at Linde Reserve, Stepney. The development of the Community Garden was incorporated into the Council's Dunstone Grove - Linde Reserve Master Plan Project.

The *NP&SP Community Garden Association Inc.* ('the Association') was formed and the Association entered into a Lease with the Council on 14 September 2010 for a term of five (5) years. A subsequent Lease was entered into for a further five (5) years from 1 April 2016 to 31 March 2021. In March 2021 and prior to the expiry of this Lease, the Association formally requested a Lease of the *Linde Community Garden* for a further five (5)-year term from the Council for the period 1 April 2021 to 31 March 2026.

A draft Lease has been prepared and is contained within **Attachment A**.

A map showing the location of the *Linde Community Garden* is contained within **Attachment B**.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

#### Outcome 1: Social Equity

##### **Objective 1.3 An engaged and participating community.**

1.3.4 Facilitate community support networks and partnerships for the sharing of resources and skills in order to build community capacity.

##### **Objective 1.4 A strong, healthy, resilient and inclusive community.**

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

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

#### Outcome 2: Cultural Vitality

##### **Objective 2.5 Dynamic community life in public spaces and precincts.**

2.5.1 Facilitate a mix of land uses and activities in appropriate locations in balance with amenity and character.

### **Objective 3: Economic Prosperity**

#### **Objective 3.5 *A local economy supporting and supported by its community.***

3.5.4 Support opportunities for the community to access locally produced food and beverage produce.

### **Objective 4: Environmental Sustainability**

#### **Objective 4.3 *Thriving and healthy habitats for native flora and fauna.***

4.3.4 Facilitate community participation in revegetation programs and gardening programs, where appropriate.

### **FINANCIAL AND BUDGET IMPLICATIONS**

The draft Lease provides for a *peppercorn* rental of \$1.00 per annum (excluding GST) if demanded, on the basis that the Association is a not-for-profit incorporated association and is not using the premises on a commercial basis. The Association is responsible for paying any outgoings associated with its use of the premises – namely, electricity and water usage (subject to the Special Conditions in the Lease in relation to the supply of an annual water allowance from the Council's Stormwater Harvesting and Reuse System in Linde Reserve).

The Association is also responsible for all maintenance costs associated with the premises and any improvements and buildings on the site, on the basis that these improvements and buildings were constructed by and remain under the ownership of the Association and not the Council.

### **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

### **SOCIAL ISSUES**

Not Applicable.

### **CULTURAL ISSUES**

Not Applicable.

### **ENVIRONMENTAL ISSUES**

Not Applicable.

### **RESOURCE ISSUES**

Not Applicable.

### **RISK MANAGEMENT**

Entering into a new Lease of the premises ensures that the Lease accurately reflects the current use of the premises by the Association, together with ensuring compliance with contemporary legislative, insurance, indemnity and maintenance requirements. The Lease also serves to reduce the Council's exposure to claims from third parties that suffer injury or loss whilst at the premises.

### **COVID-19 IMPLICATIONS**

Not Applicable.

## CONSULTATION

- **Elected Members**  
Not Applicable.
- **Community**  
Community consultation on the draft Lease is not required under Section 202 of the *Local Government Act 1999* as the Lease is not for a term greater than five (5) years and is authorised by the Council's *Parks and Reserves – Community Land Management Plan*.
- **Staff**  
General Manager, Governance & Community Affairs  
Acting Manager, City Assets
- **Other Agencies**  
Not Applicable.

## DISCUSSION

The Association has occupied and managed the *Linde Community Garden* at Linde Reserve since 2010. The community garden is a shared communal facility that comprises shared plots used by members of the Association for gardening and the production of fruit, vegetables and other plants. The Garden aims to enable:

- people to join in working together side by side, to learn about organic gardening and food production and share ideas and skills;
- environmentally sustainable gardening practices such as recycling and organic gardening can be demonstrated; and
- produce to be shared amongst members of the Association, or given away or sold to gain income for the Association, but not sold for the individual gain of members of the Association.

The Association is a not-for-profit incorporated organisation. A small membership fee is charged together with fundraising events and the sale of some produce to enable the Association to continue operating. Members all contribute to the planting and growing of fruit, vegetables and plants in shared plots in the Garden and the produce is freely shared amongst members.

The Association currently has approximately 150 members comprising individuals, couples and families aged between 20 and 91. A number of members are people living with disabilities and with special needs. Membership of the Association is open to all citizens, but priority is given to citizens of the City of Norwood Payneham & St Peters and members of community groups which are located within the City.

The Council's St Peters Child Care Centre & Preschool, located adjacent to the Garden, also has their own dedicated garden bed for children at the Centre to use and several schools within the community regularly bring their early learning students through the garden. The Association is a member of the SA Community Garden Association and has twice hosted the SA Association running workshops on how to successfully establish a community garden. The Association also regularly participates in Council events including the annual St Peters Fair in Linde Garden and the Christmas Pageant. In 2016, the *Linde Community Garden* was the winner of the Community Category in the Council's annual Sustainable Garden Awards.

Over the past 10 years, the Association has made significant improvements to the site, turning a block of unproductive land into a thriving community garden with 65 individual garden beds, 14 raised wicking beds and a fruit tree orchard. The Association has also undertaken the following capital works to upgrade the facilities at the site:

- installation of a fully automated irrigation dripper system connected to the Council's recycled water supply;
- installation of 14 raised wicking beds to enable people with reduced physical capacity or people living with a disability to grown their own produce;
- construction of the straw / mud hut (wholly constructed by members and funded by the St Peters Rotary Club);
- construction of a wood fired pizza oven with mosaic art work on its external surfaces;
- construction of a concrete path and paving of sections of the Garden to provide better access for wheelchairs or other wheeled mobility aids throughout the Garden.

Some photos of the Garden showing these improvements are contained within **Attachment C**.

Over the next five (5)-year Lease term, the Association intends to continue its existing activities and community initiatives, whilst also undertaking some further capital upgrades to the infrastructure at the site. In particular:

- replacing the existing wooden edging of the garden beds;
- reconfiguring the entrance gate and area to the Garden to make it more accessible for all persons (including those seated in a wheelchair); and
- construction of a covered pergola for the outdoor pizza oven area to the south of the hut, to create a sheltered area for community gatherings.

Council staff will work with the Association to finalise the scope of these proposed works and to confirm funding arrangements with the Association (e.g. fundraising, grant funding and/or Council assistance). This will be dealt separately to the proposed Lease of the premises.

### **Draft Lease**

The draft Lease contained within **Attachment A** has been prepared on substantially similar terms to the previous Lease granted by the Council to the Association.

The Lease remains as a ground lease, on the basis that the Council owns and leases the site itself to the Association and the Association owns and is responsible for the ongoing maintenance of all of the structures, buildings and other improvements on the site, which have been constructed by the Association over the past 10 years. Upon expiry of the Lease, the Association would be required to remove these structures and improvements from the site, unless the Council determines to retain and accept ownership of these assets.

The permitted use under the Lease remains the same (namely, the operation of a community garden), however, it has been expanded slightly to incorporate fundraising and community events and initiatives run by the Association and to enable approved hire of the Garden.

The Lease is for a five (5) year term for the period 1 April 2021 to 31 March 2026, with no right of renewal. As mentioned above, the draft Lease provides for a peppercorn rental of \$1.00 per annum (excluding GST) if demanded and the Association is responsible for paying all outgoings and maintenance costs. Because the draft Lease is a ground Lease, the Association is responsible for all maintenance costs associated with the improvements and buildings on the site on the basis that these improvements and buildings were constructed by and remain under the ownership of the Association and not the Council.

The Special Conditions to the Lease have remained the same and provide for the supply of water to the Garden from the Council's Stormwater Harvesting and Reuse System in Linde Reserve. As per Special Condition 2 to the Lease, the Council provides the Association with an annual quota of 700kL of reclaimed water from the System free of charge, with any additional usage above this amount to be supplied from the SA Water mains system at the Association's cost.

Lastly, the Lease still includes a Licence from the Association to the Council for the maintenance of an electricity conduit along the eastern border of the Garden, which connects the solar panels at the St Peters Child Care Centre to the electricity supply service on Linde Reserve.

Based on the Association's successful use and development of the *Linde Community Garden* over the past 10 years and the ongoing community benefit that the Garden provides, it is proposed that the Council enters into the draft Lease with the Association for a further five (5)-year term.

### **OPTIONS**

The Council could determine not to enter into a new Lease with the Association, in which case the current lease (which was due to expire on 31 March 2021) will formally come to an end and the Association would be required to vacate the site and remove all structures and improvements. Alternatively, and as recommended in this report, the Council could determine to enter into the draft Lease with the Association for a further five (5)-year term.

### **CONCLUSION**

The NP&SP Community Garden Association Inc. ('the Association') has used and operated the *Linde Community Garden* at Linde Reserve since 2010. The Association's current Lease of the premises was due to expire on 31 March 2021 and the Association has requested a Lease from the Council for a further five (5)-year term to enable them to continue operating the Community Garden.

### **COMMENTS**

Nil.

### **RECOMMENDATION**

That the Mayor and Chief Executive Officer be authorised to execute on behalf of the Council the draft Lease contained in Attachment A between the Council and the NP&SP Community Garden Association Inc. for the *Linde Community Garden* at Linde Reserve, and that the Chief Executive Officer be authorised to make any minor amendments required to finalise the Lease in a form suitable for execution.

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*Cr Whittington moved:*

*That the Mayor and Chief Executive Officer be authorised to execute on behalf of the Council the draft Lease contained in Attachment A between the Council and the NP&SP Community Garden Association Inc. for the Linde Community Garden at Linde Reserve, and that the Chief Executive Officer be authorised to make any minor amendments required to finalise the Lease in a form suitable for execution.*

*Seconded by Cr Stock and carried.*



## 12. ADOPTION OF COMMITTEE MINUTES

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

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### PURPOSE OF REPORT

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

- Cultural Heritage Committee – (15 March 2021)  
(A copy of the Minutes of the Cultural Heritage Committee meeting is contained within **Attachment A**)
- Business & Economic Development Committee – (16 March 2021)  
(A copy of the Minutes of the Business & Economic Development Committee meeting is contained within **Attachment B**)
- Special Meeting of the Norwood Parade Precinct Committee – (23 March 2021)  
(A copy of the Minutes of the Special Meeting of the Norwood Parade Precinct Committee is contained within **Attachment C**)

### ADOPTION OF COMMITTEE MINUTES

- **Cultural Heritage Committee**

*Cr Sims moved that the minutes of the meeting of the Cultural Heritage Committee held on 15 March 2021, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Moorhouse and carried unanimously.*

- **Business & Economic Development Committee**

*Cr Callisto moved that the minutes of the meeting of the Business & Economic Development Committee held on 16 March 2021, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Dottore and carried unanimously.*

- **Special Meeting of the Norwood Parade Precinct Committee**

*Cr Whittington moved that the minutes of the Special Meeting of the Norwood Parade Precinct Committee held on 23 March 2021, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Callisto and carried unanimously.*

13. **OTHER BUSINESS**  
Nil

14. **CONFIDENTIAL REPORTS**  
Nil

15. **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 9.46pm.

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**Mayor Robert Bria**

**Minutes Confirmed on** \_\_\_\_\_  
(date)