

# Council Meeting Agenda & Reports

**1 August 2022**

## **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

28 July 2022

## To all Members of the Council

### NOTICE OF MEETING

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

**Monday 1 August 2022, commencing at 7.00pm.**

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

Yours faithfully



Mario Barone  
**CHIEF EXECUTIVE OFFICER**

---

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City of  
**Norwood  
Payneham  
& St Peters**



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**VENUE** Council Chambers, Norwood Town Hall

**HOUR**

**PRESENT**

**Council Members**

**Staff**

**APOLOGIES**

**ABSENT**

1. **KAURNA ACKNOWLEDGEMENT**
2. **OPENING PRAYER**
3. **CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 4 JULY 2022**
4. **MAYOR'S COMMUNICATION**
5. **DELEGATES COMMUNICATION**
6. **QUESTIONS WITHOUT NOTICE**
7. **QUESTIONS WITH NOTICE**  
Nil
8. **DEPUTATIONS**  
Nil
9. **PETITIONS**  
Nil
10. **WRITTEN NOTICES OF MOTION**

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**10.1 NATURE STRIPS – APPROPRIATE MATERIAL TO BE USED – SUBMITTED BY CR EVONNE MOORE**

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**NOTICE OF MOTION:** Nature Strips – Appropriate Material to be Used  
**SUBMITTED BY:** Cr Evonne Moore  
**FILE REFERENCE:** qA1039  
**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 staff prepare a report on:

1. the most appropriate material to use on nature strips, taking into account aesthetic, environmental and economic factors as well as current 'best practice' criteria; and
2. an appropriate separation of cementateous fill on nature strips from the base of existing street trees."

**REASONS IN SUPPORT OF MOTION**

Councils lay material on nature strips to provide a stable surface for pedestrians to use and to suppress weed growth. More recently the need to provide an appropriate material to support healthy street trees in an era of extra stresses for street trees, including urban infill and climate change, is receiving attention from progressive councils. At present our Council lays dolomite and quartzite on nature strips.

**Dolomite**

Dolomite is a type of limestone containing high levels of magnesium and calcium carbonate. It is alkaline. Adelaide plains soils are generally alkaline. Horticultural advice is that alkaline materials should never be added to alkaline soils to create hyper-alkalinity. The late Peter Cundall, a gardening expert, stated "*Use dolomite only if you've got acidic soils*". (Gardening Australia Fact Sheet, Soil Improvement [www.abc.net.au/gardening/stories/1503292htm](http://www.abc.net.au/gardening/stories/1503292htm)). By laying dolomite, Council is introducing a high level of alkalinity into the top level of nature strips which may interfere with the ability of street trees to absorb soil nutrients.



**Dolomite – Frederick Street, Maylands**



**Dolomite – Sixth Avenue, Peters**

Dolomite consists of particles of different size. This allows it to pack down to form an impenetrable barrier between the atmosphere and ground soil. The impermeable dolomite layer:

- (a) prevents rainfall penetrating to street tree roots where the rain is needed; and
- (b) prevents the exchange of gases which tree roots need to make with the atmosphere.

In 2016 the Director of Treenet based at the Waite Campus at the University of Adelaide, Dr. Glenn Williams, advised me that as well as affecting soil pH, *“The critical effect of dolomite is that it is cementaceous material and readily compacts under rainfall and traffic. Behaving this way it will impede the basic performance of tree roots trying to freely access air, water and nutrients.”* (Email 28/11/2016).

Kevin Handreck, B.Sc.M,Ag.Sc., a horticultural consultant and author of several gardening books and scientific papers, recently told me that *“It is the combination of alkalinity with the impervious nature of dolomite that creates most problems.”* (Phone conversation 23/6/2022)

Our Council has recently banned artificial turf on nature strips on the grounds that it retains heat in the summer sun and reduces or prevents the penetration of rain on to street tree roots. Kevin Handreck told me that fake turf can “cook” a street tree’s roots in summer. While Council has banned artificial turf for sound environmental reasons, we continue to lay on nature strips a material which also warms up our footpath environment in summer, prevents the infiltration of rainfall on to street tree roots and blocks gaseous exchange which tree roots need to make with the atmosphere. Our Council should be consistent in its treatment of nature strips and seriously re-consider not laying alkine cementaceous dolomite on them, I submit.

The impervious nature of dolomite repels precious rain and contributes to the growing volumes of stormwater run-off our street gutters have to cope with. In the long term, increasing the absorptive power of our nature strips will contribute to the moistening and health of our nature strip soils and help lessen stormwater run-off.

The report to Council on the Street Verges Planting Policy of 4 July 2022 stated that;

*“Better infiltration of stormwater to improve soil moisture ... can assist in improving the health of street trees and reduces damage to infrastructure due to shallow roots close to footpaths and structures.”*

These benefits would also flow from Council not laying more impervious dolomite on nature strips.

Dolomite has a harsh dark grey metallic appearance which is unattractive in the streetscape. It warms up in the summer sun due to its dark grey colour and its cementaceous quality. Because its particles are different in size, it packs down like cement, ensuring it does not contain air or moisture which would cool it in the summer sun. Dolomite is contributing to the warming of our footpaths in summer.

## **Quartzite**

Quartzite presents as a white or sandy coloured material which reflects the sunlight and does not heat up as much as metallic dolomite does in the summer sun. Sandy coloured quartzite has a softer appearance in the streetscape. The former St Peters Council used quartzite in the form of white gravel. These gravel pieces were larger than the sandy material used by our Council at present. Large gravel pieces of quartzite of roughly similar size allow plenty of rain to penetrate to street tree roots and more than adequate capacity for tree roots to exchange gases with the atmosphere. The disadvantage of large gravel pieces, however, is that they can be kicked off the nature strip. Our Manager, City Services, has advised me that any quartzite we use “needs to pack down”. The quartzite our Council now uses in some suburbs presents as a coarse sandy coloured material. Generally quartzite does not pack down like dolomite does to form an impervious barrier between soil and atmosphere. (Dr.Glenn Williams, Dr. Tim Johnson, Kevin Handreck). This is a big plus for quartzite on nature strips.

However the quartzite material we are now laying down may be as cementaceous as dolomite, I have been advised by the current Director of Treenet, Dr. Tim Johnson, who has looked at quartzite recently laid on the nature strip on Stephen Terrace between Fourth and Fifth Avenues. Dr. Johnson said;

*“This quartzite is a poor quality quarry product which looks like X6, a fine left-over material.”*  
(Telephone conversation 21/7/2022)



**Quartzite – Stephen Terrace, St Peters**



**Quartzite - Stephen Terrace, St Peters**  
(Note proximity of quartzite to young tree)

I was shocked to hear this opinion. Our present Council policy is to lay quartzite in suburbs which were in the former St Peters Council and dolomite in the suburbs governed by the former Payneham and Norwood Councils. This policy was agreed at the council amalgamation in 1997. If we are laying poor quality quartzite in the former St. Peters Council suburbs, this is very disappointing. It means the quartzite we are laying is probably as cement-like in its qualities as dolomite is in preventing rain penetration and gaseous exchange for street tree roots.

### **General Issues**

It is onerous for staff to remember the demarcation lines between different suburbs and in the past few years dolomite has been laid on some nature strips in the streets of suburbs (e.g. Maylands, Evandale) where quartzite should have been laid, to accord with Council policy. It is probably time for Council to adopt a consistent approach across the whole Council area.

On the issue of weed-suppression, Dr. Tim Johnson of Treenet told me;

*“I’ve had a bit to do with weeds on verges over the past 30+ years in councils, and bare earth, dolomite and X6-style backfill materials are some of the worst to control. Porous coarse sands and gravels can actually reduce weed growth as they act a little like mulches, but there is no such thing as a maintenance-free verge.”* (email 22/7/2022)

Treenet, the State tree research body at the Waite Institute, has information on its Website about materials for council use on nature strips. Dr Johnson directed me to Mitcham Council’s adoption of granitic sand which looks attractive and packs down while allowing rainfall penetration and gaseous exchange.





Granitic Sand – Price Avenue, Clapham  
(Mitcham Council)



Granitic Sand – Price Avenue, Clapham  
(Mitcham Council)

This motion does not seek to have any existing verge material removed *en masse* retrospectively. Dolomite will remain on our nature strips for decades. This motion does however seek a review of the material our Council uses in future, and if we do decide to keep laying cementaceous material on nature strips, that we review how closely we lay it to the trunks of existing street trees to ensure their future health.

### Strategic Plan

Council aspires to be an environmental leader:

- 4.1.1 Make better use of water resources including the harvesting and re-use of stormwater.
- 4.1.6 Manage stormwater to reduce the risks of flooding.
- 4.2.1 Improve the amenity and safety of streets for all users including reducing the impact of urban heat island effect.
- 4.2.2 Protect, **enhance** and expand public open space (emphasis added)
- 4.4.2 Undertake climate change adaption initiatives for our assets, public spaces, services and operations.

There are also a host of relevant provisions in Council's Tree Strategy which I have not had the time or energy to pull out to quote.

### STAFF COMMENT

**PREPARED BY GENERAL MANAGER, URBAN PLANNING & ENVIRONMENT**

A report, as requested, will be provided to the Council.

**10.2 BUNNINGS DEVELOPMENT – 37-43 GLYNBURN ROAD, GLYNDE – SUBMITTED BY CR KEVIN DUKE**

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**NOTICE OF MOTION:** Bunnings Development – 37-43 Glynburn Road, Glynde  
**SUBMITTED BY:** Cr Kevin Duke  
**FILE REFERENCE:** qA1039 DA 22014444  
**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 Kevin Duke.

**NOTICE OF MOTION**

1. That staff prepare a report setting out the process which is required to be followed by Bunnings in respect to the implementation of Development Application Number 22014444, which was approved by the Council Assessment Panel on 20 July 2022, with particular reference to the process associated with access from Penna Avenue to the site.
2. That the report referred to in Point 1 above be presented to the Special Council Meeting to be held on 22 August 2022.

**REASONS IN SUPPORT OF MOTION**

Through the assessment process associated with this development application, a number of concerns have been raised in respect to the effect the development will have on the local amenity in terms of traffic management and parking.

This report seeks to ensure the Council is appraised of the issues associated with the development and the impact it will have on the local industries and residential streets through the generation of a huge amount of traffic and proposed strategies to manage these matters, both during the construction phase and final completion of the development.

**STAFF COMMENT**

**PREPARED BY GENERAL MANAGER, URBAN PLANNING & ENVIRONMENT**

A report, as requested, will be provided to the Council.

**11. STAFF REPORTS**



## **Section 1 – Strategy & Policy**

### **Reports**

## 11.1 WEBBE STREET CARPARK – FEASIBILITY STUDY

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**REPORT AUTHOR:** Manager, Economic Development & Strategic Projects  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 83664509  
**FILE REFERENCE:** qA92250  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to present to the Council for its consideration, the results of the Feasibility Study for the construction of additional levels on the Webbe Street Carpark.

### BACKGROUND

The Council allocated \$50,000 to investigate the construction feasibility of building additional level/s on the Webbe Street Car Park. The objective of the Project was to assess the structural capacity of the existing car park to determine if the structure can accommodate one or more additional levels and to obtain high level cost estimates, as well as any other changes that may be necessary and/or warranted to manage traffic.

The Webbe Street Car Park was originally designed in 1989 by PPK Engineers. Following construction of the carpark in 2003, the car park was extended to the north along the Harris Street boundary and a dedicated ramp and bridge over Webbe Street, to gain vehicular and pedestrian access to the roof level of the Norwood Place Shopping Complex, was constructed at the eastern end of the car park. This extension was designed by Hardy Milazzo Architects and KBR, Structural Engineers.

The construction of the ramp and bridge over Webbe Street, was in response to the upgrade of the Norwood Pace Shopping Centre, where the Council entered into negotiations with the owners of the Shopping Centre to facilitate the proposed development, as the proposal involved the use of Council owned land (namely the Webbe Street Car Park). The upgrade also involved a land swap to allow for the development of the Shopping Centre, including additional space below ground level to create an efficient layout for the undercroft car parking deck in exchange for land, which allowed the Council to provide additional office space for the Council's Offices.

As part of the original design and the 2003 extension, it was envisaged that the Webbe Street Car Park would be able to be extended to incorporate a second and a third level, if required.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes, Objectives and Strategies of the Council's Strategic Management Plan, CityPlan 2030, are outlined below:

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

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

Strategy 1.1.2 Maximise access to services, facilities, information and activities.

Strategy 1.1.3 Design and provide safe, high quality facilities and spaces for all people.

### FINANCIAL AND BUDGET IMPLICATIONS

A total of \$50,000 has been allocated by the Council to undertake investigations into the capacity of the Webbe Street Car Park to accommodate additional levels for car parking. To date, a total of approximately \$27,000 has been spent in the engagement of dwp Australia and KBR Engineering, to undertake the structural assessment and develop the Schematic Design.

The preliminary cost estimate based on the Schematic Design contained in **Attachment A**, is in the order of \$7.4M. This equates to a cost per car park of approximately \$30,500, which is on par with the average construction cost of open deck multi-storey car parking spaces in the Adelaide Metropolitan area.

The 2022-2023 Adopted Budget has not provided for any funding in addition to the initial funding allocation of \$50,000, which has been carried forward from previous budgets.

Given that the Council has no allocated budget for this Project and that the construction of additional levels on the Webbe Street Car Park have not been considered as part of the Council's Long Term Financial Plan, there is no requirement for the Council to make a decision in respect to the on-ground works at this point in time. It is therefore recommended that consideration of any further works be deferred. However, should the Council resolve to proceed with the Project, the Council will be required to prepare a Prudential Report, as required under Section 48 of the *Local Government Act 1999*. An appropriately qualified consultant will need to be engaged to prepare the report, which will not only address the economic feasibility for the Council to undertake the investment required but will also consider all of the issues associated with the construction of these additional levels, including reputational risks. The estimate cost of preparing a Prudential Report is in the order of \$20,000.

### **EXTERNAL ECONOMIC IMPLICATIONS**

Over the last three decades the substantial enlargement of regional shopping centres, such as Westfield Tea Tree Plaza, Westfield Marion and Burnside Village has put significant pressure on traditional main streets such as The Parade to reinvent themselves and provide a range of experiences and conveniences in order to compete. However, with the recent shift towards higher density inner metropolitan living, a greater emphasis on introducing and implementing economic development strategies and promoting shopping local, has meant that main streets such as The Parade have been able to maintain their retail vitality and metropolitan significance.

### **SOCIAL ISSUES**

Not Applicable.

### **CULTURAL ISSUES**

Not Applicable.

### **ENVIRONMENTAL ISSUES**

Not Applicable.

### **RESOURCE ISSUES**

Should the Council resolve to undertake the detail design and construction of additional levels on the Webbe Street Car Park, it is envisaged that this Project will be managed by Council Staff. However, given the number of major projects currently being delivered by the Council, the capacity of staff to undertake a Project of this scale, at this point in time, is very limited. Furthermore, given the current budget constraints, resolving to proceed with this Project will require the Council to resolve to defer the delivery of one or more other projects equivalent to the value of this Project.

### **RISK MANAGEMENT**

At this stage, given that the Project is only at the feasibility stage, the full extent of the risks to the Council have not been identified. However, given the significant cost associated with the delivery of this Project, it is critical that prior to the Council committing to any additional investment in the Webbe Street Car Park, that the Council prepares a Section 48 Prudential Report and through that process, identifies all of the potential risks for the Council, including the impact of traffic along Webbe Street, Harris Street and George Street.

Section 48 of the *Local Government Act 1999*, requires the Council to obtain and consider a Prudential Report before the Council engages in any project where the Council considers the Project to be necessary or appropriate.

## COVID-19 IMPLICATIONS

At this this stage there are no Covid-19 implications associated with this Project.

## CONSULTATION

- **Elected Members**  
Not Applicable.
- **Community**  
There has been no community consultation regarding this matter.
- **Staff**  
Manager, City Assets  
Manager, Governance & Legal  
Project Manager
- **Other Agencies**  
Not Applicable.

## DISCUSSION

In May 2022, dwp Australia (formerly Hardy Milazzo Architecture) and KBR Engineering were engaged to undertake a structure assessment of the car park to verify whether the existing structure is able to support any additional floors and to develop a concept plan for the purposes of obtaining first order cost estimates. The basis for engaging dwp and KBR Engineering is that these consultants have previously been involved with the design of the car park and therefore have the relevant documentation available for reference.

The structural assessment (contained in **Attachment B**), which was undertaken by KBR indicates that the structure can accommodate an additional two (2) levels however, the existing structure will require some minor strengthening work, as the Structural Codes relating to Earthquake Design and Concrete Materials have been upgraded since the carpark was original designed and constructed in 1989. The exact extent of strengthening work will depend on several variables, including the dimensions of the additional levels, the weight of the extensions, geotechnical conditions and accurate modelling of the variable heights of the existing ground floor columns.

Following the completion of the structural assessment dwp Australia prepared the Schematic Design, which is contained in **Attachment A**. The Schematic Design illustrates how the two (2) additional levels can be accommodated, recognising that there are other possible options for the layout of the car parking spaces and the circulation of the vehicles.

There are currently 301 car parking spaces in the Webbe Street Car park spread out over the two (2) levels (ie ground level and first floor). The additional two (2) levels will increase the total number of car parks by 242, resulting in a total of 543 spaces – which comprises of 12 disabled spaces, 138 spaces on the Ground Floor, 127 spaces on Level 1, 127 spaces on Level 2 and 139 spaces on Level 3.

In the proposed Schematic Design, the additional levels do not impinge on the existing ramp and vehicular access bridge to the Norwood Place roof top carpark. However, should this project proceed with one or both of the additional levels, discussions with the owners of the Parkade Pty Ltd will be required to identify their future development intentions for Norwood Place. These discussions will assist in determining the location of the ramps.

## Construction Logistics

The construction period for the additional two (2) floors is approximately six (6) months and it is anticipated that the car park will need be closed during that time due to public safety issues. In addition, it may also be necessary to close parts of Webbe Street and/or Harris Street for some periods of time to enable access for the delivery of materials and for concrete pours. As the car park will be closed access to the Norwood Place roof top car park will also be closed, which will place additional pressure on the carparking in and around The Parade.

## **Funding Model**

Given the significant cost of the Project, the Council would need to determine how the additional levels are funded. These options range from the Council totally funding the Project without any revenue to cover the expenditure, through to the Council funding the Project and recovering costs through charging for car parking. Given that all major car parks in the heart of The Parade (with the exception of Webbe Street, which is owned and run by the Council) are all paid car parks.

The model for charging would need to be investigated, however it is envisaged that providing a period of free parking (ie 2-3 hours) would be the preferred model, as it would align with the current model used by Norwood Place. However, given the recent State Government announcement that it intends to introduce new legislation to block a proposal by Westfield to charge customers for parking at Tea Tree Plaza – there may be some opposition to introducing further paid parking along The Parade, particularly if the car park is owned and operated by the Council.

Under the State Government's proposed Bill, which will apply to any shopping centre in the State over 34,000 square metres, operators will be required to apply to charge for parking but would need to first go through a community consultation process, arranged through the relevant local council, before it is approved. The State Government has indicated that its intent is to be able to apply the legislation retrospectively, which means that it could impact shopping centre operators who have been charging car parking fees for years.

## **OPTIONS**

The Council has a number of options available, ranging from simply noting the outcome of the Feasibility Study and not proceeding any further through to resolving to undertake the construction of the two (2) additional levels. However, given the estimated cost of the Project and the extent of major projects that the Council is already delivering or committed to delivering over the next five (5) years, both from a financial and resource perspective the option of progressing with this Project at this point in time is not recommended.

## **CONCLUSION**

The Feasibility Study has identified that the Webbe Street Carpark has the capability to accommodate up to two (2) additional levels. This will remain a viable option for the Council should it resolve to proceed with this Project at a future date.

## **COMMENTS**

Whilst it is structurally feasible to add two (2) additional floors to the existing Webbe Street Car Park at an estimated cost of around \$7.4 M, given the current number of projects and scope of projects in the Council's Long Term Financial Plan, it is recommended that this project be re-assessed in 12 months to determine its priority.

Notwithstanding this, through a Notice of Motion considered by the Council at its meeting held on 7 February 2022, the issue of improving pedestrian access was raised and this will be assessed and, if necessary/required, appropriate action taken.

## **RECOMMENDATION**

That the contents of this report be received and noted.

## **Attachments – Item 11.1**

# Attachment A

## Webbe Street Carpark Feasibility Study

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

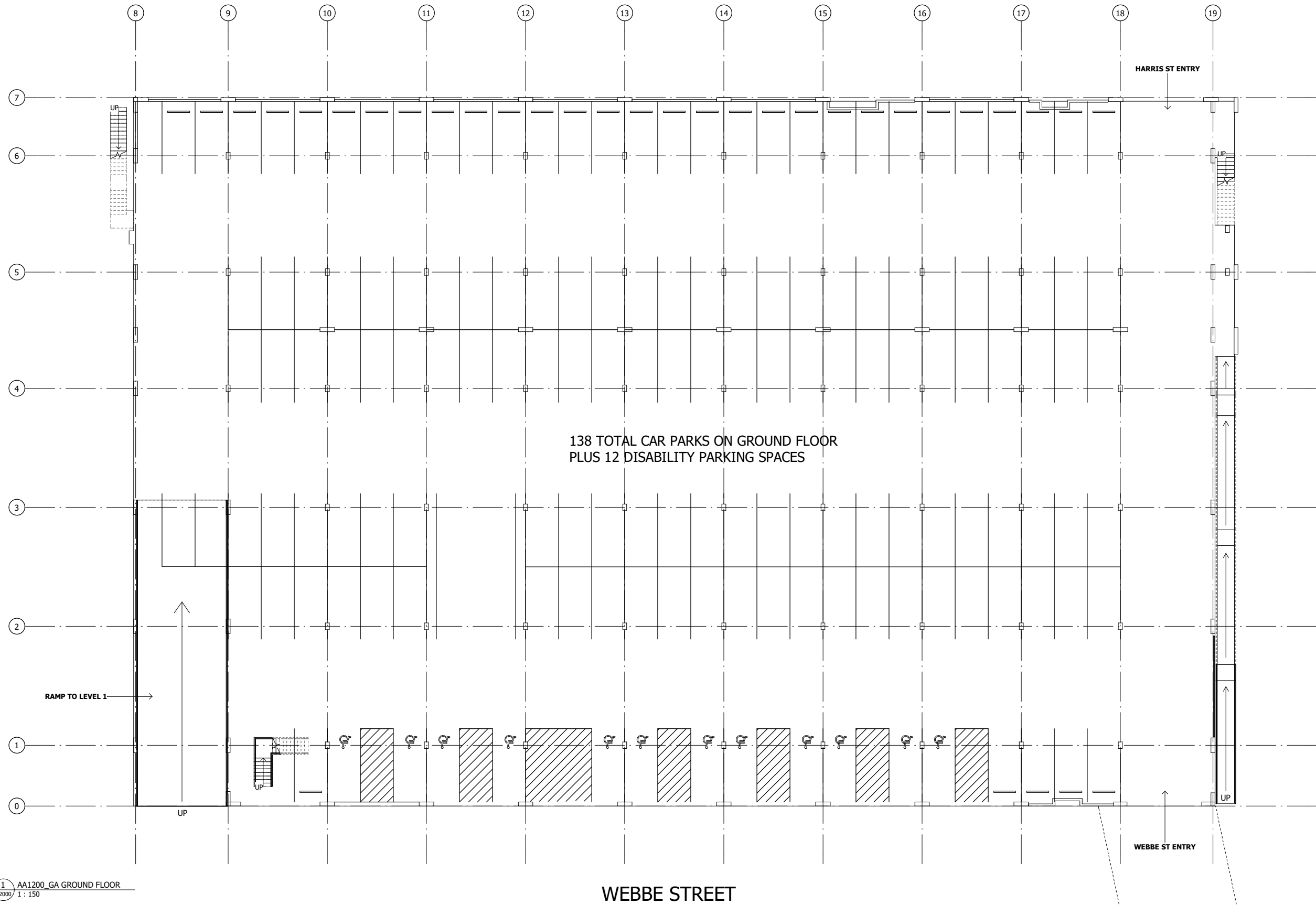
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*City of*  
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# HARRIS STREET



138 TOTAL CAR PARKS ON GROUND FLOOR  
 PLUS 12 DISABILITY PARKING SPACES



**SCHEMATIC DESIGN**  
 NOT TO BE USED DURING CONSTRUCTION

Issue	Description	Date	Chk	Auth
1	Architect/ Designer		dwp	
	www.dwp.com			

Client  
 City of Norwood Payneham and St Peters

Project  
 Webbe Street Car Park, Norwood - New Levels  
 Location  
 Webbe St, Norwood

Project Number  
**22-0182**

Drawing  
**GROUND FLOOR**

Scale (A1)  
**1 : 150**  
 Date Printed  
**27/05/2022 5:16:44 PM**  
 Drawing Number  
**AA1200**  
 Issue

1 AA1200\_GA GROUND FLOOR  
 A2000/ 1 : 150

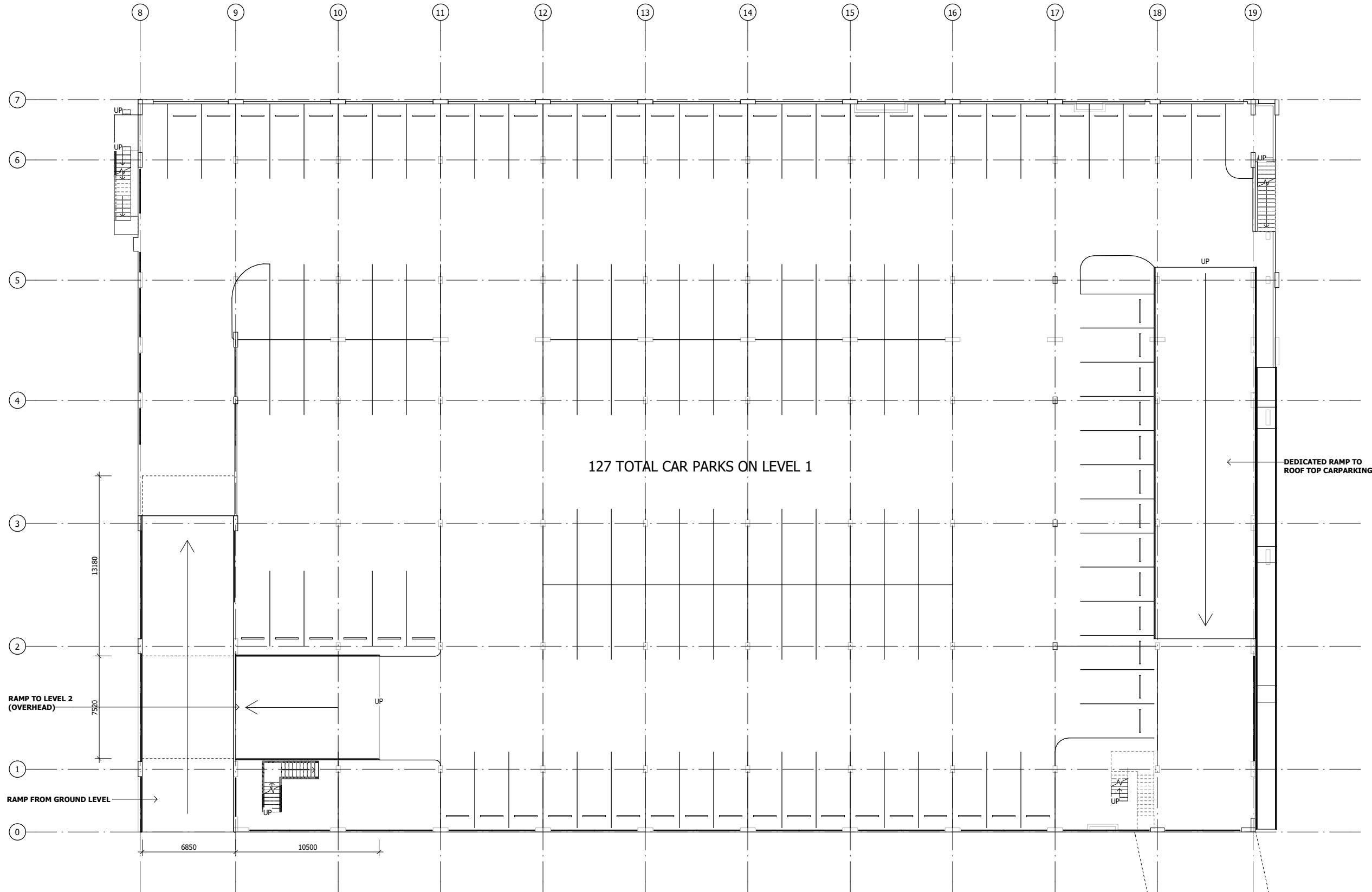
**TOTAL CAR PARK NUMBERS -**

- ORIGINAL PARKING SPACES - 301
- NEW PROPOSED PARKING SPACES - 531 + 12 DISABILITY



File Name: B:\14\_3662\22-0182\_Webbe Street Car Park\_Norwood - New Levels\22-0182\_AR\_WEBBEST\_NORWOOD\_R21.rvt





1 AA1201\_GA LEVEL 1  
 A2000 1 : 150

- TOTAL CAR PARK NUMBERS -**
- ORIGINAL PARKING SPACES - 301
  - NEW PROPOSED PARKING SPACES - 531 + 12 DISABILITY



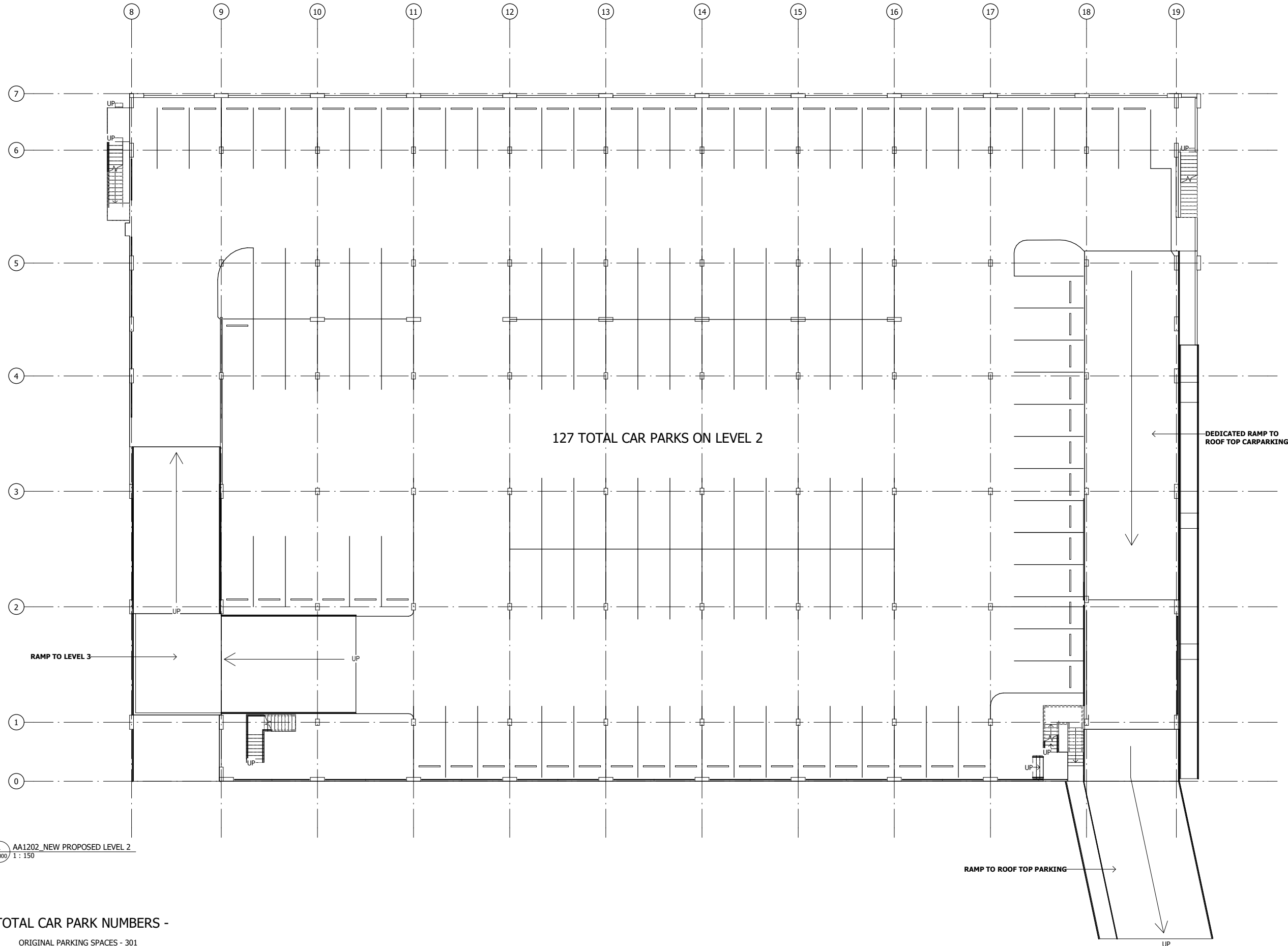
**SCHEMATIC DESIGN**  
 NOT TO BE USED DURING CONSTRUCTION

Issue	Description	Date	Chk	Auth
Architect/ Designer dwp www.dwp.com				
Client City of Norwood Payneham and St Peters				
Project Webbe Street Car Park, Norwood - New Levels				
Location Webbe St, Norwood				
Project Number <b>22-0182</b>				
Drawing <b>Level 1</b>				
Scale (A1) 1 : 150				
Date Printed 27/05/2022 5:16:44 PM				
Drawing Number <b>AA1201</b>				
Issue				



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127 TOTAL CAR PARKS ON LEVEL 2

DEDICATED RAMP TO ROOF TOP CARPARKING

RAMP TO LEVEL 3

RAMP TO ROOF TOP PARKING

1 AA1202\_NEW PROPOSED LEVEL 2  
 A2000 1 : 150

- TOTAL CAR PARK NUMBERS -**
- ORIGINAL PARKING SPACES - 301
  - NEW PROPOSED PARKING SPACES - 531 + 12 DISABILITY



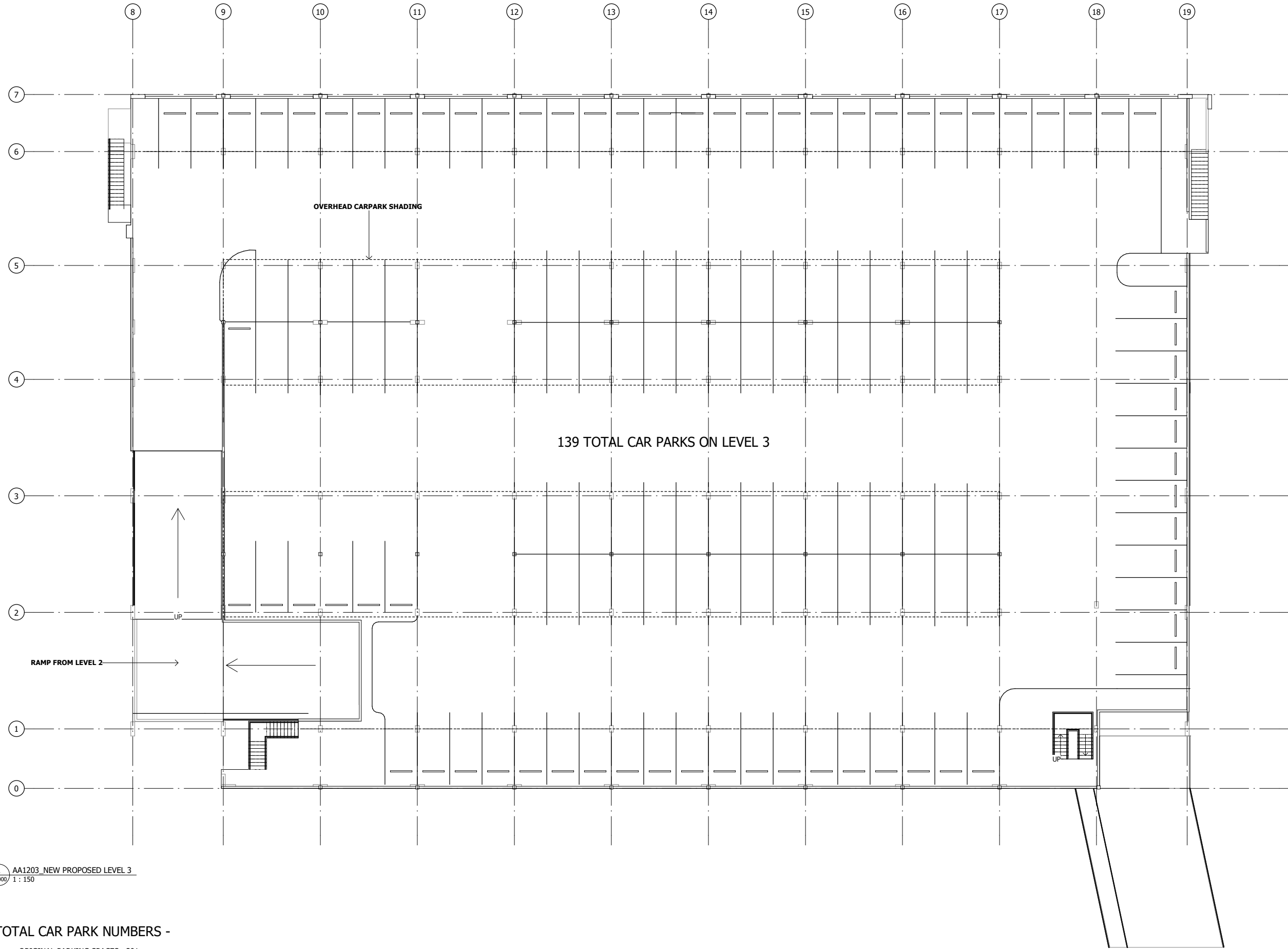
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Issue	Description	Date	Chk	Auth
Architect/ Designer	dwp			
Client	City of Norwood Payneham and St Peters			
Project	Webbe Street Car Park, Norwood - New Levels			
Location	Webbe St, Norwood			
Project Number	22-0182			
Drawing	Level 2			
Scale (A1)	Date Printed			
1 : 150	27/05/2022 5:16:45 PM			
Drawing Number	Issue			
AA1202				



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139 TOTAL CAR PARKS ON LEVEL 3

OVERHEAD CARPARK SHADING



**SCHEMATIC DESIGN**  
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Issue	Description	Date	Chk	Auth
Architect/ Designer	dwp			
	www.dwp.com			

Client  
City of Norwood Payneham and St Peters

Project  
Webbe Street Car Park, Norwood - New Levels  
Location  
Webbe St, Norwood

Project Number  
**22-0182**

Drawing  
**Level 3**

Scale (A1)	Date Printed
1 : 150	27/05/2022 5:16:45 PM
Drawing Number	Issue

AA1203

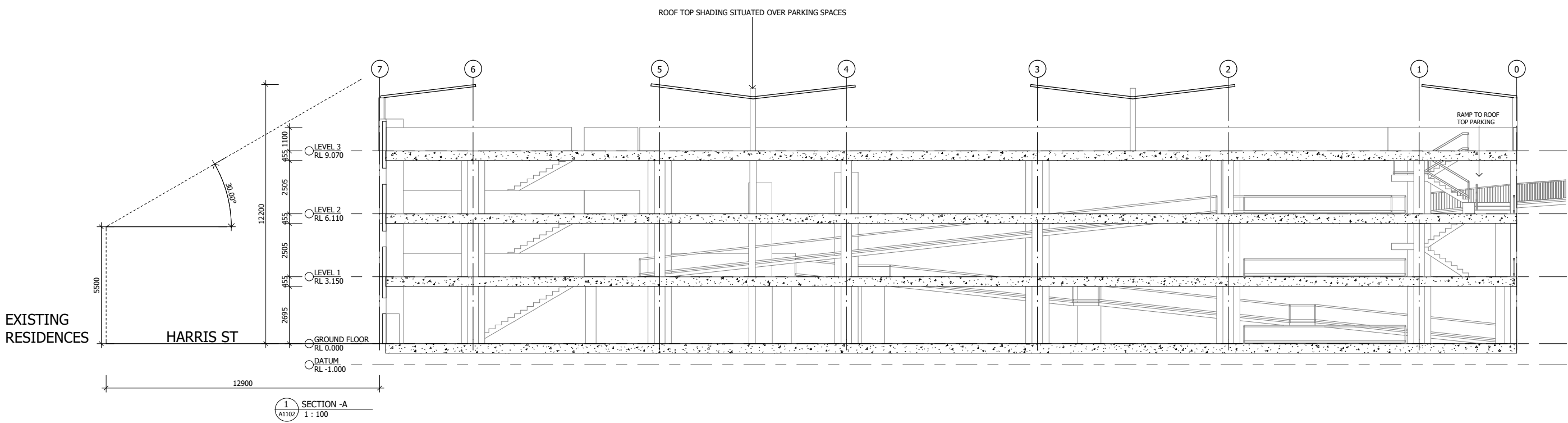


1 AA1203\_NEW PROPOSED LEVEL 3  
A2000 1 : 150

**TOTAL CAR PARK NUMBERS -**

- ORIGINAL PARKING SPACES - 301
- NEW PROPOSED PARKING SPACES - 531 + 12 DISABILITY

File Name: B:\14\_3662\22-0182\_Webbe Street Car Park\_Norwood - New Levels\22-0182\_AR\_WEBBEST\_NORWOOD\_R21.rvt



1 SECTION -A  
 A1102  
 1 : 100

**SCHEMATIC DESIGN**  
 NOT TO BE USED DURING CONSTRUCTION

Issue	Description	Date	Chk	Auth
Architect/ Designer	dwp			
www.dwp.com				
Client	City of Norwood Payneham and St Peters			
Project	Webbe Street Car Park, Norwood - New Levels			
Location	Webbe St, Norwood			
Project Number	22-0182			
Drawing	SECTION A			
Scale (A1)	1 : 100	Date Printed	27/05/2022	5:16:45 PM
Drawing Number	AA3000	Issue		

**CAR PARK NUMBERS -**

- ORIGINAL PARKING SPOTS - 301
- NEW PROPOSED PARKING SPOTS - #



File Name: B14\_3602/22-0182\_Webbe Street Car Park, Norwood - New Levels/22-0182\_AR\_WEBBEST\_NORWOOD\_R21.rvt

# Attachment B

## Webbe Street Carpark Feasibility Study

---

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**



## TECHNICAL MEMORANDUM

<b>DATE</b>	09 May 2022
<b>TO</b>	Richard Wunderlich, City of Norwood Payneham and St Peters
<b>FROM</b>	Ned Dally
<b>COPY</b>	
<b>PROJECT</b>	AES253-TD-ST-TCN-0001
<b>SUBJECT</b>	Webbe Street Car Park Extension Feasibility – Structural Engineering Assessment

This technical memo has been prepared at your request and is based on limited information that you have provided, it is not intended as, and is not, a detailed and thorough analysis of the relevant issues considered. Reliance or action taken upon it or the information contained within it is at your sole risk and the Company disclaims any liability as a consequence of or in relation to such reliance or action.

KBR has undertaken a desktop study, including a site inspection, to assess the feasibility of extending the Webbe Street Car Park, by adding 2 storeys to the existing single storey car park.

The assessment was undertaken at the request of the City of Norwood Payneham and St Peters, specifically to assess the feasibility of adding 2 storeys to the carpark, utilising current Australian Standards for loading and concrete design.

KBR has assessed that it is feasible to add 2 storeys to the existing structure. Some relatively minor strengthening of the existing single storey structure is likely to be required. The exact extent of strengthening depends on the several variables, including the plan dimensions of the extra storeys, the weight of the extensions, geotechnical conditions and accurate modelling of the variable heights of the existing ground floor columns. A high level element assessment has been carried out as part of this feasibility study and it is expected that a detailed final design would enable a refined assessment of building elements to be undertaken.

A summary of the methodology used and findings are summarised below.

### Review of existing design

The car park was originally designed in 1989 by PPK. An extension to the north was designed in 2003 by KBR. Both designs envisaged that the car park would be able to be extended to incorporate a second and third storey.

Calculations by PPK were reviewed. Drawings of the original carpark were not viewed by the date of this assessment. Calculations and drawings by KBR were reviewed.

Both designs were undertaken in accordance with loading codes and material codes that were current at the time of design. The relevant loading codes include AS 1170 for dead load, live load, wind load and earthquake code. The relevant material codes include AS 3600, Concrete structures.

The structural form includes a concrete slab on permanent, load bearing metal deck, in turn supported on wide concrete band beams. Vertical and lateral loads are resisted by columns acting as sway frames in conjunction with band beams and edge beams.





### Site Inspection

A site inspection was undertaken on 3 May 2022. The As-built layout of columns and beams matches the issued for construction documentation, including the PPK calculations and KBR drawings. Member sizes for typical columns and beams matched the documented sizes. Some variations were noted, including the substitution of condeck metal deck in lieu of bondek for the car park slab and the substitution of in-situ concrete for the ramp leading to the main shopping centre building.

Whilst beyond the scope of the current assessment, several observations of deterioration of the structure were made. These include corrosion of the metal deck permanent structural formwork, general efflorescence on the band beam soffit and top of columns, top face cracking of the suspended slab and spalling of some stub columns that extend above the suspended slab.

Photos of typical deterioration are shown below.



**Figure 1** Rusted Bondek



**Figure 2** General efflorescence



**Figure 3** Spalling of top level column stubs



**Figure 4** Top level slab cracking

Most of the deterioration observed is a result of stormwater and cracking of the slab. It was observed that some cracks have been patched already and it is likely that this will be a required ongoing item of maintenance. It is noted that construction of additional floor levels above will assist in providing protection against stormwater runoff and the corrosion induced.

A subsequent site inspection was undertaken on 5 May 2022 to inspect the south west corner of the ramp to the main shopping centre building. It was observed to be spalled in this area. The concrete in this area is non-structural and adjacent to a movement joint. It is recommended that the movement joint and the embedding concrete immediately around the joint is re seated correctly and resealed, including replacement of the spalled concrete, suitably fitted with flexible material where it abuts the main building.

A photo of the spalled concrete is shown below.



**Figure 5 Pedestrian ramp concrete deterioration**

#### **Assessment against Current Codes**

The current earthquake code, AS 1170.4, was introduced in 2007 and the most recent addendum issued in 2018. The current Concrete Structures code, AS 3600, was introduced in 2018. A number of changes have been made to design codes since the Webbe Street car park was designed. The most significant being that in 1989, the car park was not required to be assessed or designed for earthquakes, as the code in existence at that time only required buildings higher than 12 m to be designed for earthquakes. Typically, buildings are now required to be designed for earthquake loads which are approximately 50% greater than the requirements that applied in 2003, when the car park was extended.

More minor, but important changes have been made to the detailing requirements of concrete structures to resist earthquake loads. In general, AS 1170.1 Loading Code and AS 3600 requirements for designing structures to support self-weight and live loads, remain unchanged and consistent with requirements that existed in 1989.

As part of this feasibility study, KBR has modelled typical elements of the as built structure for the first floor and assumed repetition of those elements to support future Level 2 and Level 3 extensions. The applied self-weight and live loads were applied in accordance with current codes, being consistent with the 1989 and 2003 designs. Earthquake loads were applied in accordance with the current addendums of the AS 1170.4 Earthquake Code. The earthquake loads were applied using the 'static method', which is appropriate for a high level feasibility study, particularly for a low rise, regular building.

A simplified three dimensional model was made utilising Spacegass software and subjected to the design loads.

The findings are summarised below.

- Footings-Reactions consistent with original designs. Design codes unchanged. Expect footings to be adequate.
- Typical internal columns (500 x 300)-vertical loads consistent with original designs. Column structurally adequate for combined bending and axial load for strength. Design codes for detailing unchanged. Expect columns to be adequate.



- Typical external columns (1100 x 300)-vertical loads consistent with original designs. Column structurally adequate for combined bending and axial load for strength. Design codes for detailing have changed. Closer spacing of ligatures is required, compared to the as built design. Columns expected to require modification to meet current code requirements.
- Typical corner L shaped columns (1100 x 1100)-vertical loads consistent with original designs. Column structurally inadequate for combined bending and axial load for strength. Design codes for detailing have changed. Closer spacing of ligatures is required, compared to the as built design. Columns require additional bending strength. Columns expected to require modification to meet current code requirements.
- Overall lateral displacement-these are within the limits of allowable displacement specified in the current earthquake code.
- Internal band beams-Bending moments and shear forces are slightly higher than the original designs, with the increased effects due to earthquake loads. Design codes unchanged. Expect that more refined modelling will conclude that the band beams are adequate.
- External edge beams-Bending moments and shear forces are higher than the original designs, with the increased effects due to earthquake loads. Design codes unchanged. Expect that more refined modelling will conclude that the edge beams are adequate. An alternative solution would be to add a small amount of vertical bracing between several bays.

#### **Summary of Strengthening Requirements**

The likely extent of strengthening is summarised below.

- External 1100 x 300 columns-apply carbon fibre wrapping. Likely to apply to most columns. Scanning of columns may indicate there are some columns with adequate spacing of ligatures, which would not require wrapping.
- Corner 1100 x 1100 columns-apply externally bonded steel plate or carbon strips to enhance bending capacity.
- Ramp leading to main shopping centre-amend the seating connection to the main building, to accommodate the calculated movements during the design earthquake.
- General-there are some uncertainties in the high level assessment undertaken as part of this feasibility study. Some additional bracing may be required(several bays at ground level), comprising a steel braced portal frame, typically installed between external columns, such that existing car parking is not affected.

## 11.2 FELIXSTOW RESERVE BASKETBALL COURT

---

**REPORT AUTHOR:** Project Manager, Urban Design & Special Projects  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4506  
**FILE REFERENCE:** qA59925  
**ATTACHMENTS:** A – F

---

### PURPOSE OF REPORT

The purpose of this report is to advise the Council of the results of the community consultation and CCTV monitoring relating to the use of the Felixstow Reserve basketball court.

### BACKGROUND

At its meeting held on 6 December 2021, the Council considered a report titled *Felixstow Reserve – Use of Basketball Equipment*. The report provided an overview of the redevelopment of Felixstow Reserve, with an emphasis on the use of the basketball court since its opening in February 2019. In particular, the report contained information regarding:

- the steps which were undertaken in the preparation of the Felixstow Reserve Masterplan, as well as the consultation process and all of the comments which were received regarding the proposed basketball court;
- the changes made to the location and orientation of the basketball court during the detail design process;
- the nature and timeline of complaints which have been received from residents concerning the use of the basketball court, as well as the actions that the Council has taken in response to the complaints/concerns;
- the three (3) Deputations which were made at the Council Meeting held on 5 October 2021 by residents regarding the use of the basketball court; and
- the petition which was received by the Council on 22 November 2021, requesting that the Council '*take urgent action to move the Felixstow Reserve basketball court to a more suitable location that doesn't disrupt the livelihoods of local residents.*'

The report presented eleven (11) options which had been identified and considered to address the residents' complaints about the use of the basketball court at Felixstow Reserve, including:

1. do nothing;
2. change or eliminate the current established court rules;
3. enact by-law;
4. remove the basketball ring;
5. remove and relocate the basketball ring within Felixstow Reserve;
6. build a sound wall;
7. install a chain mesh wire fence;
8. remove and reinstate the ring every day;
9. change the playing surface;
10. create 'white noise'; and
11. community consultation.

Following consideration of the report which was presented at the 6 December 2021 meeting, the Council resolved the following:

1. *That the Council undertake consultation with the residents of Felixstow and users of the basketball court, to enable the Council to understand the issues and determine the best outcome in respect to the basketball court.*
2. *That CCTV be installed around the basketball court at Felixstow Reserve to monitor the activity at the basketball court, particularly during the hours of 8:00pm to 8:00am.*
3. *The Council notes that a report on the outcome of the consultation together with the results of the surveillance will be prepared for the Council's consideration.*
4. *That staff investigate the installation of a mass loaded acoustic barrier.*

In accordance with the Council's resolution, on 9 December 2021, a CCTV camera surveillance unit was installed at Felixstow Reserve to monitor the activity at the basketball court. A camera 'detection zone' comprising the key activity area (i.e. the rectangular area of the basketball court just below the net with the outermost border being the free throw line) was set up to record basketball court activity between the hours of 8:00pm to 8:00am. As a result, when a person or object enters the camera 'detection zone' between the hours of 8:00pm to 8:00am, the light mounted on top of the camera is triggered to turn on and flash for 10 seconds. An email notification with photos and the recorded video timestamp for any activities occurring in the 'detection zone' between 8:00pm and 8:00am is then sent to the Council.

A record has been kept of all after-hours (between 8:00pm and 8:00am) basketball court activity since 9 December 2021. To date, there have been 183 recorded occurrences of after-hours basketball activity detected by CCTV, noting that not all occurrences were primarily basketball related. A log of all recorded after-hours basketball activity is contained in **Attachment A**.

In April 2022, URPS (consultants) were appointed to design and undertake the consultation process with the residents of Felixstow and users of the basketball court. A summary report of the Felixstow Reserve Basketball Court Consultation, prepared by URPS and contained in **Attachment B**, provides details regarding the promotion, participation and results of the consultation process. The data from the online consultation survey, excluding any personal identifying information, is contained in **Attachment C**.

## RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the Council's *City Plan 2030, Shaping Our Future: Mid Term Review 2020* are provided below.

### **Outcome 1: Social Equity - An inclusive, connected, accessible and friendly community.**

Objective 1.1: Convenient and accessible services, information and facilities.

Strategy 1.1.1: Design and provide safe, high-quality facilities and spaces for all people.

### **Outcome 2: Cultural Vitality - A culturally rich and diverse City, with a strong identity, history and sense of place.**

Objective 2.5: Dynamic community life in public spaces and precincts.

Strategy 2.5.2: Create and provide interesting and vibrant public spaces to encourage interaction and gatherings.

The Council's *Parks & Reserves Community Land Management Plan* (updated May 2022), states that the purposes of Felixstow Reserve are to:

- provide public open space for the use, enjoyment and benefit of the community;
- provide opportunities for informal recreational, community and sporting activities;
- provide opportunities for social interaction and connection, relaxation and physical activity;
- protect and enhance the lifestyle, amenity and sense of place in the City;
- protect and enhance the natural environment, including areas of remnant vegetation, biodiversity, waterways, wetlands and riparian zones;
- facilitate the harvesting, treatment, storage and re-use of stormwater;
- protect, enhance and promote areas of cultural heritage and Aboriginal heritage and history within the City; and
- provide regional open space as part of the River Torrens Linear Park for the use, enjoyment and benefit of the community as a recreational and educational resource and a tourism asset.

## FINANCIAL AND BUDGET IMPLICATIONS

No funds have been allocated in the 2022-2023 Budget for changes or improvements to the basketball court at Felixstow Reserve. Should the Council resolve to make any changes or improvements to the basketball court, a new budget allocation is required. Also, it is recommended that the cost of that work be offset by a reduction in expenditure elsewhere.

To date the Council has spent \$4,560 for CCTV hire and \$14,250 on the community consultation process.

## EXTERNAL ECONOMIC IMPLICATIONS

Nil

## SOCIAL & CULTURAL ISSUES

The Council's *Open Space Strategy* designates Felixstow Reserve as a Regional Level Reserve, principally due to its size and proximity to the River Torrens / Karrawirra Pari Linear Park. This means that there is an expectation that visitors from outside the Council area will travel to Felixstow Reserve to use the facilities. Prior to the redevelopment, Felixstow Reserve was an unirrigated and underutilised site. As a result of the redevelopment, Felixstow Reserve now provides a variety of active and passive recreation opportunities including walking, running, cycling, basketball, table tennis, bocce, birdwatching and nature play. The large, grassed open space is ideal for picnicking, throwing a frisbee, or an informal game of cricket, football or soccer. Since the redevelopment, a large number of people of all ages and abilities and differing cultural backgrounds have been using the Reserve on a daily basis for physical activity and social interaction.

In particular, the basketball court at Felixstow Reserve is very well used by the community. Key aspects that people like about the basketball court include its accessibility from the local residential area, visibility and the perceptions of safety, particularly for use by children and young people, the quality of the basketball court and its integration with other facilities at the Reserve such as the pavilion and toilets, picnic shelters and barbeques, bocce court and table tennis table. People reportedly enjoy seeing others using the basketball court and other Reserve facilities as it promotes physical and social activity.

Unfortunately, basketball play at Felixstow Reserve has impacted on the quality of life and wellbeing of some local residents. Differing opinions regarding the proper use of the basketball court as well as the frequency and magnitude of the noise impacts has also caused some tension, negative feelings and verbal conflict amongst some neighbours and towards basketball court users.

Neither the affected residents, nor the Council, anticipated that the existing position of the basketball court would create any significant noise impacts. The affected residents have stated that they did not anticipate noise impacts because they have not previously lived near a basketball court or a Regional Level Reserve with similar types of recreation facilities. Similarly, the Council did not anticipate any noise impacts to residents, as Council staff are not aware of any noise complaints related to the use of any of the other eight (8) outdoor basketball rings at reserves located throughout the City.

It is recognised that regardless of what the Council decides in relation to this matter, there is no single solution that will please all members of the community. There is a likelihood that complaints will continue, mainly due to the divided and varying views of individuals. If the final decision made by the Council, irrespective of what it is, is well informed and justified then the community, regardless of the individual views, should be accepting of the outcome.

## ENVIRONMENTAL ISSUES

Section 17 of the *Local Nuisance and Litter Control Act 2016 (SA)* identifies that noise is considered to be a local nuisance if it causes “any adverse effect on an amenity value of an area” and “unreasonably interferes with or is likely to interfere unreasonably with the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area.”

Schedule 1 of *the Act* expands on what activities involving noise are considered to be a local nuisance. Noise from domestic machines or activities, construction, street and tree maintenance and waste collection may be considered a local nuisance at certain times, which vary by the type of activity and day of the week. Things that are not considered a local nuisance include “noise or other nuisance from sporting or associated activities at sporting venues.”

Based on these definitions, the noise generated from the basketball play at Felixstow Reserve does not neatly fit into any of the defined local nuisance activities. In any case, as set out in the report considered by the Council at its meeting held on 6 December 2021, the Council’s Compliance Officer, Planning Services, an Authorised Officer whose role involves assessing local nuisances such as noise, undertook noise testing of the Felixstow Reserve basketball court in April 2020. Based on a variety of factors (e.g. measured noise levels, land use, comparison to other noises in the area, etc.), the Council’s Authorised Officer formed the opinion that the noise generated from the basketball court at Felixstow Reserve did not constitute a local nuisance. It was also acknowledged at that time that the noise may be considered to have “annoying characteristics” but that such noise characteristics are expected of people playing basketball.

**RESOURCE ISSUES**

The redevelopment of Felixstow Reserve has been a long-term project for the Council and has consumed a significant amount of staff resources through the various stages of its development. As long as this matter remains unresolved additional staff resources will continue to be consumed, which means that other projects and initiatives will be delayed.

**RISK MANAGEMENT**

As previously discussed, the Council’s decision regarding the basketball court may have financial, service and/or reputation risks. **Table 1** below provides descriptions of the consequence criteria that has been developed for use within the Council for the financial, service and reputation impact categories. The Council’s risk exposure and impacts is dependent on the decisions that it makes.

**TABLE 1: RISK CONSEQUENCE (IMPACT) CATEGORIES AND DESCRIPTIONS**

Impact Category	Consequence (Impact) Level				
	Catastrophic	Critical	Major	Moderate	Minor
<b>Financial</b>	Over \$1 million	\$500k - \$1 million	\$250-500k	\$5-250k	<\$5,000
<b>Services / Programs</b>	>90% service disruption  Multiple community impacts	51-90% service disruption (between 1-2 days)  Significant staff effort to resolve	11-50% service disruption  Specific management effort / focus (< 1 day)	< 10% service disruption  Management effort required to coordinate resolution	Minor disruption to service delivery (< 4 hours)  Local Supervisor to control remediation
<b>Reputation</b>	Potential national media attention  Major public outcry  Irreparable damage to reputation	Regional or state wide media / political attention  wide spread public interest  11+ complaints	Significant local media / political attention  Local Community interest  5-10 complaints	Moderate local media attention  Community concern – little adverse effect  3-5 complaints	Some local media interest  1-2 complaints

**COVID-19 IMPLICATIONS**

COVID-19 has reinforced the important role of local reserves and recreation to support the physical and mental health of residents. COVID-19 has also changed the way that people live and with people generally travelling less and more people working flexible hours and from home, reserves and recreational activities are providing an important respite. However, with the increase in the number of people working from home there has also been an increase in the number of issues and matters brought to the Council’s attention.

## CONSULTATION

- **Elected Members**  
 Elected Members were provided with a presentation on the results of the Felixstow Reserve basketball court consultation and the CCTV monitoring at an Information Briefing Session held on 27 June 2022.
- **Community**  
 Community consultation was undertaken for a period of three (3) weeks, commencing Friday 13 May 2022 and ending Friday 3 June 2022. People were able to participate in the consultation in more than one way. The consultation methods and participation in each of the categories are outlined in **Table 2** below.

**TABLE 2: CONSULTATION MECHANISMS AND PARTICIPATION**

Consultation mechanism	Participation
Online feedback form	60
Basketball court users focus group	4 (including a child aged 11)
Residents focus group	9
One-to-one discussions with residents who made deputations to Council about the basketball court	3

- **Staff**
  - Manager, Economic Development & Strategic Projects
  - Communications Officer
- **Other Agencies**  
 Not Applicable.

## DISCUSSION

### Community Consultation

The objective of the community consultation was to gather information to enable the Council to understand the issues and determine the best outcome in respect to the basketball court at Felixstow Reserve. The community consultation was designed to foster participation from local residents and users of the Felixstow Reserve basketball court through a variety of methods, which included a survey and conducting two (2) group and three (3) one-to-one discussions.

The results of the consultation survey identify that:

- 63.3% or 38 of the 60 respondents want the basketball court to remain in the current location;
- 18.3% or 11 of the 60 respondents want the basketball court to remain in the current location and additional efforts undertaken to manage impacts on nearby residents;
- 13.3% or eight (8) of the 60 respondents want the basketball court relocated elsewhere in Felixstow Reserve;
- 1.6% or one (1) of the 60 respondent wants the basketball court relocated elsewhere in the Council area; and
- 3.3% or two (2) of the 60 respondents want it removed completely and not relocated.

Overall, 95% or 57 respondents support a basketball court in Felixstow Reserve, whether remaining at its current location or relocated elsewhere within the Reserve. Only 5% or three (3) respondents do not support a basketball court in Felixstow Reserve.

From the eight (8) people who responded that they wanted the basketball court to be relocated elsewhere in Felixstow Reserve, the following locations at the Reserve were specifically nominated:

- on the north side of the wetlands (3 people). Two (2) people suggested that the court could replace the existing fitness equipment which is nearest the bridge over Fourth Creek;
- on the other side of the open lawn area, closer to Wicks Avenue car park (1 person); or
- on the other side of the pavilion, more towards the centre of the park, opposite the pond lookout area (1 person).

Key reasons cited for nominating these locations included distance from houses, the road and street lighting (avoid a location with light spill onto the court to discourage play after dark) and would free up car parking space on Riverside Drive for people using the BBQ area. Four (4) people identified that the new location of the court should be away from residences. One (1) person identified that the new location should still be “accessible for users and in sight for security management”.

Only one (1) person responded that they wanted the basketball court to be relocated to another location in the Council area. This respondent provided the following additional information about alternative locations:

- make provision for a court at the Youth Group Centre on Turner Road, Felixstow;
- establish an outdoor court at MARS basketball stadium;
- establish a ‘mobile ring’ that is moved from park to park; and
- reduce the height of the ring and locate at children’s playgrounds.

Two (2) people responded that they want the basketball court to be removed from the Felixstow Reserve and not relocated anywhere else. No supplementary information was provided in respect to these responses.

The respondents’ residential proximity to the basketball court is indicated in **Table 3** below.

**TABLE 3: RESPONDENTS’ PROXIMITY TO THE BASKETBALL COURT**

	Within 100m	100-200m	200-400m	Beyond 400m	TOTAL
<b>I want the basketball court to remain at current location</b>	3	6	6	23	38
<b>I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents</b>	0	2	1	8	11
<b>I want the basketball court relocated elsewhere at Felixstow Reserve</b>	4	2	1	1	8
<b>I want the basketball court relocated to another location in the Council area</b>	1	0	0	0	1
<b>I want the basketball court removed and not relocated elsewhere</b>	1	0	1	0	2
<b>TOTAL</b>	9	10	9	32	60

Of the 60 respondents, nine (9) live within 100 metres of the basketball court, 10 live between 100-200 metres, nine (9) live between 300-400 metres away, and 32 live greater than 400 metres away.

Of the respondents living within 100 metres of the basketball court, 67% or six (6) of nine (9) respondents want the court to be relocated or removed.

Of the respondents living between 100-200 metres away from the basketball court, 80% or eight (8) of 10 respondents want the court to remain at its current location.

Of the respondents that live between 200-400 metres away from the basketball court, 78% or seven (7) of nine (9) want the court to remain at its current location.

Of the respondents that live greater than 400 metres away from the basketball court, 97% or 31 of 32 want the court to remain at its current location.

The survey results indicate that the closer the proximity to the basketball court, the higher percentage of people who want the court to be relocated or removed. Conversely, the farther the proximity to the basketball court, the higher percentage of people who want the court to be retained at the current location. This is to be expected because noise from bouncing basketballs and players is the primary issue of concern for affected residents wanting the court to be relocated or removed. Sound reduces with distance and therefore, the greater the distance, the less intensity and loudness of a sound. Beyond a certain distance from the basketball court, people will not be able to hear basketball activity at the Felixstow Reserve and are probably less likely to perceive any issues with noise. That said, there were three (3) respondents that live within 100 metres of the basketball court that do not have concerns with noise from the basketball court.

Some of the survey respondents also participated in either a basketball users focus group or residents focus group. Three (3) adults and one (1) child participated in the basketball court users focus group led by URPS. Each participant expressed that they want the court to be retained at its current location and support additional measures to address noise impacts on residents.

URPS also led a residents focus group, which comprised of nine (9) adults with mixed views. Five (5) participants supported retaining the basketball court at its current location with additional measures to address noise impacts on residents. Four (4) participants, each a resident which has been affected by the basketball noise, want the basketball court to be either relocated elsewhere within Felixstow Reserve or removed completely.

One-to-one discussions were conducted by URPS with each of the three (3) residents who made deputations to the Council. Two (2) of the residents also participated in the residents focus group. Of the three (3) residents, one (1) resident wants the basketball court to be relocated elsewhere within Felixstow Reserve, another resident wants the basketball court to be relocated to another location in the Council area and the third resident wants the basketball court removed and not relocated elsewhere.

Participants in the consultation process made several suggestions to help address impacts of the basketball court on nearby residents. Suggestions included:

- installing measures that attenuate the noise such as a green wall, art installation, extra plantings, sound absorbing playing surface and extending the low seating wall;
- installing a device that prevents use of the ring outside of curfew hours (e.g. the device used at Bush Reserve in Coburg, Victoria);
- signage that explains rules of use and encourages good behaviours;
- timed lighting;
- surveillance and compliance, in particular ongoing use of CCTV to monitor out of hours use, imposing on the spot fines and liaising with police. This includes targeting those people who are exhibiting bad behaviours at the basketball court and responding quickly (e.g. use CCTV to monitor court use and send alert to the Council or police);
- community education of users;
- fencing the court and locking it so it cannot be used outside of curfew hours;
- changing the curfew hours to reflect daylight hours (e.g. different for summer and winter); and
- paying for double glazing of windows for nearby residents.

Each of these suggestions are discussed further under the Options heading in this report.



## CCTV Monitoring

CCTV monitoring of the basketball court since 9 December 2021 has identified 183 separate occurrences of after-hours (8:00pm-8:00am) basketball playing. The following tables provide a breakdown of after-hours basketball occurrences by weekday and month (**Table 4**), group size (**Table 5**), duration (**Table 6**) and time of day (**Table 7**).

As shown in **Table 4** below, people have played after-hours more frequently during the summer months. After-hours play significantly dropped off after daylight savings time ended, with only three (3) or 1.6% of occurrences recorded since 3 April 2022. This is to be expected because people generally spend more time outside recreating during the months of the year (i.e. October to March) when there are more sunlight hours in the evening, the weather is warmer, and there are numerous public and school holidays.

People have also played after-hours more frequently on Fridays and Saturdays. After-hours playing of basketball also occurred with some frequency on other weeknights, with the least number of occurrences on Sundays. This is to be expected because most people generally work Monday to Friday and have more time to recreate on weekends. During school and public holidays, people generally also have more time to recreate no matter the day of the week.

**TABLE 4: AFTER-HOURS BASKETBALL OCCURRENCES BY DAY AND MONTH**

DAY	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Month Total
December 2021	3	7	8	5	10	10	6	49
January 2022	6	9	5	11	6	6	15	58
February 2022	5	5	4	5	9	8	7	43
March 2022	2	2	3	3	6	9	4	29
April 2022	0	0	0	0	0	2	1	3
May 2022	0	0	0	0	0	0	0	0
June 2022	0	0	0	0	0	0	0	0
July 2022	0	0	0	0	0	0	1	1
<b>Day Total</b>	<b>16</b>	<b>23</b>	<b>20</b>	<b>24</b>	<b>31</b>	<b>35</b>	<b>34</b>	<b>183</b>
<b>Percentage</b>	8.7%	12.6%	10.9%	13.1%	16.9%	19.1%	18.6%	100%

As shown in **Table 5** below, approximately half (51.9%) of the occurrences of after-hours play comprised one to two (1-2) individuals. Small groups comprising three to four (3-4) people playing accounted for just over a third (36.1%) of occurrences. Groups of five to six (5-6) people and seven (7) or more people playing at a time occurred less frequently (8.2% and 3.8%, respectively). A number of these groups comprised the same individuals who appear to be regular players at the basketball court.

**TABLE 5: AFTER-HOURS BASKETBALL OCCURRENCES BY GROUP SIZE**

GROUP SIZE	1-2	3-4	5-6	7+	Month Total
December 2021	25	13	7	4	49
January 2022	33	18	4	3	58
February 2022	21	19	3	0	43
March 2022	13	15	1	0	29
April 2022	2	1	0	0	3
May 2022	0	0	0	0	0
June 2022	0	0	0	0	0
July 2022	1	0	0	0	1
<b>Group Total</b>	<b>95</b>	<b>66</b>	<b>15</b>	<b>7</b>	<b>183</b>
<b>Percentage</b>	51.9%	36.1%	8.2%	3.8%	100%

As shown in **Table 6** below, occurrences of after-hours play ranged from one (1) minute to 112 minutes in duration, with an average of 17 minutes duration. The majority (69.4%) of after-hours occurrences involved people playing basketball for 20 minutes or less. On several occasions, people stopped playing as soon as they were told by others that it was after-hours, read the signs posted at the court, or noticed the light flashing on the CCTV camera. There were also several occasions where people played for extended periods of time, including five (5) occurrences of where people played continuously in excess of one hour.

**TABLE 6: AFTER-HOURS BASKETBALL OCCURRENCES BY DURATION**

DURATION	<10 mins	10-20 mins	21-30 mins	31-40 mins	41-50 mins	51-60 mins	>60 mins	Month Total
<b>December 2021</b>	25	11	5	4	4	0	0	<b>49</b>
<b>January 2022</b>	28	14	8	4	2	1	1	<b>58</b>
<b>February 2022</b>	13	14	9	5	1	1	0	<b>43</b>
<b>March 2022</b>	9	11	2	1	2	1	3	<b>29</b>
<b>April 2022</b>	1	0	0	1	0	0	1	<b>3</b>
<b>May 2022</b>	0	0	0	0	0	0	0	<b>0</b>
<b>June 2022</b>	0	0	0	0	0	0	0	<b>0</b>
<b>July 2022</b>	1	0	0	0	0	0	0	<b>1</b>
<b>Total</b>	<b>77</b>	<b>50</b>	<b>24</b>	<b>15</b>	<b>9</b>	<b>3</b>	<b>5</b>	<b>183</b>
<b>Percentage</b>	42.1%	27.3%	13.1%	8.2%	4.9%	1.6%	2.7%	100%

As shown in **Table 7** below, the majority (59.6%) of after-hours basketball play finished by 8:30pm, with a greater percentage (83.3%) of play finishing by 9:00pm. There were several occasions (13.6%) of play recorded after 9:00pm. The latest recorded time of playing at night was 11:07pm. There were fewer recorded instances (3.1%) of play before 8:00am. The earliest recorded time of playing in the morning was 6:10am.

**TABLE 7: AFTER-HOURS BASKETBALL OCCURRENCES BY TIME OF DAY<sup>1</sup>**

TIME	6–8am	8–8:30pm	8:30–9pm	9–9:30pm	9:30–10pm	After 10pm
<b>December 2021</b>	3	31	16	8	3	1
<b>January 2022</b>	1	46	20	3	0	0
<b>February 2022</b>	2	34	12	1	1	1
<b>March 2022</b>	1	23	5	3	3	3
<b>April 2022</b>	0	2	1	1	1	1
<b>May 2022</b>	0	0	0	0	0	0
<b>June 2022</b>	0	0	0	0	0	0
<b>July 2022</b>	0	0	0	0	0	1
<b>Total</b>	<b>7</b>	<b>136</b>	<b>54</b>	<b>16</b>	<b>8</b>	<b>7</b>
<b>Percentage</b>	3.1%	59.6%	23.7%	7.0%	3.5%	3.1%

<sup>1</sup>Note: If an occurrence of basketball play continued over multiple 30-minute time periods, then it was recorded in this table against each time period. For example, if an individual or group(s) started playing at 8:15pm and finished at 9:15pm, an occurrence was recorded in each of the three (3) time periods (i.e. 8:00-8:30pm, 8:30-9:00pm, and 9:00-9:30pm) in which the play overlapped. Therefore, the total number of occurrences is greater than 183.

The basketball court at Felixstow Reserve is not lit and there is minimal light spill onto the court from the nearest lights to enable anyone to safely play after dark. A night with a full moon however provides the most visibility within the space and even then, the ability to play safely is questionable. It is difficult to understand why some users attempt to play basketball after dark when it is difficult to see the basket. Nevertheless, people do sometimes play after dark.

## City of Marion

The City of Norwood Payneham & St Peters is not the only council in the Adelaide metropolitan area that has received complaints regarding the adverse impacts of noise from basketball courts. As a result of similar noise complaints, the City of Marion engaged an acoustic consultant “to quantify noise levels generated by basketball activity, and prepare an assessment methodology that can be applied to future proposed basketball courts to determine the likely impact and required mitigation to comply with relevant noise policies.”

The acoustic consultant’s report (a copy of which is contained in **Attachment D**) assessed the sound levels of basketball impacts on two (2) types of floor surfaces (i.e. asphalt and Gerflor PowerGame +, an outdoor sports flooring product comprising polypropylene tiles) and two (2) types of backboards (i.e. wooden and noise reduction) as well as raised voices. The assessment determined that there was no significant difference in overall noise levels between the two (2) types of floor surfaces. However, there was a “reasonable difference” in overall noise levels of the two (2) types of backboards, with the noise reduction type backboard measuring five decibels (5 dB(A)) quieter than a wooden backboard.

As part of their work, the acoustic consultant also identified assessment criteria using the South Australian Government’s *Planning & Design Code* and *Environment Protection (Noise) Policy 2007* and developed a recommended noise assessment procedure and guidelines for the installation of new basketball courts within the City of Marion. The noise assessment guideline recommendations for mitigation for a basketball half court in residential areas are outlined in **Table 8** below.

**TABLE 8: MITIGATION RECOMMENDATIONS FOR BASKETBALL HALF COURT**

Distance of backboard to the nearest residence	Mitigation
Greater than 36 metres	No mitigation required
Between 32 and 36 metres	Use noise reduction backboard
Between 15 and 32 metres	Use noise reduction backboard and install 1.8-metre-high noise barrier between court and residence
Between 9 and 15 metres	Use noise reduction backboard and install 2.4-metre-high noise barrier between court and residence
Less than 9 metres	Consider relocating basketball court to alternative area or offer resident(s) façade treatment (e.g. secondary glazing system)

The distance of the Felixstow Reserve backboard to the nearest residential property boundary on Langman Grove is 42 metres. If the Basketball Half Court Noise Assessment Guideline prepared for the City of Marion is applied to Felixstow Reserve, then no noise mitigation would be required.

Being more conservative, the distance between the edge of the basketball court to the nearest residential property boundary on Langman Grove is 34 metres. If the Basketball Half Court Noise Assessment Guideline prepared for the City of Marion is applied using a distance of 34 metres, then a noise reduction backboard should be used. A noise reduction backboard as contained in **Attachment E** is already installed and being used at Felixstow Reserve.

## City of Moreland, Victoria

On 18 May 2022, *ABC News* reported a story titled “Coburg basketball ring gets innovative upgrade after night noise complaints” as contained in **Attachment F**. Unable to find an available solution on the market which could automatically remove the ring at night and return it during daylight hours, a City of Moreland employee approached several Melbourne universities for assistance. Two (2) Monash University industrial design students developed “a relatively simple and inexpensive design” for a retractable pole that extends across the middle of the ring to stop a ball from passing through. The pole is connected to a programmable circuit board with an internal clock and timer which runs on solar power.

The basketball ring blocking device was first installed in April 2022 and has reportedly performed well as a prototype. The device was removed in early July 2022 to make some improvements to the wiring, reduce the battery size, add in a Bluetooth controller and construct a more compact and subtle unit. The City of Moreland intends to trial an improved version of the ring blocking device at Bush Reserve and possibly a couple more reserves later this year.

There are several Australian Councils that have enquired about the device since the story broke the news. It is currently believed that the students have been exploring patent and commercial applications for the device with the intent to bring the product to market. The City of Moreland has organised a meeting on 11 August 2022 for interested Council staff to learn more about the basketball ring blocking device. At this meeting, the industrial design students will present on the current status and future of the basketball ring blocking device. The Council's Project Manager, Urban Design & Special Projects will participate in the meeting and enquire about obtaining a device to trial at Felixstow Reserve.

## **OPTIONS**

There are a number of options which have been identified and considered to address the residents' complaints about the use of the basketball court at Felixstow Reserve.

### **Option 1 – Do Nothing**

Option 1 is to do nothing and to allow the basketball court to remain and operate as it currently does. The Council has installed signage and marked the court in an attempt to discourage basketball play after 8:00pm and before 8:00am. As a community facility, it is difficult to enforce these rules without having a constant physical presence on site between 8:00pm and 8:00am. This would be resource intensive and impractical to do on a permanent basis.

There is an established history of complaints regarding the basketball court from some residents living near Felixstow Reserve. Community consultation and CCTV monitoring has assisted in highlighting the issues and impacts related to the after-hours use of the basketball court. Many participants of the community consultation process would like the Council to do something to address the noise impacts of the basketball court on nearby residents and have made several suggestions for the Council to consider.

If the Council does nothing, it will be ignoring community concerns and suggestions. Complaints from residents about noise and the after-hours use of the basketball court will continue. Council resources will be further tied up in handling complaints and monitoring and managing the on-going use of the basketball court. Therefore, the option to do nothing is **not recommended**.

### **Option 2 – Retain the basketball court in its current location with additional measures**

Participants in the community consultation process have identified and suggested several measures that the Council should consider further to help address the impacts of the basketball court on nearby residents. These measures included:

- A. sound attenuation;
- B. installation of a device that prevents the after-hours use of the basketball ring;
- C. installation of additional signage;
- D. installation of timed lighting;
- E. surveillance and compliance;
- F. education of users;
- G. fencing and locking the court;
- H. change curfew hours to align with daylight saving; and
- I. pay for the installation of double glazing to windows of residents' dwellings.

Several of these measures (e.g. sound attenuation, changing court rules, fencing) were identified and discussed under the Options heading in the report considered by the Council at its meeting held on 6 December 2021. Whilst the majority of these measures have been presented to the Council previously, there is merit in presenting and discussing these again.

## A. Sound attenuation

Reducing sound at the source through the use of a barrier can benefit the greatest number of receivers. Different types of sound barriers include fences, walls and earth mounds. In order to be effective, a sound barrier must:

- be solid and continuous (i.e. without any holes or openings);
- have mass (i.e. minimum surface density of five (5) kg/m<sup>2</sup>); and
- break the line of sight between the noise source and the receiver.

A sound barrier surrounding the basketball court would create an undesirable obstruction to vision and movement and potentially create safety issues and additional ongoing maintenance requirements. Additionally, a sound barrier would not be effective at mitigating noise for second storey living areas and balconies unless it was extremely tall. Several consultation participants were opposed to the idea of a sound barrier for these reasons.

As part of the Council's decision which it made at the meeting held on 6 December 2021, the Council requested staff to investigate the installation of an acoustic barrier using Mass Loaded Vinyl (MLV). MLV is a thin, flexible material used to add mass to structures and reduce sound transmission. It is available in varying surface densities (e.g. 4-8kg/m<sup>2</sup>) and comes in either dark grey or black. Whilst MLV is a relatively inexpensive material, it must be attached to a vertical surface such as a chain mesh fence to create a solid sound barrier. It is arguably less attractive and more easily damaged than other potential sound barrier materials (e.g. steel, concrete, acrylic, timber, etc.).

Participants in the consultation process also suggested that an alternative surface material to asphalt might provide some sound attenuation. As set out in the report considered by the Council at its meeting held on 6 December 2021, the rubber basketball surface at Linde Reserve was tested and no significant difference in sound level was found in comparison to asphalt.

Staff have recently enquired further about MSF Pro flooring, an interlocking polypropylene tile, which is marketed as reducing sound by 30%. MSF Sports, the supplier of MSF Pro flooring, has not undertaken any formal acoustic testing to verify the sound reducing benefits of their product. MSF Sports indicated that they intend to undertake acoustic testing soon and will provide these results to the Council when testing is completed. However, at the time of writing this report, test results were not available.

Staff have also been unable to find or identify any other suitable sound attenuating surface materials. It is worth noting that a similar interlocking polypropylene tile to the MSF Pro flooring (i.e. Gerfor PowerGame +) was tested by an acoustic consultant for the City of Marion (refer to **Attachment D**). The test results indicated no significant difference in the sound levels between basketball impacts on an asphalt surface and the polypropylene flooring tile, however there was a notable reduction in high frequency sound. It is anticipated that the MSF Pro flooring test results will be similar.

For the reasons outlined above, additional sound attenuation measures are **not recommended** for the basketball court at Felixstow Reserve.

## B. Installation of a device that prevents the after-hours use of the basketball ring

There are various products on the market that discourage unauthorised use of a basketball ring by preventing a basketball from being able to pass through the ring. The devices are generally lockable, steel devices which need to be manually installed and removed using a ladder.

Alternatively, there are also removable basketball rings on the market. A bracket is bolted permanently to the backboard, and the ring is manually removed by sliding it upwards out of the bracket. A ladder or lifting tool is needed to install and remove the ring.

There are also adjustable basketball hoops which can be raised, lowered and locked at different heights. An adjustable basketball ring could discourage after-hours use by adults if lowered in height. However, it could similarly encourage others wanting to try to dunk or that do not mind playing with a lower ring. Adjustable basketball systems are also manually operated and could be used in combination with a ring locking device to prevent after-hours use.

Manual locking, removal or adjustment of the basketball ring on a daily basis would require a resource to perform this function. The Council could employ a contractor or train a volunteer to undertake the daily task, but this would likely have cost and/or health and safety implications that would need to be further addressed if it were to be implemented long term.

As previously discussed, Monash University students, have developed a prototype for an automatic ring blocking device and it has been trialled with success by the City of Moreland in Victoria. The students are currently working on improvements to the ring blocking device with the intention to undertake further trials and potentially turn it into a commercial product.

An automatic device would address resource and health and safety issues associated with a manual device. Staff are not aware of any other automatic devices that are commercially available. Given the benefits of this device, it is **recommended** that the Council obtain the improved version of the automatic device developed by the Monash University students to use at Felixstow Reserve as soon as it becomes available to trial or purchase. Depending on when this product becomes available, the Council could also resolve to temporarily lock or remove the ring to prevent after-hours use of the basketball court (e.g., between the hours of 8:00pm and 8:00am, commencing in October 2022 at the start of daylight saving and concluding at the end of daylight saving in April 2023, or until an automatic device becomes available, whichever of the two occurs first.)

### C. Installation of additional signage

Signs are not going to eliminate the after-hours use of the basketball court. However, signs do have a regulatory purpose and contribute to the management of the basketball court by advertising the rules and expectations for community use.

In November 2020, temporary signage displaying the following rules was installed:

- basketball and netball play will be allowed everyday between the hours of 8:00am and 8:00pm;
- private coaching and team training will not be allowed; and
- foul language, yelling and loud music will also not be tolerated at any time.

Based on CCTV monitoring and the results of the community consultation, it is clear that some people read signs and follow them while other people do not see the signs or ignore them altogether. Several participants of the consultation process agreed that signage for the courts is still needed and even suggested that signage should be more prominent (i.e. more and/or larger signs) so that people cannot miss seeing them.

The existing court signs are now in poor condition and in need of replacement. It is **recommended** that the use of signage be continued at the court to explain the court rules of use and encourage good community behaviour and that the existing signs be replaced with new permanent signs.

### D. Installation of timed lighting

The basketball court at Felixstow Reserve is not lit. There is minimal light spill onto the court from nearby lights to enable anyone to safely play after dark. However, in response to resident complaints, a timer which controls the pavilion and the pole mounted lights closest to the basketball court has been installed. The timer is currently programmed to turn off these lights at 8:00pm (or 9:00pm in daylight saving time) to discourage the use of the pavilion and basketball court areas after dark.

Some residents would like the timed lighting to stay on later at night for safety reasons. The Council is not aware of any safety issues in the pavilion and basketball court areas at night. Therefore, it is **not recommended** to make any changes to the Reserve lighting.

## E. Surveillance and compliance

Anecdotally, the CCTV camera at the basketball court appears to have deterred some people from playing basketball after-hours. This was observed when people were told that they were on camera and stopped playing and also on occasions when people seemed to notice the flashing alarm light on top of the camera when it was triggered between 8:00pm and 8:00am.

CCTV surveillance has been effective in monitoring after-hours use of the court. However, unless there is some type of rapid response and enforcement, then CCTV will not be effective in stemming after-hours play. Additionally, unless regularly monitored, CCTV can provide a false sense of security.

As set out in the report considered by the Council at its meeting held on 6 December 2021, pursuant to *By-Law 4 - Local Government Land*, the Council has the ability to prohibit certain activities at certain times from being undertaken on Council property. The Council could formally prohibit basketball play during certain times and issue fines if these rules are not observed. However, this is a heavy handed, unfriendly approach and would be very difficult and resource intensive to enforce. Non-enforcement creates community apathy towards the rules and frustration for those concerned about or directly affected by the non-compliance of others.

The flashing alarm light on top of the CCTV camera did appear to have a limited effect on some persons who saw it working. However, it is quite likely that many people did not see the light, as it is mounted on top of the camera approximately 3.5 metres above the ground level, located at the rear of the courts to the back of persons facing the backboard, and only flashes for 10 seconds each time that someone newly enters the detection zone after it has already turned off.

A flashing alarm light that is mounted more prominently (e.g. on the basketball pole, on a sign pole near the court) could act a visual signal to people playing basketball after dark to be more aware of signage, that they are not doing the right thing, and/or that their playing is noticeable to others in the community. A flashing warning light that is motion activated (and possibly solar powered) is not expected to impact or disturb the amenity of residents inside their homes and is likely to be inexpensive. For these reasons, it is **recommended** that the Council discontinues the CCTV monitoring of the basketball court and that it installs a motion activated warning light which flashes as a visual signal to persons using the court after dark.

## F. Education of users

As an alternative to enforcement, the Council could take a more friendly approach and develop a campaign to engage with users of the basketball court, particularly regular players, during daylight savings (e.g. school holidays in December/January) to discuss the benefits of recreation and exercise, educate people about the impacts that after-hours basketball play has on residents and encourage good community behaviour.

The Council will soon be employing a new Manager, Arts, Culture & Community Connections and Youth Development Officer. These staff could be responsible for developing and carrying out a community education campaign which may assist in decreasing after-hours use of the basketball court. This communication strategy is **recommended**.

## G. Fencing and locking the court

Fencing and locking the basketball court was set out in detail in the report which was considered by the Council on 6 December 2021. A fence would make the basketball court less functional, create an undesirable physical barrier and create issues to resource and manage the opening and closing of the gate. Installation of a fence could also introduce other anti-social behaviours. On this basis, fencing and locking the court is **not recommended**.

## H. Change curfew hours to align with daylight saving

The current signposted hours of play are 8:00am-8:00pm. Prior to these rules being established, there were no restrictions on the use of the courts. The rules were introduced after receiving and considering residents' complaints in an attempt to balance the needs of both park users and nearby residents.

The court hours of play were subjectively determined by staff following consideration of the *Local Nuisance and Litter Control Act 2016*. Under the *Act*, noise generated from domestic premises (e.g. non-fixed machinery, tools, equipment) can be a local nuisance if the noise travels to neighbouring premises between the hours of:

- 8:00pm and midnight on any day; or
- midnight and 9:00am on Sunday; or
- midnight and 8:00am on any other day.

While Felixstow Reserve is not a domestic premise, 8:00am-8:00pm was adopted for simplicity and general consistency with the rules for neighbours in a residential area.

As previously stated, it is very resource intensive for the Council to patrol and enforce the existing rules regarding when the courts can be used. Eliminating the existing court rules for hours of play or extending the available hours of play will cause concerns with affected residents. However, posting court rules and not being able to enforce them is also frustrating for affected residents.

It is normal and reasonable for people to use reserve facilities without restriction by the Council during daylight hours. Unless there is enforcement of the court rules and/or a physical obstacle that restricts court or ring access, people are going to play basketball when it is light outside.

CCTV monitoring showed the majority (59.6%) of after-hours basketball play finished by 8:30pm, with a greater percentage (83.3%) of play finishing by 9:00pm. Several participants in the consultation process who are basketball court users want to see the hours of play changed to reflect daylight hours (e.g. different times in summer and winter).

If the currently established court hours of play are changed to reflect daylight hours (e.g. sunrise to sunset, 8:00am-dark, etc.), this would be good for court users but would be detrimental for the affected residents. It is **recommended** that the existing court hours of 8:00am-8:00pm be maintained with the understanding that people will continue to break the rules, particularly during the summer months.

An automatic device which can block the basketball ring would provide the Council with more flexibility and effectiveness in its ability to manage the court. If the Council is able to obtain a device, it is **recommended** that automatic device is programmed to block the ring from 8:00pm to 8:00am.

#### I. Pay for the installation of double glazing to windows of resident's dwellings

The acoustic consultant's report to the City of Marion (**Attachment D**) provides information on façade upgrade treatments for sound attenuation, including double (or secondary) glazing systems. In that report, the acoustic consultant states:

*'We recommend facade treatments are considered as a last resort option, as reducing the noise at the source through the use of noise reduction backboards and noise barriers will benefit a greater number of receivers and will reduce noise levels in areas of external amenity. Facade treatments will only benefit a single residence and only in internal areas. Façade treatments also only work when windows are closed, further restricting residents to choose between noise amenity or fresh air and ventilation.'*

It would be problematic for the Council to offer façade upgrade treatments such as double glazing for the following reasons:

- it would set an undesirable local government precedent and create an argument for anyone living near an existing basketball court or indeed any facilities within the Council area to receive double glazing;
- it would be difficult to objectively determine the circumstances to qualify for double glazing;
- it would provide a capital improvement to property owners which is subsidised by general rate payers;
- it would be resource intensive for the Council to administer a double glazing program;
- the financial costs are unknown and unbudgeted; and
- double glazing may not provide the desired sound attenuation benefit if there are existing air gaps or poor insulation in the walls or roof of a residence.

Paying for the installation of double glazing or other façade treatments is therefore **not recommended**.



### Option 3 – Relocate the basketball court elsewhere within Felixstow Reserve

Relocating the basketball court elsewhere within Felixstow Reserve was set out in the report which was considered by the Council at its meeting held on 6 December 2021. One of the key purposes of the community consultation was to better understand the concerns of the Felixstow residents who signed the petition which asked the Council to *'take urgent action remove the Felixstow Reserve basketball court to a more suitable location that doesn't disrupt the livelihoods of local residents,'* as well as the broader community views on relocating of the basketball court.

The petition was signed by 39 people, representing 33 households. The consultation survey was completed by 60 people, representing 50 households. Of the 39 people who signed the petition asking for the court to be relocated, nine (9) of them representing eight (8) households completed the survey. Of the nine (9) people who signed both the petition and completed the survey:

- one (1) person wants the basketball court to remain in the current location;
- one (1) person wants the basketball court to remain in the current location and additional efforts undertaken to manage impacts on nearby residents;
- four (4) people want the basketball court relocated elsewhere in Felixstow Reserve;
- one (1) person wants the basketball court relocated to elsewhere in the Council area; and
- two (2) people want the basketball court to be removed completely and not relocated.

It is not known why more people who signed the petition did not participate in the community consultation process which was undertaken by the Council. Each Felixstow resident received a postcard in their letterbox at the start of the consultation period. A week before the consultation process closing, individual letters encouraging participation were also dropped in the letterboxes of residents who signed the petition but had not yet completed the survey or registered to participate in the residents focus group.

The consultation participants suggested three (3) locations to relocate the basketball court within Felixstow Reserve.

One suggested location is on the north side of the wetlands. Three (3) locations on the north side of the wetlands, including the suggested existing fitness equipment location, were previously identified in the report which was considered by the Council at its meeting held on 6 December 2021. In that report, it stated:

*'The problem with these locations is that they are spatially and visually distant from the primary recreation activity zone near the pavilion which is not ideal. In addition there would be a loss of established trees and/or need to remove and/or relocate existing fitness equipment to install a basketball court. The costs cannot be determined but would be much higher than relocating a basketball court to [any of the three identified locations in the open lawn area]. For these reasons, [the three locations north of the wetlands] are not worthy of further consideration.'*

The other suggested locations are in the open lawn area. One of these locations, on the other side of the pavilion and more towards the centre of the Reserve, was previously identified and discussed in the 6 December 2021 report. The other location, on the other side of lawn area closer to the car park at Wicks Avenue, was not previously considered due to its distance from other facilities.

It should be noted that the existing location of the basketball court is currently in close proximity to the pavilion and toilets, table tennis, bocce court, barbecues and picnic shelters. The design intent was to purposefully concentrate these facilities at this location to create both visual and spatial connection between them. The spatial arrangement of these facilities has been successful to their use and contributes to greater participation and perceptions of safety.

It is likely that relocating the basketball court to any of these locations will lessen the noise impacts on existing residents who have raised concerns because there will be a greater distance between the basketball court and the homes of these residents. However, it may not necessarily fully resolve the complaints of noise from existing residents who have raised concerns and may potentially create complaints from other residents or users. The more isolated that a facility is the more likely that it will be used after-hours and potentially attract anti-social behaviour.

Relocating the basketball court to an open lawn area would require removal of existing turf, relocation and adjustment of existing irrigation system, excavation and installation of base material, installation of a new basketball ring, asphalt resurfacing, and line marking. The existing basketball court area is ten by fifteen (10 x 15) metres. In order for a new basketball court to look purposeful rather than simply placed in a new location at Felixstow Reserve, a curved shape would likely be more appropriate than a rectangular court shape. The cost to build a new court in the open lawn area is estimated to be in the vicinity of \$35,000 (first order cost estimate) depending on the location. This cost estimate does not take into consideration any costs associated with the repurposing of the existing basketball court. Depending on what use replaces the existing basketball court will determine its cost.

If the basketball court was relocated or removed, participants in the consultation process have suggested the following ideas for the space which would be left vacant by the existing court:

- leave as a hard surface for roller blading and scooters;
- replace with lawn/ use as open space;
- replace with a garden;
- create a children's playground or water play area;
- apply time regulations for use of the area (e.g. 8:00am to 7:00pm or 8:00pm depending on daylight saving time);
- provide ground markings for children's games (e.g. snakes and ladders, hopscotch);
- create a badminton court; and
- install additional picnic table.

Relocating the basketball court within the Felixstow Reserve will require funds. This option will best address the existing concerns of affected residents, but is likely upset some non-affected residents and users of the court, many of which participated in the community consultation and want the basketball court to remain in its current location.

Based upon the overall response to the community consultation, the resources that are required and the opportunity to implement new measures such as a ring blocking device to help address the impacts of the basketball court on nearby residents, it is **not recommended** to relocate the basketball court within Felixstow Reserve.

#### **Option 4 – Remove the Basketball Ring from Felixstow Reserve**

Option 4 involves the permanent removal of the basketball ring from Felixstow Reserve. The existing basketball court is well used, particularly during school holidays, evenings and on weekends. The basketball court is used by people of many different ages, abilities and backgrounds. The regular use of the basketball court by many different individuals and groups demonstrates a community need for this type of facility at Felixstow Reserve.

The Council undertook a robust and valid consultation and design process to develop Felixstow Reserve. The community requested a basketball court be included at Felixstow Reserve through the initial stage of community consultation and engagement process (i.e. *Tell us what you would like to see at Felixstow Reserve*). A basketball court was subsequently shown in each and every plan during the planning and design process (i.e. the Draft Concept Plan, Final Draft Concept Plan, Draft Masterplan, Final Masterplan, Detailed Design and Construction Documentation), with no objection from the community. Through the recent consultation process, an overwhelming majority (82%) of participants in the consultation process advised that they like the basketball court and want it to remain in its current location. An additional 13% of respondents indicated that they want the basketball court to be relocated elsewhere within Felixstow Reserve.

Therefore, based on this data, deciding to permanently remove the basketball ring would ignore the wider community's desire and expectation for basketball facilities to be provided at Felixstow Reserve. This would subsequently trigger many complaints from City residents and users of the basketball court and create new issues and additional administrative work for the Council.

For these reasons, the option of removing the basketball court and eliminating basketball as an activity in Felixstow Reserve is **not recommended**.

### Option 5 – Establish an additional basketball court elsewhere in the area

A consultation participant suggested two (2) locations for relocating the court outside of Felixstow Reserve. These locations are:

- MARS stadium grounds; and
- Payneham Youth Centre on Turner Road, Felixstow.

The Council does not own or manage any of the land at the MARS stadium grounds. The Payneham Youth Centre is currently leased and the external grounds are not suitable and in close proximity to existing residences. The adjacent Patterson Sports Ground is fully grassed and leased year-round to sporting clubs. On this basis, neither of these options are currently viable.

An additional basketball court in the area, particularly if it was a half court or larger, could take some pressure off of the use of the existing basketball court at Felixstow Reserve. This is a benefit to basketball court users, but is unlikely to benefit affected residents. Therefore, this option is **not recommended**.

### CONCLUSION

Given that the Council has undertaken significant consultation on the redevelopment of Felixstow Reserve and now the use and location of the basketball court, it is recommended to both retain a basketball court in Felixstow Reserve and its current location. It is also recommended that the Council implements additional measures to further discourage after hours basketball playing at Felixstow Reserve. The installation of a device to block the basketball ring should particularly assist in stopping after hours basketball activity.

It is recognised that regardless of what the Council decides in relation to this matter, there is no practical solution that will please all members of the community. Retaining the basketball court at its current location and implementing additional measures will not satisfactorily resolve the concerns of some nearby residents who are affected by the basketball court. Complaints from affected residents related to the basketball court are therefore likely to continue. However, it is considered that relocating or removing the existing basketball court will cause new complaints and issues, requiring additional and continued Council effort and resources to investigate and address.

If the decision made by the Council, irrespective of what it is, is well informed and justified, then the community, regardless of the individual views, are more likely to be accepting of the outcome.

### COMMENTS

Prior to its redevelopment, Felixstow Reserve was underdeveloped, undermaintained and underutilised community land. Existing residents were used to living adjacent to a Reserve which was not used by many people and therefore, was a quiet location. However, Felixstow is undergoing significant infill development and the importance of open space is recognised by the Council. The redevelopment of Felixstow Reserve has realised the site's latent potential as a Regional Level Reserve that attracts and benefits both the local and the wider community.

There is much to like about Felixstow Reserve. The Reserve's popularity and success in attracting users can be attributed to the robust consultation and design processes as well as the type and quality of facilities provided. The basketball court, in particular, is well utilised due to its quality, size and integration with other recreation facilities in a convenient, accessible and safe location. It is an important part of the overall recreation offering at Felixstow Reserve, providing opportunity for exercise and intergenerational play.

The relocation or removal of the basketball court from Felixstow Reserve would set a problematic precedent, the effects of which could potentially extend to future issues being created in relation to other basketball courts, playgrounds, tennis courts and other types of recreation facilities within the City.

## RECOMMENDATION

1. That the results of the CCTV monitoring and community consultation in respect to the use of the basketball court at Felixstow Reserve, as contained in Attachments A, B and C, be received and noted.
2. That the CCTV monitoring of the basketball court at Felixstow Reserve, be discontinued.
3. That the basketball court at Felixstow Reserve be retained in its current location.
4. That additional measures be implemented by the Council to further discourage the late evening and early morning use of the basketball court at Felixstow Reserve, including, but not limited to:
  - a. the installation of improved signage and a motion activated warning light, which flashes as a visual signal to persons using the court after dark; and
  - b. the installation of an automatic device to block the basketball ring, such as the one currently being developed by Monash University students, as soon as it becomes available to trial or purchase, and that the automatic device is programmed to block the ring from 8:00pm to 8:00am.
5. That affected residents and other community consultation participants be advised in writing of the Council's decision regarding this matter.

## **Attachments – Item 11.2**

# Attachment A

## Felixstow Reserve Basketball Court

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
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*City of*  
**Norwood  
Payneham  
& St Peters**

Occurrence	Date	Alert Time	End time	Duration	People	Comments <sup>1</sup>
1	Thursday, 9 December 2021	8:00 PM	8:34 PM	34 mins	6	3 groups sharing the court (adult and child, 3 children, single adult), groups progressively leave over a 35 minute period
2	Friday, 10 December 2021	8:00 PM	8:35 PM	35 mins	5	2 young children and 3 adults (an adult and a child leave half way through), last player leaves at 8:35pm.
3	Friday, 10 December 2021	8:28 PM	8:43 PM	15 mins	1	1 child joins in on the court
4	Saturday, 11 December 2021	8:00 PM	8:03 PM	3 mins	1	1 child playing alone
5	Saturday, 11 December 2021	8:07 PM	8:17 PM	10 mins	3	1 adult playing while children play table tennis, 2 children join playing basketball at 8:15pm
6	Sunday, 12 December 2021	8:00 PM	8:08 PM	8 mins	6	6 children playing, 2 leave at 8:01pm
7	Sunday, 12 December 2021	9:24 PM	9:25 PM	1 min	2	2 children playing whilst they have a BBQ (have 1 or 2 shots before leaving)
8	Monday, 13 December 2021	8:00 PM	8:04 PM	4 mins	8	1 adult and 7 children playing
9	Tuesday, 14 December 2021	7:19 AM	7:19 AM	1 min	2	2 adults walk through to the table tennis table. Adult bounces a basketball a couple times as she walks.
10	Tuesday, 14 December 2021	8:00 PM	8:02 PM	2 mins	8	Group playing table tennis, barbecuing, etc (same group of 8 as the night before)
11	Tuesday, 14 December 2021	8:03 PM	8:06 PM	3 mins	3	1 adult and 2 children playing
12	Tuesday, 14 December 2021	8:27 PM	8:27 PM	1 min	1	1 child has a few shots and then walks off
13	Tuesday, 14 December 2021	9:31 PM	9:32 PM	1 min	4	2 adults and 2 children from the BBQ area begin to play, family at the table tennis table tell them they are on camera and play stops
14	Wednesday, 15 December 2021	8:00 PM	8:07 PM	7 mins	4	4 children were playing before 8pm, progressively leave over 7 minutes.
15	Wednesday, 15 December 2021	8:36 PM	8:55 PM	19 mins	3	3 adults playing
16	Thursday, 16 December 2021	8:00 PM	8:01 PM	1 min	2	1 adult and child leave at 8:01pm
17	Thursday, 16 December 2021	8:00 PM	8:20 PM	20 mins	2	1 child is playing alone and then another joins at 8:03pm.
18	Thursday, 16 December 2021	8:29 PM	8:40 PM	11 mins	1	1 adult kicking the footy at the ring then switches to a basketball at 8:33pm
19	Thursday, 16 December 2021	8:53 PM	9:05 PM	12 mins	2	2 children playing
20	Friday, 17 December 2021	7:59 AM	8:00 AM	1 mins	2	2 children start playing and continue playing after 8:00am
21	Friday, 17 December 2021	8:00 PM	8:19 PM	19 mins	2	2 children playing, appear to be there with a Christmas party or something similar
22	Friday, 17 December 2021	8:22 PM	8:22 PM	1 min	3	3 adults playing, possibly there with a group at the table tennis table
23	Friday, 17 December 2021	8:42 PM	8:51 PM	9 mins	2	2 children playing
24	Saturday, 18 December 2021	8:00 PM	8:18 PM	18 mins	7	2 adults and 5 children playing, adults sit on the sideline after a few minutes and watch, group slowly diminishes in size
25	Saturday, 18 December 2021	8:21 PM	8:33 PM	12 mins	2	2 children return to the court and play
26	Monday, 20 December 2021	8:00 PM	8:27 PM	27 mins	2	2 children playing basketball and also playing music
27	Monday, 20 December 2021	8:29 PM	8:34 PM	5 mins	1	1 adult playing
28	Monday, 20 December 2021	9:08 PM	9:09 PM	1 min	1	1 child runs over to the court and has 3 shots whilst her family is packing up near the BBQ
29	Saturday, 25 December 2021	8:00 PM	8:21 PM	21 mins	2	2 children playing
30	Saturday, 25 December 2021	8:12 PM	8:19 PM	7 mins	3	3 more children join in playing, appear to be regular court users.
31	Sunday, 26 December 2021	8:00 PM	8:27 PM	27 mins	5	5 children playing, group slowly disperse and 1 child is left playing alone, remainder of the group return briefly before leaving
32	Monday, 27 December 2021	8:03 PM	8:08 PM	5 mins	3	1 adult starts playing and 2 adults join in later
33	Monday, 27 December 2021	8:07 PM	8:38 PM	31 mins	2	2 adults playing
34	Monday, 27 December 2021	9:30 PM	9:59 PM	29 mins	2	2 adults playing
35	Tuesday, 28 December 2021	8:00 PM	8:08 PM	8 mins	5	3 children playing at the netball ring and 2 children at the basketball court, 3 children at the netball ring leave at 8:05pm
36	Tuesday, 28 December 2021	8:05 PM	8:12 PM	7 mins	4	2 adults and 2 children playing
37	Tuesday, 28 December 2021	10:48 PM	11:07 PM	19 mins	6	5 children playing, 1 child watching, they set up a light of some sort at the base of the backboard pole
38	Wednesday, 29 December 2021	8:00 PM	8:09 PM	9 mins	4	4 children playing
39	Wednesday, 29 December 2021	8:09 PM	8:52 PM	43 mins	2	1 adult and 1 child playing
40	Wednesday, 29 December 2021	8:11 PM	8:53 PM	42 mins	2	2 children playing, the 2nd child joins at 8:18pm
41	Thursday, 30 December 2021	8:00 PM	8:30 PM	30 mins	5	A group of 3 children playing on the basketball court, 2 children at the netball ring leave at 8:01
42	Thursday, 30 December 2021	8:19 PM	9:01 PM	42 mins	2	1 child joins in playing, an adult also joins at 8:30pm, appear to be regular court users
43	Thursday, 30 December 2021	8:47 PM	8:52 PM	5 mins	1	1 adult shooting at the netball ring
44	Thursday, 30 December 2021	9:01 PM	9:12 PM	11 mins	7	4 young children playing using 2 balls, 3 adults join in play, the group moves between the basketball court and the table tennis table
45	Thursday, 30 December 2021	9:16 PM	9:58 PM	42 mins	3	3 children playing
46	Friday, 31 December 2021	6:17 AM	6:23 AM	6 mins	1	1 adult playing
47	Friday, 31 December 2021	8:35 PM	9:09 PM	34 mins	4	2 children playing and 2 adults watching
48	Friday, 31 December 2021	8:40 PM	8:57 PM	17 mins	2	2 children join in play, appear to be regular court users
49	Friday, 31 December 2021	9:11 PM	9:15 PM	4 mins	3	3 children begin playing and realise the camera is on, they briefly debate and decide to keep playing

<sup>1</sup>Persons identified as children appeared to be primary or high school age (i.e. under 18 years old.) Persons identified as adults appeared to be 18 years of age or older.

Occurrence	Date	Alert Time	End time	Duration	People	Comments <sup>1</sup>
50	Saturday, 1 January 2022	8:04 PM	8:06 PM	2 mins	4	2 adults and 2 children playing, part of a larger group using the BBQ facilities
51	Saturday, 1 January 2022	8:13 PM	8:24 PM	11 mins	1	1 adult playing
52	Saturday, 1 January 2022	8:17 PM	8:19 PM	2 mins	1	1 child playing
53	Saturday, 1 January 2022	8:17 PM	8:42 PM	25 mins	2	2 adults begin playing at the netball ring and then move to the basketball court
54	Sunday, 2 January 2022	8:00 PM	8:41 PM	41 mins	7	2 young children playing, 2 more children join, 3 more children start using the netball ring, appear to be regular users
55	Sunday, 2 January 2022	8:02 PM	8:04 PM	2 mins	2	1 adult and 1 child playing
56	Monday, 3 January 2022	8:00 PM	8:03 PM	3 mins	4	4 children playing
57	Tuesday, 4 January 2022	8:00 PM	8:24 PM	24 mins	2	2 children playing
58	Tuesday, 4 January 2022	8:29 PM	8:31 PM	2 mins	2	2 children shoot a netball on the basketball court whilst an adult supervises
59	Wednesday, 5 January 2022	8:01 PM	8:22 PM	21 mins	1	1 child playing, joined by another child at 8:15pm
60	Wednesday, 5 January 2022	8:15 PM	8:49 PM	34 mins	1	1 child joins the other child playing, continues playing once the other child leaves
61	Wednesday, 5 January 2022	8:36 PM	8:49 PM	13 mins	2	Same child as before returns to play as his family is packing up, 1 adult briefly joins child prior to leaving
62	Thursday, 6 January 2022	8:00 PM	8:09 PM	9 mins	1	1 child playing
63	Saturday, 8 January 2022	8:00 PM	8:02 PM	2 mins	3	3 children playing
64	Saturday, 8 January 2022	8:03 PM	8:12 PM	9 mins	1	1 adult playing
65	Saturday, 8 January 2022	8:05 PM	8:24 PM	19 mins	3	Young family join in playing
66	Saturday, 8 January 2022	8:07 PM	8:25 PM	17 mins	2	2 children join in playing, appear to be regular court users
67	Saturday, 8 January 2022	8:24 PM	9:30 PM	6 mins	5	5 adults start playing
68	Sunday, 9 January 2022	8:00 PM	8:02 PM	2 mins	2	2 children playing, appear to be regular court users
69	Monday, 10 January 2022	8:00 PM	8:01 PM	1 min	3	1 adult and 2 children playing
70	Monday, 10 January 2022	8:34 PM	8:37 PM	3 mins	3	1 adult and 2 children playing
71	Wednesday, 12 January 2022	8:00 PM	8:03 PM	3 mins	3	3 children playing, appear to be regular court users
72	Wednesday, 12 January 2022	8:06 PM	8:28 PM	22 mins	2	1 adult and 1 child playing
73	Wednesday, 12 January 2022	8:09 PM	8:13 PM	4 mins	1	1 child returns to play
74	Wednesday, 12 January 2022	8:36 PM	8:41 PM	5 mins	1	1 child returns to play
75	Thursday, 13 January 2022	8:00 PM	8:30 PM	30 mins	3	3 children playing, appear to be regular court users
76	Thursday, 13 January 2022	8:45 PM	8:50 PM	5 mins	1	1 child playing
77	Friday, 14 January 2022	8:00 PM	8:01 PM	1 min	5	5 children playing, appear to be regular court users, realise that it is 8pm and begin to leave
78	Saturday, 15 January 2022	8:00 PM	8:06 PM	8 mins	3	2 children and 1 adult are playing, the 2 children leave at 8:06pm, appear to be regular court users
79	Saturday, 15 January 2022	8:06 PM	8:17 PM	11 mins	2	1 child and 1 adult arrive and play
80	Saturday, 15 January 2022	8:32 PM	8:54 PM	22 mins	2	Same child and adult return to play, part of group using the BBQ facilities
81	Saturday, 15 January 2022	9:01 PM	9:15 PM	14 mins	2	2 adults playing
82	Sunday, 16 January 2022	8:00 PM	8:01 PM	1 mins	3	3 children playing, appear to be regular court users
83	Monday, 17 January 2022	8:00 PM	8:01 PM	1 min	4	4 children playing, appear to be regular court users
84	Monday, 17 January 2022	8:02 PM	8:06 PM	5 mins	3	1 adult and 2 young children playing
85	Monday, 17 January 2022	8:10 PM	8:22 PM	9 mins	2	1 adult and 1 child playing, go over to the table tennis table for a few minutes and then return to the court briefly before leaving
86	Tuesday, 18 January 2022	8:06 PM	8:07 PM	1 min	1	1 child playing
87	Tuesday, 18 January 2022	8:11 PM	8:17 PM	6 mins	2	1 adult and 1 child playing
88	Wednesday, 19 January 2022	8:00 PM	8:34 PM	34 mins	8	Few different groups playing and a range of ages, one group appear to be regular court users, groups slowly disperse at varying times
89	Wednesday, 19 January 2022	8:43 PM	9:03 PM	20 mins	1	1 child playing, a few friends arrive, child stops playing briefly and then has a few more shots before leaving
90	Thursday, 20 January 2022	8:00 PM	8:18 PM	18 mins	4	4 children playing, appear to be regular court users
91	Thursday, 20 January 2022	8:23 PM	8:25 PM	2 mins	3	1 adult and 2 children playing with a small soccer ball
92	Thursday, 20 January 2022	8:30 PM	8:30 PM	1 min	1	2 children playing
93	Friday, 21 January 2022	7:07 AM	7:29 AM	22 mins	2	2 children playing
94	Friday, 21 January 2022	8:01 PM	8:13 PM	12 mins	4	2 adults and 2 children playing
95	Sunday, 23 January 2022	8:16 PM	8:58 PM	42 mins	2	2 adults playing, appear to be part of a larger group at the BBQ to the right of the camera
96	Monday, 24 January 2022	8:00 PM	8:18 PM	18 mins	3	3 children playing, appear to be regular court users
97	Monday, 24 January 2022	8:00 PM	8:37 PM	37 mins	2	2 adults playing
98	Tuesday, 25 January 2022	8:00 PM	8:53 PM	53 mins	7	Regular group of children plus a few other adults playing, last of the regular children leaves at 8:24pm

<sup>1</sup>Persons identified as children appeared to be primary or high school age (i.e. under 18 years old.) Persons identified as adults appeared to be 18 years of age or older.



Occurrence	Date	Alert Time	End time	Duration	People	Comments <sup>1</sup>
99	Wednesday, 26 January 2022	8:00 PM	8:22 PM	22 mins	4	4 children playing, appear to be regular court users
100	Wednesday, 26 January 2022	8:44 PM	8:54 PM	10 mins	3	2 adults and 1 child playing
101	Friday, 28 January 2022	8:00 PM	8:08 PM	8 mins	1	1 child playing, appears to be regular court user
102	Friday, 28 January 2022	8:33 PM	8:35 PM	2 mins	2	2 children playing.
103	Friday, 28 January 2022	8:36 PM	8:47 PM	11 mins	5	5 children playing, part of larger group who had a photo taken nearby
104	Saturday, 29 January 2022	8:00 PM	8:17 PM	17 mins	3	3 children playing, appear to be regular court users
105	Saturday, 29 January 2022	8:31 PM	8:41 PM	10 mins	2	1 adult and 1 child playing
106	Sunday, 30 January 2022	8:00 PM	8:00 PM	1 min	2	2 children already playing at 8:00pm, leave straight away, appear to be regular court users
107	Monday, 31 January 2022	8:00 PM	8:31 PM	31 mins	5	1 child and 4 adults playing, child leaves early
108	Tuesday, 1 February 2022	8:34 PM	8:36 PM	2 mins	1	1 child playing
109	Wednesday, 2 February 2022	8:00 PM	8:06 PM	6 mins	3	2 children playing, appear to be regular court users
110	Thursday, 3 February 2022	8:00 PM	8:04 PM	4 mins	3	3 children playing, 1 appears to be regular court user and leaves immediately after 8:00pm
111	Thursday, 3 February 2022	8:13 PM	8:44 PM	31 mins	4	Group of 4 adults playing, part of a larger group of adults but never more than 4 playing basketball at a time
112	Thursday, 3 February 2022	10:13 PM	10:34 PM	21 mins	3	3 children playing
113	Friday, 4 February 2022	8:00 PM	8:21 PM	21 mins	6	2 children and 4 adults playing, 4 adults leave at 8:08pm, 2 children appear to be regular court users
114	Friday, 4 February 2022	8:36 PM	9:00 PM	24 mins	5	5 adults playing, some of which were playing in earlier group
115	Saturday, 5 February 2022	8:04 PM	8:16 PM	12 mins	3	2 children and 1 adult playing
116	Sunday, 6 February 2022	8:00 PM	8:44 PM	44 mins	2	2 adults playing, leave for a couple of minutes and then return
117	Sunday, 6 February 2022	8:00 PM	8:34 PM	34 mins	2	2 children join in playing, appear to be regular court users
118	Monday, 7 February 2022	8:00 PM	8:27 PM	27 mins	1	1 child playing, appears to be regular court user
119	Monday, 7 February 2022	8:02 PM	8:40 PM	38 mins	2	2 adults join in playing
120	Wednesday, 9 February 2022	8:00 PM	8:29 PM	29 mins	3	3 children playing, appear to be regular court users
121	Thursday, 10 February 2022	6:49 AM	6:49 AM	1 min	1	1 adult bounces the ball twice before reading the signage and leaving
122	Thursday, 10 February 2022	8:00 PM	8:27 PM	27 mins	3	3 children playing, appear to be regular court users
123	Thursday, 10 February 2022	8:36 PM	8:46 PM	10 mins	2	2 children playing
124	Friday, 11 February 2022	8:00 PM	8:59 PM	59 mins	4	3 children and 1 adult playing, appear to be regular court users
125	Saturday, 12 February 2022	8:02 PM	8:12 PM	10 mins	3	3 children playing, appear to be regular court users
126	Sunday, 13 February 2022	8:00 PM	8:34 PM	34 mins	6	5 adults and 1 child playing, child appears to be a regular court user, players slowly disperse
127	Monday, 14 February 2022	8:00 PM	8:06 PM	6 mins	3	1 child and 2 adults playing, 2 adults leave at 8:03pm, appear to be regular court users
128	Tuesday, 15 February 2022	8:00 PM	8:15 PM	15 mins	4	1 child and 3 adults playing, appear to be regular court users
129	Tuesday, 15 February 2022	8:16 PM	8:34 PM	18 mins	2	2 children playing, appear to be regular court users
130	Wednesday, 16 February 2022	8:00 PM	8:20 PM	20 mins	3	3 children playing, appear to be regular court users
131	Thursday, 17 February 2022	8:00 PM	8:10 PM	10 mins	1	1 child playing, appears to be regular court user
132	Friday, 18 February 2022	8:00 PM	8:23 PM	23 mins	2	2 children playing, appear to be regular court users
133	Saturday, 19 February 2022	8:08 PM	8:10 PM	2 mins	4	4 children playing
134	Saturday, 19 February 2022	8:12 PM	8:20 PM	8 mins	2	1 adult and 1 child playing
135	Saturday, 19 February 2022	8:13 PM	8:21 PM	8 mins	2	2 children join in playing
136	Sunday, 20 February 2022	8:03 PM	8:13 PM	10 mins	1	1 child playing, appears to be regular court user
137	Monday, 21 February 2022	7:19 AM	7:26 AM	7 mins	1	1 child playing before school, appear to be regular court user
138	Tuesday, 22 February 2022	8:00 PM	8:30 PM	30 mins	4	1 child and 3 adults playing, appear to be regular court users
139	Wednesday, 23 February 2022	8:00 PM	8:23 PM	23 mins	3	3 children playing, appear to be regular court users
140	Wednesday, 23 February 2022	9:15 PM	9:18 PM	3 mins	2	1 adult and 1 child playing, part of a larger group gathered at the pavilion
141	Thursday, 24 February 2022	8:00 PM	8:15 PM	15 mins	2	2 children playing, appear to be regular court users
142	Thursday, 24 February 2022	8:03 PM	8:21 PM	18 mins	3	3 adults join in playing
143	Friday, 25 February 2022	8:00 PM	8:05 PM	5 mins	1	1 child playing, appears to be regular court user
144	Friday, 25 February 2022	8:07 PM	8:25 PM	18 mins	3	3 children playing including 1 who left the court, appear to be regular court users
145	Friday, 25 February 2022	8:53 PM	8:53 PM	1 min	3	2 children and 1 adult come over from the pavilion and begin playing
146	Friday, 25 February 2022	9:44 PM	9:57 PM	13 mins	3	3 children playing and taking photos, appear to be more interested in posing for photos than playing basketball
147	Saturday, 26 February 2022	8:00 PM	8:34 PM	34 mins	2	2 adults playing

<sup>1</sup>Persons identified as children appeared to be primary or high school age (i.e. under 18 years old.) Persons identified as adults appeared to be 18 years of age or older.

Occurrence	Date	Alert Time	End time	Duration	People	Comments <sup>1</sup>
148	Saturday, 26 February 2022	8:00 PM	8:17 PM	17 mins	1	1 child playing, appears to be regular court user
149	Sunday, 27 February 2022	8:00 PM	8:16 PM	16 mins	2	2 adults playing, appear to be regular court users
150	Monday, 28 February 2022	8:00 PM	8:09 PM	9 mins	1	1 child playing, appears to be regular court user
151	Tuesday, 1 March 2022	8:00 PM	8:15 PM	15 mins	3	3 children playing, appear to be regular court users
152	Wednesday, 2 March 2022	8:00 PM	8:06 PM	6 mins	3	3 children playing, 1 appears to be regular court user
153	Thursday, 3 March 2022	8:00 PM	8:13 PM	13 mins	3	3 children playing, 1 appears to be regular court user, 2 others leave at 8.11pm
154	Friday, 4 March 2022	8:00 PM	8:17 PM	17 mins	5	3 adults and 2 children playing, children appear to be regular court users
155	Sunday, 6 March 2022	8:00 PM	8:00 PM	1 min	2	1 child and 1 adult playing, loud music is playing by users of the nearby BBQ
156	Sunday, 6 March 2022	8:25 PM	9:16 PM	51 mins	3	3 adults playing
157	Monday, 7 March 2022	8:00 PM	8:12 PM	12 mins	2	1 child and 1 adult playing, child leaves at 8.08pm, appear to be regular court users
158	Tuesday, 8 March 2022	8:00 PM	8:10 PM	10 mins	4	4 children playing, appear to be regular court users
159	Wednesday, 9 March 2022	8:00 PM	8:12 PM	12 mins	2	2 children playing, appear to be regular court users
160	Thursday, 10 March 2022	8:00 PM	8:14 PM	14 mins	3	2 children and 1 adult playing, appear to be regular court users
161	Thursday, 10 March 2022	9:20 PM	10:43 PM	83 mins	3	3 adults playing
162	Friday, 11 March 2022	8:00 PM	8:07 PM	7 mins	4	2 children and 2 adults playing, adults leave at 8.04pm, appear to be regular court users
163	Friday, 11 March 2022	8:10 PM	8:17 PM	7 mins	2	2 adults return and play
164	Friday, 11 March 2022	9:41 PM	10:07 PM	26 mins	4	4 adults playing
165	Saturday, 12 March 2022	8:00 PM	8:07 PM	7 mins	2	2 children playing
166	Saturday, 12 March 2022	8:09 PM	8:14 PM	5 mins	4	Family of 4 playing volleyball on the court and occasionally shooting the ball
167	Saturday, 12 March 2022	8:45 PM	9:29 PM	44 mins	4	4 children playing
168	Monday, 14 March 2022	8:00 PM	8:19 PM	19 mins	3	3 children playing
169	Tuesday, 15 March 2022	8:00 PM	8:08 PM	8 mins	1	1 child playing, appears to be regular court user
170	Thursday, 17 March 2022	8:04 PM	8:18 PM	14 mins	1	1 child playing, appears to be regular court user
171	Thursday, 17 March 2022	8:38 PM	8:56 PM	18 mins	2	2 children playing
172	Friday, 18 March 2022	6:56 AM	8:00 AM	64 mins	3	3 children playing, continue after 8am, appear to be regular court users
173	Friday, 18 March 2022	8:00 PM	8:07 PM	7 mins	4	4 children playing, appear to be regular court users
174	Friday, 25 March 2022	8:00 PM	8:14 PM	14 mins	2	2 children playing, appear to be regular court users
175	Friday, 25 March 2022	8:25 PM	8:27 PM	2 mins	2	2 adults playing
176	Friday, 25 March 2022	9:53 PM	11:01 PM	68 mins	3	3 adults playing, 1 is using a head lamp, music is playing, group gets asked to leave by a resident
177	Saturday, 26 March 2022	8:00 PM	8:46 PM	46 mins	3	3 children playing, set up a light at the base of the pole
178	Wednesday, 30 March 2022	8:00 PM	8:34 PM	34 mins	2	2 children playing, appear to be regular court users
179	Thursday, 31 March 2022	8:00 PM	8:26 PM	26 mins	2	2 children playing, appear to be regular court users
180	Friday, 1 April 2022	8:00 PM	8:03 PM	3 mins	2	2 children playing, appear to be regular court users
181	Friday, 29 April 2022	10:18 PM	10:52 PM	34 mins	4	3 adults and 1 child playing, use phone lights while playing
182	Saturday, 30 April 2022	8:02 PM	9:54 PM	112 mins	2	2 children begin playing, part of a larger group of approximately 20 people gathered, playing music, shoots basketball sporadically
183	Saturday, 16 July 2022	10:54 PM	10:57 PM	3 mins	1	1 adult playing, appears to notice CCTV camera, starts and stops several times, leaves shortly after arrival

<sup>1</sup>Persons identified as children appeared to be primary or high school age (i.e. under 18 years old.) Persons identified as adults appeared to be 18 years of age or older.

# Attachment B

## Felixstow Reserve Basketball Court

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*City of*  
**Norwood  
Payneham  
& St Peters**

City of Norwood Payneham & St Peters  
22ADL-512  
21 June 2022

# Felixstow Reserve Basketball Court Consultation

Summary Report

# Felixstow Reserve Basketball Court Consultation

21 June 2022

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## Document history and status

Revision	Date	Author	Reviewed	Details
V1	02/06/22	N. Halsey	J. Wilson	Initiation of report for issue
V2	20/06/22	N. Halsey	J. Barnes	Final review

We acknowledge the Kaurna People as the Traditional Custodians of the land on which we work and pay respect to their Elders past, present and emerging.

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## Executive summary

In April 2022, the Council appointed URPS to design and implement a consultation process with the residents of Felixstow and users of the basketball court at Felixstow Reserve. The objective of the consultation was to gather information to inform the Council's resolution to "understand the issues and determine the best outcome in respect to the basketball court".

This resolution was made by Council after nearly three years of complaints from some local residents about the basketball court and in more recent months, three deputations and a petition lodged with the Council.

The consultation sought to foster participation from both local residents (including those that feel that they are the most directly impacted and which have complained to Council about the basketball court) and the wider community given that Felixstow Reserve is a regional level open space facility.

The consultation was open from Friday 13 May 2022 and closed at 5pm on Friday 3 June 2022.

The opportunities to participate, promotion of the consultation opportunities, how many people participated via the different mechanisms and a high-level summary of responses is provided in the table below.

It should be noted that participation in the consultation process was self-nominated and therefore the feedback received should not be considered statistically representative. Rather, the consultation illuminates key themes regarding issues and opportunities and provides insight regarding views about the basketball court to be used as one input to inform the decision-making process by the Council.

It should also be noted that people could participate in the consultation in more than one way, meaning that one person could provide feedback via the online feedback form as well as a focus group and/or one to one meeting. Therefore, information and comments made by a small number of individuals will be repeated within this report.

Consultation mechanism	Promotion	Participation	Response
Online feedback form	<p>A1 size corflute signs installed at 3 locations in Felixstow Reserve</p> <p>Direct letterbox delivery of postcards to all properties within suburb of Felixstow</p> <p>Council webpage</p> <p>A4 size posters displayed at Payneham Library</p>	60	<p>64% or 38 respondents want the court to remain at current location</p> <p>18% or 11 respondents want the court to remain at current location and additional efforts undertaken to manage impacts on nearby residents</p>

Consultation mechanism	Promotion	Participation	Response
	Social media post on Facebook		13% or 8 respondents want the court relocated elsewhere in the Reserve  2% or 1 respondent wants the court relocated to elsewhere in the Council area  3% or 2 respondents want it removed and not relocated
<b>Basketball court users focus group</b>	Invitation made via email to people who enquired with or complained to the Council when the basketball ring was removed during COVID restrictions	4 (including one child aged 11)	Want the court retained and support additional measures to address impacts on residents
<b>Residents focus group</b>	Expression of Interest process advertised via postcard and on the Council webpage	9	Mixed views ranging from retaining court at current location with additional measures to manage impacts on residents to wanting removal or relocation of the court
<b>One to one discussions with residents who made deputations to Council</b>	Direct contact made with residents who made deputations to Council	3	Want the court relocated or removed

The consultation shows that some local residents who live in proximity to the basketball court, in particular those that have made repeated complaints and deputations to the Council, feel strongly that the basketball court is having a significant and negative impact on their quality of life and health wellbeing. These impacts are mostly associated with the repetitive noise from the bouncing of the ball, and at times, behaviour at the court, including yelling, celebrating of a goal and calling for the ball.

These residents described the basketball noise as “thumping”, “penetrating” and “relentless” and stated that their “peace and tranquillity has been destroyed”. They conveyed that the use of the court means



that they cannot relax in their own homes, sleep, open their windows or enjoy time in their front or backyards. They also have issues with light spill and at times anti-social behaviour and the court curfew not being adhered to. These local residents consider the only way to manage the impacts of the basketball court on them is for it to be relocated (either in the Reserve or elsewhere in the Council area) or removed altogether.

It is also clear from the consultation that many people support the basketball court being retained at its current location. Key aspects that people like about the basketball court include its accessibility from the local residential area, visibility and the perceptions of safety, particularly for use by children and young people, the quality of the court and its integration with other facilities at the Reserve such as the pavilion, picnic area, toilets, bocce court and table tennis table.

Many people described how they like the opportunity the basketball court provides for intergenerational play and that it attracts people from all ages and backgrounds. Many people also identified that they like that the court is well used, they enjoy seeing others using it and it promotes physical activity, particularly for children and young people.

Some people who support retaining the basketball court at its current location, support Council taking additional measures to help address the concerns of the nearby residents associated with its use.

#### ***Future management of the basketball court***

Suggestions to help address impacts of the basketball court on nearby residents identified by the consultation included:

- Installing measures that attenuate the noise such as a green wall, art installation, extra plantings, sound absorbing playing surface and extending the low seating wall
- Installing a mechanism that prevents use of the ring outside of curfew hours (eg mechanism used in Coburg)
- Signage that explains rules of use and encourages good behaviours
- Timed lighting
- Surveillance and compliance, in particular ongoing use of CCTV to monitor out of hours use, imposing on the spot fines and liaising with police. This includes targeting those people who are exhibiting bad behaviours at the basketball court and responding quickly eg use CCTV to monitor court use and send alert to the Council/police
- Community education of users
- Fencing the court and locking it so it cannot be used outside of curfew hours
- Changing the curfew hours to reflect daylight hours eg different for summer and winter
- Paying for double glazing of windows for nearby residents.

Suggested locations for the relocation of the basketball court identified by the consultation include:

- Along the north-western edge of the Reserve, near the river
- On the other side of the Reserve, closer to Wicks Avenue car park

- On the other side of the pavilion, more towards the centre of the park. opposite the pond lookout area
- MARS stadium grounds
- Youth Group Centre on Turner Road, Felixstow.

If the basketball court was to be relocated or removed suggestions for the space left vacant include:

- Leave as a hard surface for roller blading and scooters
- Replace with lawn/ use as open space
- Replace with a garden
- Create a children's playground or water play area
- Apply time regulations for use of the area eg 8am to 7pm or 8pm depending on daylight saving time
- Provide ground markings for children's games such as snakes and ladders, hopscotch
- Create a badminton court
- Install additional picnic table.

## 1. Introduction

Following the opening of the Felixstow Reserve in February 2019, the Council started to receive complaints from several residents about the use of the basketball court. These complaints have particularly related to noise and behaviours of those using the basketball court.

Over this time the Council has implemented a number of initiatives at the basketball court in response to these complaints to better understand how the basketball court is used and manage impacts on nearby residents. These initiatives include:

- Installing signage advising of rules of use eg hours of play 8am to 8pm, no private coaching and no loud music, foul language and yelling
- Painting the rule of use of 8am to 8pm on the basketball court
- Installing CCTV to monitor use including out of hours
- Time activating the Pavilion lights nearby the court to turn off at 9.30pm
- Daytime and weekend patrols by the Council's regulatory compliance officers, and evening surveillance by a regulatory compliance contractor
- Enclosing power points in a cabinet to prevent public use (eg for plugging in "boom boxes").

In October 2021, three residents made deputations to the Council raising concerns about the use of the basketball court. In November 2021, a petition was also submitted.

In response, the Council at its meeting held on 6 December 2022 resolved to:

*Undertake consultation with the residents of Felixstow and users of the basketball court, to enable the Council to understand the issues and determine the best outcome in respect to the basketball court.*

Subsequently in April 2022, URPS was engaged to design, implement and report on this consultation in relation to the basketball court.

This report summarises the consultation process and feedback gathered.

### 1.1 Consultation objectives

The objectives of the consultation were to surface the different views about the basketball court and understand aspects such as:

- How it is currently used
- What is liked about it
- What could be improved
- Opportunities to manage impacts on residents if the basketball court remains at its current location
- Opportunities to manage impacts on residents including if the basketball court:

- Should be relocated (either at the Reserve or elsewhere)
- If it is to be relocated, where it should go
- If it should be removed altogether
- If it is relocated or removed what could be done with the space previously occupied by the court.

## 1.2 Consultation process

Table 1 summarises the opportunities that people were provided to participate in the consultation and how the opportunities to participate were promoted.

The consultation sought to foster participation both from local residents (including those that have complained to the Council about the basketball court and feel most directly impacted) and the wider community given that Felixstow Reserve is classified as a regional level open space facility.

The consultation was open from Friday 13 May 2022 and closed at 5pm on Friday 3 June 2022.

**Table 1 Summary of consultation process**

Consultation mechanism	Description	Promotion
Online feedback form	Gather feedback about: <ul style="list-style-type: none"> <li>• Use of the basketball court and the Reserve</li> <li>• What is liked about the basketball court</li> <li>• What is not liked about the basketball court</li> <li>• Views about its future management including opportunities to manage impacts on residents at the current location and relocation or removal of the court</li> </ul>	A1 size corflute signs installed at 3 locations (the basketball court and 2 entrances) in Felixstow Reserve  Direct letterbox delivery of 400 postcards to all properties within suburb of Felixstow  Council webpage  A4 size posters (2) displayed at Payneham Library  Social media post on Facebook (reached 546 people, 25 people clicked through)
Basketball court users focus group	Held 25 May 2022, 6pm to 7.30pm  Small group, in-person meeting with registered court users to	Invitation made via email to people who enquired with or complained to the Council when the basketball ring

Consultation mechanism	Description	Promotion
	understand issues and opportunities to address concerns associated with the use of the basketball court	was removed during COVID-19 restrictions
<b>Residents focus group</b>	Held 31 May 2022, 6pm to 7.30pm  Small group, in-person meeting with registered residents to understand issues and opportunities to address concerns associated with the use of the basketball court	Expression of Interest process advertised via postcard and on Council webpage
<b>One-to-one discussions with residents who made deputations to Council about the basketball court</b>	Phone or in-person meetings to understand issues and opportunities to address concerns associated with the use of the basketball court	Direct contact made with residents who made deputations to the Council

### 1.3 Participation in the consultation

Participation in the consultation process was self-nominated and therefore the feedback received should not be considered statistically representative. Rather, the consultation illuminates key themes regarding issues and opportunities and provides insight into views about the basketball court to be used as an input to the decision-making process by the Council.

It should also be noted that people could participate in the consultation in more than one way, meaning that one person could provide feedback via the online feedback form as well as a focus group and/or one to one meeting. Therefore, information and comments made by a small number of individuals will be repeated within this report.

Table 2 summarises participation in the consultation.

Table 2 Participation in the consultation

Consultation mechanism	Participation
Online feedback form	60
Basketball court users focus group	4 (including one child aged 11)
Residents focus group	9
One-to-one discussion with residents who made deputations to Council	3

## 2. Consultation feedback

This section of the report summarises the feedback received through the different consultation activities.

### 2.1 Online feedback form

#### 2.1.1 Respondents

60 online feedback forms were completed. Based on address information of respondents, multiple people at the same address responded to the online feedback form.

In total 47 different addresses were represented in the responses. Three respondents did not provide address details. 34 respondents identified addresses which are in the City of Norwood Payneham & St Peters Council area.

Table 3 shows the street address of online feedback form respondents. Figure 1 shows proximity of respondents to the basketball court.

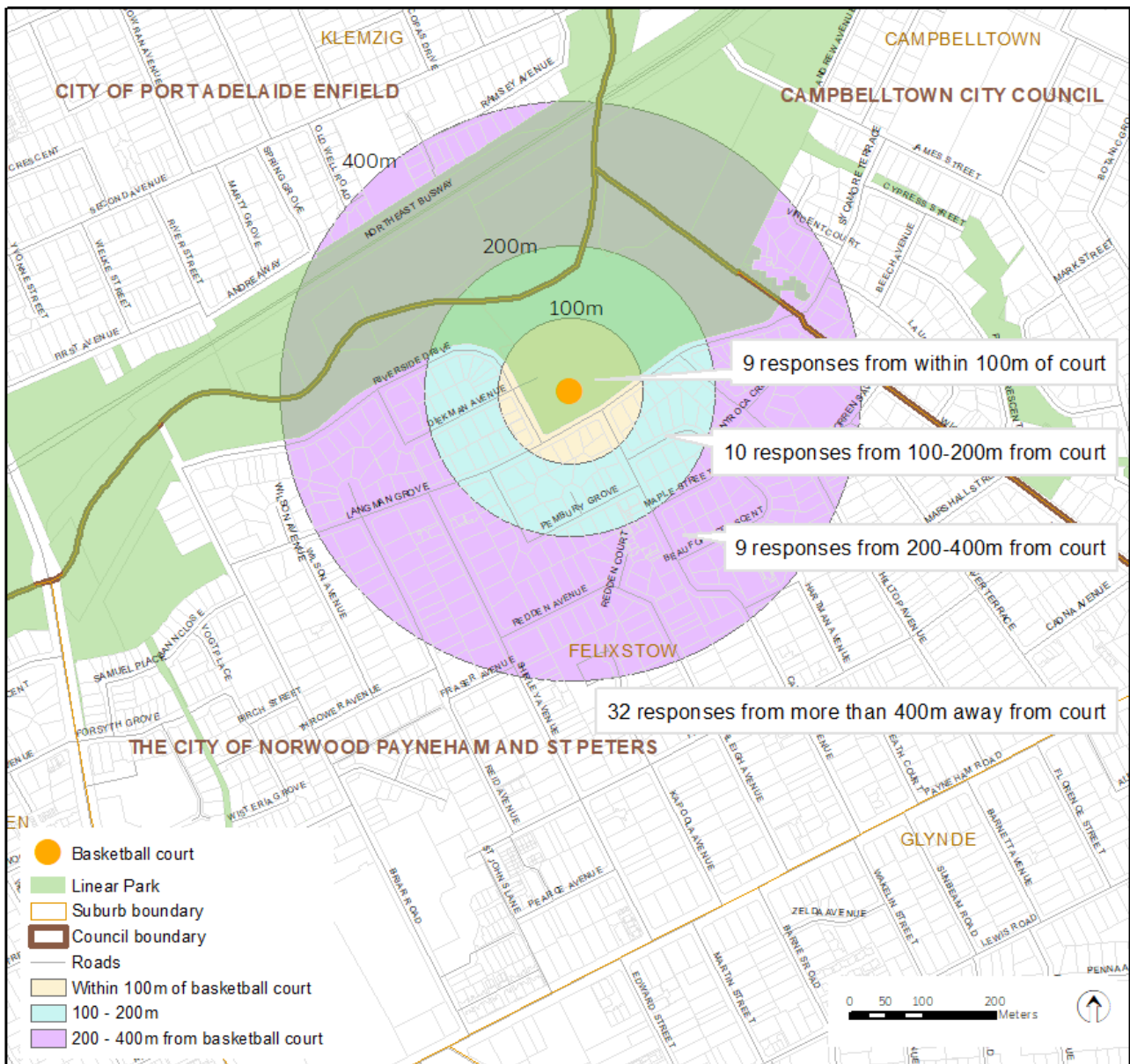
**Table 3 Street location of online feedback form respondents**

Council area	Suburb	Street	Number from street that completed the online feedback form
NPSP	Felixstow	Ashleigh Ave	2
NPSP	Felixstow	Briar Rd	2
NPSP	Marden	Broad St	1
NPSP	Felixstow	Cadna Ave	1
NPSP	Felixstow	Cann Cl	2
NPSP	Felixstow	Cardigan Ave	1
NPSP	Felixstow	Diekman Ave	3
NPSP	Felixstow	Hilltop Ave	2
NPSP	Felixstow	Kapoola Ave	1
NPSP	Felixstow	Langman Gr	8
NPSP	Felixstow	Maple St	2
NPSP	Felixstow	Riverside Dr	5
NPSP	Felixstow	Shirley Ave	2
NPSP	Royston Park	Sixth Ave	1
NPSP	St Peters	St Peters St	1
Campbelltown	Newton	Angelo St	1

Council area	Suburb	Street	Number from street that completed the online feedback form
Campbelltown	Magill	Cranbrook Ave	1
Campbelltown	Paradise	Donaldson Dr	1
Campbelltown	Campbelltown	Hambledon Rd	1
Campbelltown	Campbelltown	James St	1
Campbelltown	Campbelltown	Kareda Dr	1
Campbelltown	Campbelltown	Osborne St	1
Campbelltown	Campbelltown	Poplar Cresc	1
Charles Sturt	Cheltenham	Percy St	1
Port Adelaide Enfield	Klemzig	Lomond Rd	1
Tea Tree Gully	Holden Hill	Karina Cres	1
Victor Harbor	McCracken	Coromandel Dr	1
Walkerville	Vale Park	Fife St	1
		No Street Name Provided	3



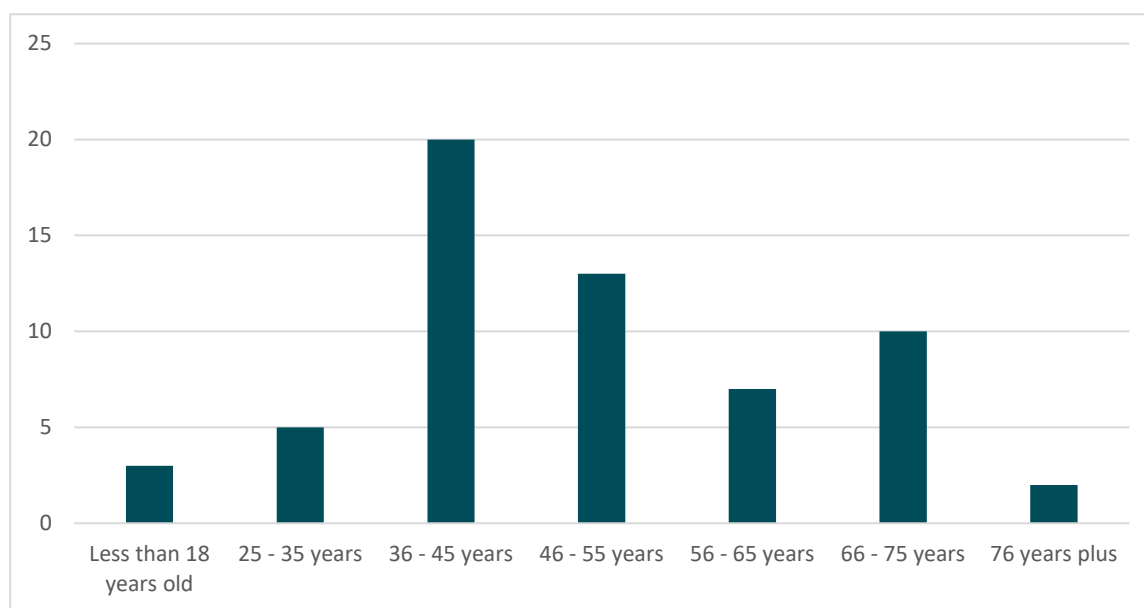
Figure 1 Proximity of online feedback form respondents to the basketball court



### 2.1.2 Age breakdown of respondents

Figure 2 summarises the age breakdown of respondents.

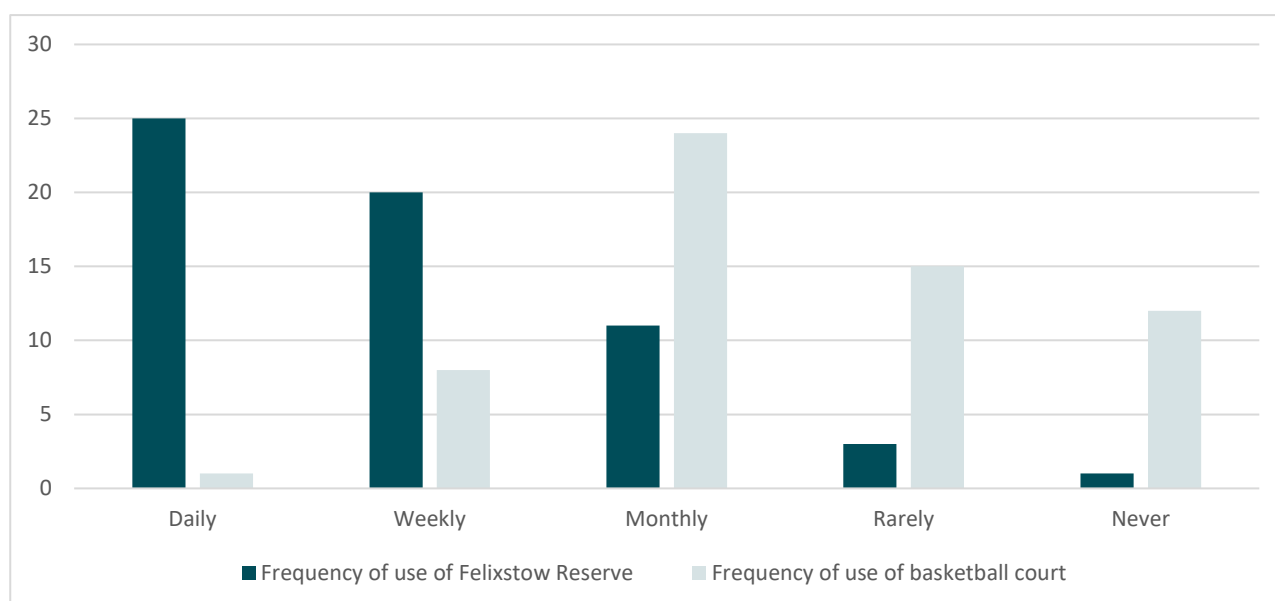
**Figure 2 Age of online feedback form respondents**



### 2.1.3 Current use of the basketball court and reserve

Figure 3 summarises how often respondents use the Felixstow Reserve and/ or basketball court.

**Figure 3 Current use of Felixstow Reserve and basketball court**



### 2.1.4 What people like about the basketball court

57 of the 60 online feedback form respondents identified what they like about the basketball court. This question was not compulsory and comprised free form text response.

Six of the 11 people who would like the court relocated or removed provided positive responses to this question.

Three people stated that there is nothing they like about the basketball court.

Many people provided detailed responses to this question and wrote at length about how the basketball court is an **important part of the overall recreation offering** at the Reserve that provides opportunity for exercise and physical activity. People also liked how the basketball court is **integrated with other complementary facilities** such as the BBQs, picnic table, pavilion, toilets, bocce and table tennis table.

Comments included:

*Love the layout and how it fits in with the rest of this excellent facility*

*The area that the basketball court is in has many other facilities like seating, toilets and bbqs that makes it a very useful and convenient court to use*

*Located next to amenities, and other activities*

*Combined with the adjacent oval we often play football, soccer and basketball all in the same place*

*Great place for residents to exercise. Part of a fantastic facility that is the envy of many from neighbouring areas*

*Location, good quality facility, with toilets nearby. An overall pleasant place to be*

Many people also spoke about the **intergenerational opportunities for play and recreation** provided by the basketball court and how they use it with **family members and friends**:

*We love the space at Felixstow - the basketball court can be used by all the children and adults in our family aged from 8 through to 17, plus in our 40s - such a great family friendly activity*

*Gives opportunity for my family and friends to play*

*I bring my kids to play there. All four of them (ages 17, 15, 11 & 8) will use the court socially whilst we can sit at the shelter and eat a meal. It's a great meeting point for friends*

*It provides children and families the opportunity to be outside enjoying themselves in a healthy environment*

*Great to have a place to play with the family*

*Outdoor activities for all age groups, that encourages community gatherings and wellbeing*

*The opportunities it provides to allow children/ families and youth to interact outside having fun while exercising*

*You can see a lot of people from different ages and see enjoying it*

Numerous people identified that the basketball court provides something for children and young people to do that is outdoors and involves physical activity:

*That young people have a place to play using their energy in a joyful skills based way*

*Provides young people with a healthy outdoor activity.*

*I like the fact that there is a facility in the area for young people. There's not much in my local area for teens and this is at least, something*

*Gives young people a place to exercise in a safe and open place*

*Helping my grandchildren practice their skills. It is a treasured time to watch them grow and develop skills in a sport they play.*

*Good place for my kids to play and meet other local children. Get them out of the house and exercising*

*The kids say it's an excellent court, it's their favourite in the area*

The **convenient location** of the basketball court was also identified with people liking its **accessibility** from their homes:

*..it is easily accessible to the public*

*It is accessible and available for us, to enjoy it before or after the routine walk/jog*

*It's a convenient nearby location that my children aged 8 and 10 can use*

*It's within walking distance of our house*

A number of people identified that they like the **safety** of the basketball court due to its location and visibility:

*I appreciate that it is located within close proximity to Langman Grove. In particular, the fact that it is clearly visible from Langman Grove - there is safety in having the court visible from the street line, as compared to a more secluded location.*

*Safety and visibility*

*It has created a great safe spot for the kids in the community to get outside and exercise. Living nearby I believe the current location of the court is great as it has great visibility and therefore provides a safe environment for the kids*

Many people identified how they enjoy seeing the **community engaging** with the basketball court and getting outdoors and exercising:

*Great facility for this area and it attracts young people to come together*

*I enjoy seeing the community enjoying the courts*

*It's great to see the local community using the amenities. I don't understand what's so wrong about young and old getting some open air exercise*

*Brings people together and that it is secure in an open space*

*It's an asset to our neighbourhood and I constantly see it being engaged by many different sectors of the community*

A range of comments were also provided about the **design and construction** of the basketball court itself:

*Great backboard and ring. Has a net. Sometimes public basketball rings don't have a net. As a basketball player, hearing the ball go through the net is satisfying*

*It's a very clean court that does seem to be maintained frequently (hoop never bent, net not ripped, backboard undamaged)*

*Smooth court and the ring actually has a net*

There were several comments calling for the court to remain and that complaints from some residents be kept in perspective, and instead the police be called when there is bad behaviour at the court:

*We would be devastated if the basketball court was not available for use at this facility as it is a real drawcard*

*Removing it would be to the detriment of the Reserve. It is a pleasure to see people especially young adults using it nearly every time I visit the Reserve. Is there robust data available about frequently the neighbours' peace is being disturbed? Surely it is preferable for so called annoying people to be gathered on a basketball court even with loud music, rather than engaged in vandalism, robberies etc?*

### 2.1.5 What could be improved about the basketball court

53 people provided a response to this question about what could be improved about the basketball court. This question was not compulsory and comprised free form text response.

In response to this question, 21 people identified there was "nil", "none" or "**nothing**" they would like to see improved. Some of these people, provided a qualification to this response including:

*Nothing. It's a great community resource. I choose to accept the quite rare occasions of any noise*

*Nothing to change. It's the right size and accessible location*

*Nil. We would like to remain as-is*

*Nothing at all - having the silly BIG BROTHER camera is a bit bothersome though*

*Nothing but I have been in the area when others have abused the time restrictions*

*What isn't there not to like? You can shoot by yourself, or you can play with 2 people. The court is smooth and looks maintained*

Many people identified **challenges with using the basketball court** such as needing to wait to play due to its popularity and that teenagers and adults can intimidate or displace younger children:

*That there's only the one half court in the area. That it's popular which sometimes means a bit of a wait to use*

*There's only one*

*It is very popular and is often already in use, meaning we need to wait or not play*

*It can get very busy as it is well utilised. This can be intimidating for the younger kids if there are lots of teens there at the same time*

*It's too small. Would be nice to see another court so that different ages can play without the worry of accidentally hurting someone younger or smaller*

*There should be more basketball courts*

*Sometimes it is over-subscribed (although this is a good problem to have!). It is a very popular fixture at Felixstow Reserve*

*The fact that it is only a half court, not a full one*

*If a group of teenagers or adults are playing, young children do not get a look into play*

There was one comment that the proximity of the court to the picnic area “Isn’t conducive to a relaxing picnic / barbecue”.

A range of **opportunities to improve the basketball court** were identified including:

*Should be a full court and should be under cover so it can utilised better in Autumn and Winter.*

*Some more hedging could be added closer to the road to stop balls from rolling out onto the road*

*As it gets darker earlier in the day now, a light that is able to cover the whole court would be a fantastic addition, especially one with a sensor*

*The hours of play need to be extended in Summer as 8pm is too early*

*Needs to be bigger*

A number of comments were provided about **impacts on local residents** associated with the use of the basketball court, in particular noise from the bouncing ball/s:

*Maybe out of hours noise*

*Noisy. Irritating. Affects our peace and quiet*

*Noise that comes from playing basketball at all hours, not just the night time. As retirees we can't escape the noise*

*The noise of bouncing basketballs is intrusive and has a negative effect on our physical health (interrupting sleep) and mental health (anxiety). It also attracts anti-social behaviour in general*

*Occasional noise 8pm-8am*

*The use of this court does not affect me directly but I can understand the noise of thud, thud, thud from users would be annoying to nearby residents*

*When the basketball users have finished, ironically, they can return to their homes to enjoy their peaceful down time, whereas we the residents, are left exposed and open for the next influx of users*

Other comments about **negative impacts of the basketball court on nearby residents** included:

- Use of the court outside of the curfew hours
- Abuse of residents when users of the court are asked to observe the curfew hours
- There is regular use of the court to “train”
- Unrelenting use of the court –“On busy days it may be in use for 12 hours or more!”

### 2.1.6 Future management of the basketball court

People were asked to identify which statement most sums up how they feel about the basketball court.

Respondents could select from the following statements:

- I want the basketball court to remain at its current location
- I want the basketball court to remain at its current location but additional efforts made to manage impacts on nearby residents
- I want the basketball court relocated elsewhere at Felixstow Reserve
- I want the basketball court relocated to another location in the Council area
- I want the basketball court removed and not relocated elsewhere

Figure 4 summarises responses to this question.

**Figure 4 Future management of the basketball court**

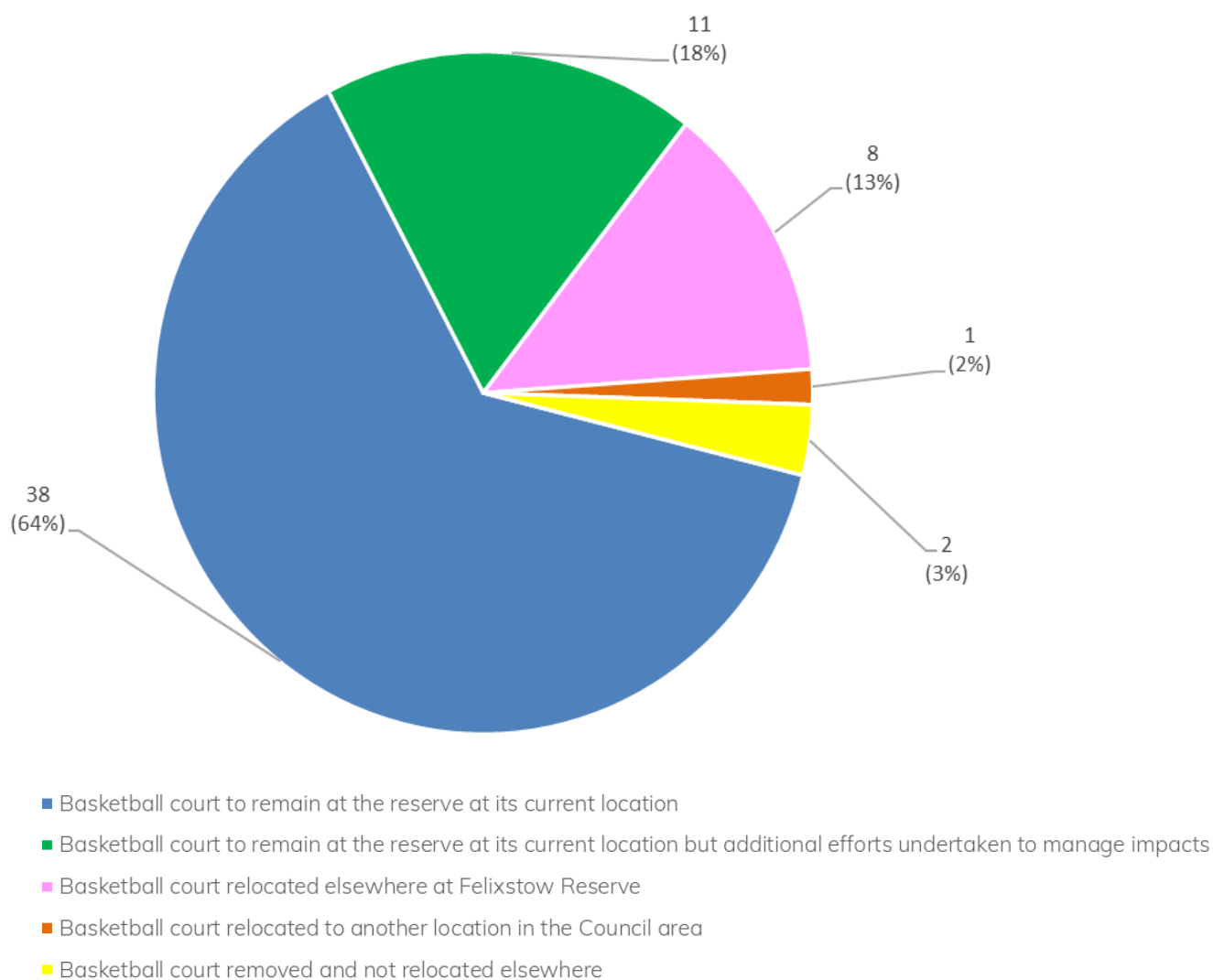


Table 4 further summarises these responses and shows the proximity of respondents to the basketball court correlated with their view on its future management.

**Table 4 Online feedback form responses regarding future management of the basketball court and respondents' proximity to the basketball court**

Respondents Proximity to the Basketball Court					
	Within 100m	100-200m	200—400m	Beyond 400m	TOTAL
I want the basketball court to remain at current location	3	6	6	23	38
I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	0	2	1	8	11
I want the basketball court relocated elsewhere at Felixstow Reserve	4	2	1	1	8
I want the basketball court relocated to another location in the Council area	1	0	0	0	1
I want the basketball court removed and not relocated elsewhere	1	0	1	0	2
	9	10	9	32	60

Depending on which statement was chosen, subsequent follow up questions were asked using survey logic in SurveyMonkey. Of the 5 statements, 4 had follow up questions (refer Table 5).



Table 5 Follow up questions regarding management options

Primary question	Follow up question/s
I want the basketball court to remain at its current location at the Reserve	None
I want the basketball court to remain at its current location at the Reserve but additional efforts be undertaken to manage impacts on nearby residents	What ideas do you have for managing impacts of use of the court on nearby residents?
I want the basketball court relocated elsewhere at Felixstow Reserve	Where at Felixstow Reserve could it be relocated? Why have you identified this location? If it is relocated, what could the Council do with the space currently occupied by the basketball court?
I want the basketball court relocated elsewhere in the Council area	Where in the Council area could it be relocated? Why have you identified this location? If it is relocated what could the Council do with the space currently occupied by the basketball court?
I want the basketball court removed and not relocated elsewhere	If it is removed what could the Council do with the space currently occupied by the basketball court?

### Same location with additional management

Of the 11 people who responded that they wanted **the basketball court to remain at its current location but additional efforts undertaken to manage impacts on nearby residents**, respondents offered the following suggestions:

- Provide sound attenuation such as through:
  - Extra plantings
  - Sound insulating wall or art installation
  - Green wall
  - Sound absorbing playing surface
- A mechanism that blocks use of the basketball ring outside the hours of use
- Signage that explains rules of use and encourages good behaviours

- Timed lighting
- Surveillance and compliance
  - Utilise CCTV to monitor out of hours use and impose on the spot fines

### *Alternative location at the Felixstow Reserve*

Of the 8 people who responded that they wanted the basketball court to be relocated elsewhere at the Felixstow Reserve the following locations at the Reserve were specifically nominated:

- Along the north-western edge of the Reserve, near the river side (3 people). Two people suggested that at this location the court could replace the underutilised fitness equipment near Duck Pond 4
- On the other side of the Reserve, closer to Wicks Avenue car park (1 person)
- On the other side of the pavilion, more towards the centre of the park, opposite the pond lookout area (1 person).

Key reasons cited for nominating these locations included they were away from houses, the road and street lighting (light spill enables play after curfew hours) and would free up car parking space on Riverside Drive for people using the BBQ area.

Four people identified that the new location of the court should be away from residences. One person identified that the new location should still be “accessible for users and in sight for security management”.

### *Alternative location elsewhere in the Council area*

One person responded that they wanted the basketball court to be relocated to another location in the Council area. This respondent provided the following additional information about alternative locations:

- Make provision for a court at the Youth Group Centre on Turner Road, Felixstow
- Establish an outdoor court at MARS basketball stadium
- Establish a ‘mobile ring’ that is moved from park to park
- Reduce the height of the ring and locate at children’s playgrounds.

### *Removal and not relocated elsewhere*

Two people responded that they want the basketball court to be removed from the Felixstow Reserve and not relocated anywhere else. No supplementary information was provided for these responses.

### **What to do with vacant space occupied by the basketball court**

Suggestions for the space left vacant by the basketball court if it was to be relocated or removed included:

- Leave as a hard surface for roller blading and scooters

- Replace with lawn/ use as open space
- Replace with a garden if use of hard surface becomes an issue because of use by scooters, bikes etc
- Create a children's playground or water play area
- Apply time regulations for use of the area eg 8am to 7pm or 8pm depending on daylight saving time
- Provide ground markings for children's games such as snakes and ladders, hopscotch
- Create a badminton court
- Install additional picnic table.

## 2.2 One on one meetings

Meetings were held with the three residents who have made deputations to the Council with concerns about the basketball court. Based on the preferences of the individuals involved, one meeting was held face to face, one on the phone and one on MS Teams. Direct contact was made with each person to arrange the meeting at which time the individuals also took the opportunity to provide information about their views about the basketball court in addition to the arranged meeting.

What is clear from these conversations is that the three residents who have made deputations to Council are deeply affected by the basketball court. All three spoke about the negative impacts of the court's use on their health and wellbeing and quality of life and used the following words to describe these impacts:

*Torturous*

*My peace and tranquillity has been destroyed*

*I have no choice*

*Penetrating*

*Unacceptable*

*Inescapable*

*No relief*

*I am at the whim of the court users*

*Tiring*

*Relentless*

*Never ending*

*Can't get away*

Although the residents acknowledged that the basketball court is not in use "every second of everyday", it feels that way to them. They spoke about living in a constant state of anxiety knowing that even if no one was using it at a particular moment, that could change any minute and impact their day to day lives.

The use of the basketball court, and in particular the noise generated from the bouncing of the ball, causes this anxiety. This noise was described as "thumping", "repetitive" and "penetrating" and was the result of

both bouncing the ball on the ground and rebounding off the ring and backboard. It was noted that at times, there is more than one ball being used at the court. It was identified that *“living next to a building site, eventually the noise will go away”*, but in this case, the problem for residents will *“never go away”* while the court remains.

The other impact of use of the basketball court was the noise generated by the court users such as calling for the ball, cheering/celebrating a goal and general interaction between players. There is also noise from music being played by court users at times. Light is also an impact and one resident cited an instance where they observed a car driving up onto the Reserve so it could shine its headlights on to the court. In other cases, court users are observed using the light from their phones or torches to illuminate the court/ring. Two residents reported that this light spills into windows of their homes and interrupts sleep/raises anxiety about what might be happening at the court.

*“Yahoo”*, *“abusive”*, *“drinking”* and *“anti-social”* were words used by residents to describe the behaviour occurring at the court.

The residents identified that the use of the basketball court means they cannot:

- Open their windows
- Enjoy their backyard
- Relax in their own home
- Sleep (eg sleep is interrupted in the night or early hours of the morning, can't sleep in on the weekends. Residents identified they or their family member are shift workers)
- Stay in their home to recover when sick (cited example of needing to relocate elsewhere when ill)
- Work from home effectively.

All three residents identified that they like the reserve itself and are regular users of it. They also identified that what they enjoy about the reserve is seeing it well used and people being active, particularly children and families.

However, the residents expressed that the local residents *“have compromised on so much”* given the other impacts from the use of the Felixstow Reserve such as cars parking along the street, cars parking over their driveways and general noise and activity at the Reserve. One resident felt they were the *“sacrificial lambs”* for the rest of the community to enjoy the Reserve and another identified that it appears their *“mental health is expendable”*.

These residents conveyed that they feel that the Council expects them to undertake passive surveillance of public facilities and that this expectation *“is not fair”*. It was also conveyed that they felt *“disrespected”* and the Council showed a lack of empathy.

One resident identified that *“adult males”* most often use the basketball court after hours and that they *“take over”* from younger kids using the court. In their view, younger kids should be the primary users of the basketball court. It was considered that these *“adult males”* are driving to the court and come *“from outside the area”*. It was also identified that at times teams have been observed *“training”* at the court.

One resident identified that it is a “recreational facility not a sporting facility” and is a place for “tranquillity” with the wetlands present at the site and therefore the Reserve is not an appropriate location for a basketball court.

It was identified that even though they participated in the consultation on the Master Plan for Felixstow Reserve and did not raise written concerns to the Council about the location of the basketball court as part of that consultation, they hadn’t ever lived near a court before so did not realise the impacts it would have on them. One resident felt that Council should have known about the potential for the court to impact residents and should have shared this with residents.

The residents identified that there was a change in the impacts of the court when the ring was removed when COVID-19 restrictions were in place, and one resident commented that during this time “it was heaven”.

One resident identified that the use of the basketball court has dropped off in the very late hours of the night since the CCTV was installed. Another resident felt that the CCTV had made no difference.

It was identified that the curfew hours haven’t worked and that use still occurs outside of these hours. It was acknowledged that use outside of set hours is less frequent during non-daylight savings hours/winter. In their view, one of the key reasons the curfew doesn’t work is because there is no enforcement by the Council. That said, they also felt that having greater enforcement of the curfew hours would not address the noise impacts felt during operating hours.

All three criticised the work of the “security guard” (i.e. the regulatory compliance contractor engaged by the Council to undertake evening court surveillance following the reinstatement of the basketball ring in November 2020) feeling that the role had not been performed appropriately.

All three residents want the court relocated.

One resident identified that their preferred solution was for the court to be relocated elsewhere in the Reserve, away from residents. This resident suggested it be relocated near the wetland at the north-western side of the open grassed area. This resident also identified that the relocation of the court at the Reserve should be coupled with other strategies to “dampen the noise” and manage impacts on residents including using a “noise dampening surface” for the court, having a fully enclosed fence that is locked from 8pm to 8am and install the “Coburg style device” to ensure use is prevented outside of the curfew hours.

Two of the residents identified that they too wanted the court relocated or removed altogether and that they “couldn’t see any other solution that would work”. For one resident, an important factor identified to be considered in the court’s relocation was for it not to impact other residents.

One resident identified that the Council should pay for double glazing of house windows but did not think this would resolve the issues being experienced.

One resident identified that not one of the interventions undertaken by the Council so far have “helped”.

It was questioned whether the Council had any real intention to resolve the issues for residents and felt that the Council was not taking them seriously.

One resident cited several incidences of vandalism to their car and table tennis bats being thrown on to the roof of their house and wondered whether this is a result of them being the closest house to the court and/or their complaints to the Council.

One resident identified that the reason that the court at Felixstow Reserve is so well used is because compared to other courts in the Council area it has a quality surface, correct line markings and light (albeit from street lights).

## 2.3 Basketball court users focus group

A focus group discussion was convened with users of the basketball court. Key lines of enquiry explored at the focus group comprised understanding how the court is currently used, what is liked about the court and opportunities to manage adverse impacts on nearby residents, including interventions that could be undertaken at its current location and exploration of relocation or removal of the court.

Some participants at the focus group discussion considered that some “*anti-social behaviour*” that occurred in the area in 2020 was incorrectly linked to use of the basketball court and has been “*conflating*” the issues some residents have with the court’s use. They understood that the anti-social behaviour was from people coming from outside the local area and identified that it should not be related to the basketball court in any way.

It was also considered that the Reserve is a great facility and is much needed as more houses are built with small or no backyards.

It was identified that the court is a great place to “*meet other local kids*” that wouldn’t know otherwise and that it is “*a big tick for Council*” that is a well used facility.

Participants identified that what is liked about the basketball court from a user perspective is that it is a facility that “*crosses the age barrier*” and can be used by younger and older people, including intergenerational together. The court is good quality and has a level playing surface.

Participants also identified that because the court is highly visible from homes and the road, parents feel safe letting their children play at the court unsupervised. If it was moved, children may not be able “*to get there themselves*” and it might be “*hard to find*”. Because it is visible it provides a “*reminder*” to get outside and be physical. It was identified that it is “*reassuring to see people out there playing*” and that the regular use of the Reserve makes “*me feel part of a community*”.

One participant identified they would be “*devastated*” if it was removed and that COVID-19 has shown how important outdoor facilities are for social interactions away from home. It was identified that it would be a “*waste of money*” if the court was now removed and it “*doesn’t make sense to take it away and plop it somewhere else*”. In particular the relocation of the court to somewhere less visible was not supported by focus group participants due to safety issues. Similarly, the installation of a sound wall or other treatments that meant the court would be “*hidden*” were not supported.

The following opportunities were suggested by focus group participants to address impacts of the court use on nearby residents while not impinging on users of the court:

- Change the curfew hours to reflect daylight hours eg different for Summer and Winter

- Target those people who are exhibiting bad behaviours at the court and address quickly eg use CCTV to monitor court use and send alert to Council/police
- Work with the police on community liaison and help to monitor the area
- Wet the court outside of curfew hours (basketballers hate using wet courts)
- Work with other nearby Councils to provide basketball courts in their areas
- Install a mechanism such as the example of a retractable bar over the ring that prevents use at certain hours
- Undertake a community education campaign over a concentrated period of time.

It was identified by one participant that the CCTV be removed as it “encroaches on the space” and it “feels like I’m being watched”.

It was considered that the Council needs to make a decision and “back it up and not cater to a few dissenters.” It was identified that there are some local residents that are anti the basketball court and others in the local community have been subject to intimidating behaviours and felt they have been “pushing their point of view on others”. It was identified that the Council consulted widely on the Master Plan and it would not be “fair” to change it now given this consultation and investment at the Reserve. Frustration was expressed at Council spending additional ratepayer’s money on this consultation process.

## 2.4 Residents focus group

A focus group with local residents was convened, representing a range of views about the basketball court. Two of the three residents that made deputations to the Council about the basketball court participated in the focus group discussion. This means that many of their comments discussed in the one-to-one meetings are again repeated in this section.

Key lines of enquiry explored at the focus group comprised understanding what is working, what is not working and what can be done (to address the issues/impacts of the use of the basketball court on nearby residents).

Focus group participants identified that the basketball court is an important recreation offering at the Reserve for the community, that is well used by local kids, who make friendships with other children in the local area.

It was identified that basketball is an “accessible” activity that spans different ages/generations and cultural backgrounds and they love seeing “families playing there”.

The quality of the court is good and it feels safe and “parents feel comfortable to leave their children to play unsupervised” due to its high visibility and proximity to other facilities such as the pavilion, BBQs etc.

The quality of the Reserve generally was also commented on by participants and identified as “one of the best facilities in Adelaide” and is becoming a place for events such as weddings and other celebrations.

Focus group participants identified that the curfew is disregarded and court users make noise (eg yelling, play loud music) and shine lights which spill into nearby residents’ windows. This means nearby residents can’t sleep or have their sleep interrupted, “can’t have their windows open” or “sit in their backyard”. Some participants identified that it feels like there is “constant noise” from the bouncing balls in particular,

and that nearby residents “feel powerless” as there is no avenue for recourse after hours to enforce the curfew.

Some participants identified that the court is predominantly used by adults and that they “push” younger kids off the court.

One participant identified that since the lights have been turned off at the pavilion, that part of the reserve feels less safe.

The following opportunities were suggested to address impacts of the court use on nearby residents:

- Install a mechanism such as the example of a retractable bar over the ring that prevents use at certain hours
- Undertake a staged process to see if different interventions work before making the decision to relocate/remove the court
- Remove the court and paint games on the ground for younger kids eg handball, snakes and ladders etc
- Maintain CCTV at the court as it appears to have stopped the very late night play, deters bad behaviour and people feel safer. This needs to be combined with monitoring activity and responding when infractions occur. This could include linking with SAPOL
- Overdo the signage and make it clear to users that there is a curfew and that they are being filmed. One suggestions was to “*make light on CCTV bigger so it is obvious to users they are being recorded*”
- Undertake targeted follow up with repeat ‘offenders’
- Expand hours of operation eg until 9:30pm particularly in Summer months
- Install bollards to prevent car access onto the Reserve
- Install bollards that raise onto court and prevent use
- Expand the length of the low seating wall around the court to reduce noise of bouncing balls on the ground
- Install noise attenuation measures such as a public art installation that can also be used for play, a vertical garden and/or more raised mounds
- Fence the court and lock up in line with curfew hours (eg like at West Torrens Council)
- Council to pay for double glazing of windows for nearby residents
- Undertake regular council patrols outside of curfew hours.

Participants expressed the desire for the issues about the basketball court to be resolved and for complaints to end. It was identified that the issue is causing “*division in the community*”.

Some participants identified the desire for any new intervention to be “*unobtrusive*”, maintain the open feel of the Reserve and not adversely impact on its aesthetics-“*the reserve is beautiful*”. At the same time people identified that they want any intervention/s to maintain or improve safety and raised concerns that interventions such as a noise attenuation wall would reduce visibility and feelings of safety.





# Attachment C

## Felixstow Reserve Basketball Court

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

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*City of*  
**Norwood  
Payneham  
& St Peters**

Number	Date Submitted	Street	Suburb	Age	Sex	How often do you use the Felixstow Reserve?	How often do you use the basketball court at Felixstow Reserve?	What do you like about the basketball court?	What don't you like about the basketball court?	Which statement below best describes how you feel about the basketball court at Felixstow Reserve?	What ideas do you have to help manage impacts of use of the court on nearby residents?	Where at Felixstow Reserve could it be relocated?	Where in the Council area could it be relocated?	Why have you identified this location?	If it is relocated, what could the Council do with the space currently occupied by the basketball court?
1	13/05/2022	Diekman Ave	Felixstow	66 - 75 years	Male	Daily	Monthly	The availability of a healthy outdoor activity for my son and his children and for other families in the area. Combined with the adjacent oval we often play football, soccer and basketball all in the same place. I think it is very good.	The backboard is too rigid so I miss a few baskets and the bitumen surface is not forgiving if you fall on it.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
2	13/05/2022	Langman Grv	Felixstow	36 - 45 years	Male	Never	Never	It's a great addition to a great park area	My neighbour says it's noisy... I couldn't care less being so far away, although I'd prefer it to be a BMX track.	I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	Perhaps a sound insulating wall or art installation.	NA	NA	NA	NA
3	14/05/2022	Riverside Dr	Felixstow	46 - 55 years	Male	Daily	Rarely	It provides children and families the opportunity to be outside enjoying themselves in a healthy environment. As a resident that lives as close as anyone to the basketball court I have absolutely no problem with location or use. Reports of late use of the court and unsavoury behaviour are not accurate and over stated and display selfish behaviour from a few residents. I am not bothered or inconvenienced at all. It must stay !!	Nothing	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
4	15/05/2022	Riverside Dr	Felixstow	56 - 65 years	Male	Daily	Rarely	I enjoy seeing the community enjoying the courts. It seems to be shared equitably amongst all users	Nothing. It's a great community resource. I choose to accept the quite rare occasions of any noise	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
5	15/05/2022	Riverside Dr	Felixstow	56 - 65 years	Female	Daily	Rarely	Although I don't use the basketball court often, it's great to see the local community using the amenities. I don't understand what's so wrong about young and old getting some open air exercise.	I live opposite the basketball court and on the very rare occasion of hearing the bouncing ball, I chose not to hear the noise and once again think how lovely it is to see the community using the amenity.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
6	15/05/2022	Langman Grv	Felixstow	46 - 55 years	Male	Daily	Monthly	Easy to access. Good visibility for safety. Close to pavilion so kids can be monitored easily.	There is no fence around it to contain missed shots which leads to having to run after ball. That nearby residents are having issues with people using the facility later at night which is disruptive.	I want the basketball court relocated elsewhere at Felixstow Reserve	NA	On the other side of the pavilion, more towards the centre of the park. Essentially opposite the ponds lookout area. It would still be close to pavilion but more centrally located in the park to keep it away from residences. A fence could be put around it to stop balls bouncing away. Lighting could be placed around it. another smaller pavilion could be erected for shade in summer. In fact a shade sail could be placed over the court for shade in summer.	It remains close to main pavilion but further away from nearby resident's houses to minimise disruptions.	Turn it into a play area for very young kids - such as the water play area located in the Bonython Park. I saw a similar concept used in a park in Darwin which used a large Archimedes screw that kids could use to get water up to a height and then watch and play with it traversing a small sluice into a sandpit/drain area.	
7	15/05/2022	Langman Grv	Felixstow	46 - 55 years	Female	Daily	Rarely	That my sons play there occasionally. Encourages community	The times people play- which leads to the ball bounce noise and the anti social behaviour. The sound is relentless some days, even between the hours of 8-8. We can enjoy our own gardens at times.	I want the basketball court removed and not relocated elsewhere	NA	NA	NA	NA	NA
8	15/05/2022	Maple St	Felixstow	76 years plus	Male	Rarely	Never	It does provide a space for physical activity and skills development in users of any age.	The use of this court does not affect me directly but I can understand the noise of thud, thud, thud from users would be annoying to nearby residents. Hence I support moving it further from Langman Grove closer to the river side of the reserve.	I want the basketball court relocated elsewhere at Felixstow Reserve	NA	Further from residences, but still accessible for users and in sight for security management.	Away from residences.	That space is still a great open space for the many people having BBQs. Maybe also consider redeveloping the unused "Sandpit" Bocce pit?	
9	15/05/2022	Riverside Dr	Felixstow	46 - 55 years	Male	Weekly	Monthly	It keeps kids from our area active, you can see a lot of people from different ages and see enjoying it.	Nothing is wrong with it.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
10	16/05/2022	Hilltop Ave	Felixstow	36 - 45 years	Male	Daily	Weekly	It has created a great safe spot for the kids in the community to get outside and exercise. My son and I play there regularly, and there are so many other great families and children enjoying the court. Living nearby I believe the current location of the court is great as it has great visibility and therefore provides a safe environment for the kids.	The current camera 'station' is a bit of an eyesore; however, if this is the measure required to keep the court available this is a small price to pay.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
11	16/05/2022	Riverside Dr	Felixstow	66 - 75 years	Female	Daily	Never	I like that the basketball court provides important physical exercise opportunities for children, in particular, and adults. However it's location within this environmental wetlands project is ENTIRELY INAPPROPRIATE as it located within 40 metres of closest homes. Its consistent use, and often overuse, and abuse has led to inescapable invasion of our tranquillity in our own homes.	1. Proximity to residents' homes - closest being 40 metres from court and the regular irritating, erratic, loud banging of basketballs and other noise associated with its use. 2. The noise pollution is penetrating and inescapable. 3. Several regular users use it to train and may pound away for 1 to 2 hours! This includes from 8am on a Sat or Sun! 4. On busy days it may be in use for 12 hours or more! 5. Abuse - when users regularly overstay the hours, because "we're not finished" or "we're nearly finished" or come late at night or in early ours of morning. 6. Located too close to picnic table - balls whizzing past, banging isn't conducive to a relaxing picnic / barbecue, especially if there is a group of teenagers or adults playing. 7. If a group of teenagers or adults are playing, young children do not get a look into play. 8. The unfairness of the situation.... When the basketball users have finished, ironically, they can return to their homes to enjoy their peaceful down time, whereas we the Residents, are left exposed and open for the next influx of users. You can't even escape the noise by going for a walk around the reserve or do gardening in my own yard!	I want the basketball court relocated to another location in the Council area	NA	NA	1. Make provision for it to be located at the nearby Youth Group centre on Turner Rd Felixstow. 2. Set it up as an outdoor facility at the Mars Basketball stadium. It is already asphalted and is a basketball complex whereas Felixstow Reserve is primarily an environmental wetlands NOT a basketball facility. 3. Reduce height of pole to make it children specific and place it at children's playground on western end of Riverside Drive/ Briar Rd or smaller playground on western side of OG Rd at Church St. (This approach has been used by many Councils. It still encourages exercise and skill development in children.) 4. A lateral thinking option, would be to make it a 'mobile ring'. Remove the back board and ring. Set it up some way that it can be moved from park to park for say, 6 month stints. Start with Richards Park. When you find a park where there are no subsequent complaints, leave it there!	1. Basketball users can still access the full size basket ball pole at Mars and at back of Youth Centre/ Baseball fields, and there are NO Residents living nearby to be consistently disturbed as we are, and have been, since it's opening on 19 February 2019! 2. If the pole is reduced in size and positioned at the 2 children playgrounds, where there is no lighting, usage would be greatly reduced and only used by children.	1. Ground markings for games e.g. giant snakes and ladders like one on northern side of Lake Torrens at the weir. 2. Hopscotch markings. 3. Badminton court 4. Additional picnic table. I would like to say how grateful and appreciative I am of this consultation. I look forward to a positive outcome for Basketball Users, Residents and NPSP Council.

Number	Date Submitted	Street	Suburb	Age	Sex	How often do you use the Felixstow Reserve?	How often do you use the basketball court at Felixstow Reserve?	What do you like about the basketball court?	What don't you like about the basketball court?	Which statement below best describes how you feel about the basketball court at Felixstow Reserve?	What ideas do you have to help manage impacts of use of the court on nearby residents?	Where at Felixstow Reserve could it be relocated?	Where in the Council area could it be relocated?	Why have you identified this location?	If it is relocated, what could the Council do with the space currently occupied by the basketball court?
12	16/05/2022	Cardigan Ave	Felixstow	66 - 75 years	Male	Weekly	Weekly	Safe, accessible, good design, even surface, allows for outdoor exercise, complements recreational use for picnic parties, reflects strong support by council for community	Ball often rebounds and rolls into 'sandpit' a safety rail of sorts would prevent this and disallow for an over bounce into roadway	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
13	16/05/2022	Cardigan Ave	Felixstow	66 - 75 years	Female	Weekly	Rarely	Provides a family friendly environment. Gives young people a place to exercise in safe and open place	nothing.. perhaps add half court tennis facilities, not everyone plays basketball	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
14	16/05/2022	Cranbrook Ave	Magill	25 - 35 years	Male	Monthly	Monthly	Use the BBQ and play basketball with my friends. Its a smooth court, with a nice board and net.	What isn't there not to like? You can shoot by yourself, or you can play with 2 people. The court is smooth and looks maintained. If you really need a reason what I don't like about the court is probably the roads. Cars drive by. Incompetent, uncoordinated players may accidentally lose control of the ball and it may roll on the road. So I'd recommend relocating the road.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
15	16/05/2022	Hilltop Ave	Felixstow	36 - 45 years	Female	Weekly	Monthly	I appreciate that that it is located within close proximity to Langman Grove. In particular, the fact that it is clearly visible from Langman Grove - there is safety in having the court visible from the street line, as compared to a more secluded location.	Sometimes it is over-subscribed (although this is a good problem to have!). It is a very popular fixture at Felixstow Reserve.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
16	16/05/2022	Angelo St	Newton	< 18 years	Male	Rarely	Monthly	Because basketball is the best	There should be more basketball courts	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
17	16/05/2022	Angelo St	Newton	36 - 45 years	Female	Monthly	Monthly	Fitness	Nothing	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
18	16/05/2022	Lomond Rd	Klemzig	36 - 45 years	Male	Monthly	Monthly	Great backboard and ring. Has a net. Sometimes public basketball rings don't have a net. As a basketball player, hearing the ball go through the net is satisfying.	NA	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
19	18/05/2022	Langman Grv	Felixstow	46 - 55 years	Male	Daily	Never	Encourages local community engagement. Encourages health and fitness.	Occasional noise 8pm-8am. Usage by adults, rather than children or young teens, scaring younger age groups from participating.	I want the basketball court relocated elsewhere at Felixstow Reserve	NA	On the North Western edge of the reserve, closer to the river and further from local housing, near the current exercise equipment close to the footbridge adjacent to golf course.	NA	Much less noise for the residents immediately adjacent to the current position, but not too far away from the current position, so usage is still maximised. There is insufficient lighting in this position, so 8pm-8am usage will be minimised.	This space could be transitioned to a more community friendly children's playground or adventure space to encourage greater family and community use of Felixstow Reserve.
20	18/05/2022	Karina Cres	Holden Hill	46 - 55 years	Female	Monthly	Monthly	Great to have a place to play with the family	NA	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
21	18/05/2022	Donaldson Dr	Paradise	66 - 75 years	Male	Monthly	Monthly	Community involvement and spending time with grandchildren	Nothing. Missed it during covid	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
22	18/05/2022	Diekman Ave	Felixstow	< 18 years	Did not say	Daily	Weekly	I like that I can practise my goals and be social with my friends.	Nothing	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
23	19/05/2022	Riverside Dr	Felixstow	36 - 45 years	Male	Daily	Never	Seeing people of all ages enjoying the court.	It's too small. Would be nice to see another court so that different ages can play without the worry of accidentally hurting someone younger or smaller. Carparking, on the Felixstow Reserve side, on Langman Grove between Riverside Drive and Cardigan Avenue is terrible at times, especially with those medium bumps. The yellow lines are all wrong there.	I want the basketball court relocated elsewhere at Felixstow Reserve	NA	The other side closer to the Wicks Avenue carpark.	NA	The other side closer to the Wicks Avenue carpark.	Leave it there for young children to play when with their families and impose time regulations. 8am - 7 or 8pm depending on daylight saving time.
24	19/05/2022	Shirley Ave	Felixstow	66 - 75 years	Female	Monthly	Rarely	I like the fact that there is a facility in the area for young people. There's not much in my local area for teens and this is at least, something. I have heard that there has been some extreme bad behaviour near the basketball court but also wonder if some people just have a problem with a bouncing ball noise. If they do, then they should think about the fact that we all put up with some inconvenience where we live. For example, there's almost constant building noise in my street now; I live across the road from a 24/7 care house and there are usually cars parked outside my house and very late night noise when people come and go; a young neighbour occasionally has music blaring from his house; local builders' rubbish constantly blows into my garden, etc, etc. However, we all have to put up with some things to live in a community and I love my street and know a lot of my neighbours and just suck up some things. The Council suggestions for improvements near the basketball court sound terrific; we're all very lucky to have the wetlands, especially the people whose house values would have risen because of the beautiful wetlands and if there are ratbags making a lot of noise at the court, why don't the residents just ring the police and sort it out. Please leave the basketball court. Thanks Geraldine Moore	NA	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
25	19/05/2022	Ashleigh Ave	Felixstow	56 - 65 years	Male	Daily	Rarely	Great place for residence to exercise. Part of a fantastic facility that is the envy of many from neighbouring areas. Great to see young people enjoying themselves. The open space has allowed our grandchildren to ride their bike, bounce a ball in the open space away from any road dangers.	Nothing.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
26	21/05/2022	Cadna Ave	Felixstow	36 - 45 years	Female	Daily	Monthly	Attracts families, community activities	Needs to be bigger :)	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
27	21/05/2022	Osborne St	Campbelltown	25 - 35 years	Male	Weekly	Monthly	It's a very clean court that does seem to be maintained frequently (hoop never bent, net not ripped, backboard undamaged). Good and easily accessible location.	As it gets darker earlier in the day now, a light that is able to cover the whole court would be a fantastic addition, especially one with a sensor. I don't personally like the no play after 8pm rule but I do understand that it's for the surrounding houses.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA

Number	Date Submitted	Street	Suburb	Age	Sex	How often do you use the Felixstow Reserve?	How often do you use the basketball court at Felixstow Reserve?	What do you like about the basketball court?	What don't you like about the basketball court?	Which statement below best describes how you feel about the basketball court at Felixstow Reserve?	What ideas do you have to help manage impacts of use of the court on nearby residents?	Where at Felixstow Reserve could it be relocated?	Where in the Council area could it be relocated?	Why have you identified this location?	If it is relocated, what could the Council do with the space currently occupied by the basketball court?
28	21/05/2022	Langman Grv	Felixstow	36 - 45 years	Female	Daily	Weekly	It is accessible and available for us, to enjoy it before or after the routine walk/jog	None	I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	At times, when big groups are using the basketball court, the restricted playing time is being ignored. How about a penalty for those who ignore the playing time? Or do not allow loud music?	NA	NA	NA	NA
29	22/05/2022	[not provided]	Felixstow	36 - 45 years	Male	Weekly	Weekly	Smooth court and the ring actually has a net. Don't get rid of it!!! Not enough basketball courts in the council area	NA	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
30	24/05/2022	Langman Grv	Felixstow	36 - 45 years	Male	Weekly	Never	Nothing	The noise of bouncing basketballs is intrusive and has a negative effect on our physical health (interrupting sleep) and mental health (anxiety). It also attracts anti-social behaviour in general.	I want the basketball court relocated elsewhere at Felixstow Reserve	NA	Further away from houses, probably along the north western boundary. It could replace the rarely used fitness equipment near Duck Pond 4.	NA	It should be far enough away from houses to resolve the noise issues.	Initially try leaving it as a playing surface for bikes, scooters, handball, etc. If it becomes an issue then convert to garden.
31	24/05/2022	Diekman Ave	Felixstow	46 - 55 years	Female	Daily	Monthly	Outdoor activities for all age groups, that encourages community gatherings and wellbeing	I'm happy with the basketball court. I guess it could be slightly bigger. One thing I've noticed is the balls occasionally roll away from the area, perhaps a small shrub at the road side would stop the ball rolling further. The bocce area acts like a moat at times for rolling balls. The bocce area is never used. Maybe once since the reserve was opened was it used for bocce. Sometimes it is used as a sandpit. More often it is a waste of space and could be utilised to make more court space.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
32	24/05/2022	Langman Grv	Felixstow	76 years plus	Male	Weekly	Never	Nothing to like about it	Noise that comes from playing basketball at all hours, not just the night time. As retirees we can't escape the noise.	I want the basketball court relocated elsewhere at Felixstow Reserve	NA	Away from the residences along the river side of the reserve	NA	It's further away from residential housing.	Replace with lawn
33	24/05/2022	Langman Grv	Felixstow	56 - 65 years	Female	Daily	Never	Nothing	Noisy. Irritating. Affects our peace and quiet.	I want the basketball court relocated elsewhere at Felixstow Reserve	NA	At the furthest place away from residents.	NA	Less chance of it causing noise issues.	Leave it as it is (a surface for children roller blading or scooters).
34	25/05/2022	Briar Rd	Felixstow	25 - 35 years	Male	Weekly	Monthly	NA	Should be a full court & should be under cover so it can utilised better in Autumn & winter.	I want the basketball court relocated elsewhere at Felixstow Reserve	NA	Somewhere further away from	NA	Because it's safer for users of the court & motorists	More gym/calisthenics equipment
35	25/05/2022	[not provided]	Felixstow	46 - 55 years	Male	Daily	Monthly	Brings people together and that it is secure in an open space	Nothing to change. It's the right size and accessible location	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
36	25/05/2022	Langman Grv	Felixstow	36 - 45 years	Female	Daily	Daily	Good place for my kids to play and meet other local children. Get them out of the house and exercising. Great to see it well utilised by people of all ages and community mixing together.	It can get very busy as it is well utilised. This can be intimidating for the younger kids if there are lots of teens there at the same time. Some more hedging could be added closer to the road to stop balls from rolling out onto the road from the basketball court play. The hours of play need to be extended in summer as 8pm is too early.	I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	NA	NA	I like the idea of some sort of time triggered lock/blocking mechanism being employed on the basketball ring outside the hours of use of the court to deter late night use.	NA	NA
37	25/05/2022	Sixth Ave	Royston Park	56 - 65 years	Female	Monthly	Rarely	The opportunities it provides to allow children/families and youth to interact outside having fun while exercising.	NA	I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	NA	The council could invest in a creative green wall to block sound travelling to nearby properties	NA	NA	NA
38	26/05/2022	St Peters St	St Peters	66 - 75 years	Female	Monthly	Rarely	The court fits well with the aesthetics and amenities of the Reserve. Removing it would be to the detriment of the Reserve. It is a pleasure to see people especially young adults using it nearly every time I visit the Reserve. Is there robust data available about frequently the neighbours' peace is being disturbed? Surely it is preferable for so called annoying people to be gathered on a basketball court even with loud music, rather than engaged in vandalism, robberies etc?	Nil.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
39	26/05/2022	Kapoola Ave	Felixstow	56 - 65 years	Male	Daily	Never	Provides young people with a healthy outdoor activity.	Nothing I can think of.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
40	26/05/2022	Percy St	Cheltenham	46 - 55 years	Female	Rarely	Rarely		That it is part of a nature reserve where young people, and all people, are welcome unconditionally	I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	NA	Lights and visual signs that encourage reciprocity. That there is a time for playing and a time to let others sleep	NA	NA	NA
41	26/05/2022	Fife St	Vale Park	46 - 55 years	Male	Monthly	Monthly	I bring my kids to play there. All four of them (ages 17, 15, 11 & 8) will use the court socially whilst we can sit at the shelter and eat a meal. It's a great meeting point for friends	The thought of it not being available. In a age of technology we want our kids to be active. Removing the basket ball court would be a backwards move	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
42	27/05/2022	Hilltop Ave	Felixstow	66 - 75 years	Male	Daily	Rarely	Love the layout and how it fits in with the rest of this excellent facility.	Nothing at all - having the silly BIG BROTHER camera is a bit bothersome though.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
43	27/05/2022	Cann Close	Felixstow	36 - 45 years	Male	Weekly	Monthly	Location, good quality facility, with toilets nearby. An overall pleasant place to be.	Nil. We would like to remain as-is.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
44	27/05/2022	Broad St	Marden	56 - 65 years	Female	Weekly	Never	It's there for the public to use	Maybe out of hours noise	I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	Signage	NA	NA	NA	NA
45	28/05/2022	[not provided]	Campbelltown	36 - 45 years	Female	Weekly	Weekly	Convenient, kids love it, close to our school, great for practising basketball with kids, love the table tennis too and love to have BBQs and birthday parties there too	Nothing, like all of it	I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	Extra plantings to reduce noise	NA	NA	NA	NA
46	28/05/2022	Shirley Ave	Felixstow	25 - 35 years	Female	Daily	Monthly	Accessibility, community engagement, safety and visibility. It's an asset to our neighbourhood and I constantly see it being engaged by many different sectors of the community.	NA	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
47	29/05/2022	Maple St	Felixstow	36 - 45 years	Male	Weekly	Monthly	I love how well kept it is and the diversity of its users (age, backgrounds)	Nothing	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
48	30/05/2022	Briar Rd	Felixstow	66 - 75 years	Female	Daily	Never	That young people have a place to play using their energy in a joyful skills based way	I don't want to play basketball so I don't use it but am very pleased the council is providing places for young people and families to play. If there are too many people playing there the council should build more basket ball places in other parks	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA

Number	Date Submitted	Street	Suburb	Age	Sex	How often do you use the Felixstow Reserve?	How often do you use the basketball court at Felixstow Reserve?	What do you like about the basketball court?	What don't you like about the basketball court?	Which statement below best describes how you feel about the basketball court at Felixstow Reserve?	What ideas do you have to help manage impacts of use of the court on nearby residents?	Where at Felixstow Reserve could it be relocated?	Where in the Council area could it be relocated?	Why have you identified this location?	If it is relocated, what could the Council do with the space currently occupied by the basketball court?
49	30/05/2022	Hilltop Ave	Felixstow	25 - 35 years	Female	Daily	Never	I think it is great there are range of set ups for ages there, including the basket ball, table tennis and bocce. provides opportunity for activity beyond walking and for groups with younger people using the BBQs and picnic areas. it is good to see people using and enjoying the facilities	nothing	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
50	30/05/2022	James St	Campbelltown	36 - 45 years	Female	Weekly	Rarely	it's a facility for the community	none	I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	impose fine on the spot. utilise CCTV to identify late night users and impose monetary fines	NA	NA	NA	NA
51	30/05/2022	Kareda Dr	Campbelltown	36 - 45 years	Female	Weekly	Monthly	Located next to amenities, and other activities. Has both basketball and netball. Gives opportunity for my family and friends to play.	Small.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
52	30/05/2022	Maple St	Felixstow	< 18 years	Male	Weekly	Weekly	The fact that it is easily accessible to the public	The fact that it is only a half court, not a full one	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
53	31/05/2022	Poplar Cres	Campbelltown	36 - 45 years	Female	Weekly	Monthly	It's a convenient nearby location that my children aged 8 and 10 can use, or a place to meet up with other families.	It is very popular and is often already in use, meaning we need to wait or not play.	I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	I feel the Council have already put into place many ideas that should help. Perhaps the court can be covered with a sound absorbing surface to help with noise.	NA	NA	NA	NA
54	31/05/2022	Fife St	Vale Park	46 - 55 years	Female	Weekly	Weekly	We love the space at Felixstow - the basketball court can be used by all the children and adults in our family aged from 8 through to 17, plus in our 40s - such a great family friendly activity. With the other facilities so close, there is something for everyone - we have had catchups with friends, dinner at the park, parties and regular games of basketball. We would be devastated if the basketball court was not available for use at this facility as it is a real drawcard. Walkerville council upgraded the park at Hamilton Reserve which is fantastic, but the biggest mistake in our minds was that they missed putting in a basketball ring to engage all age children (especially teenagers too)	NA	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
55	1/06/2022	Coromandel Dr	McCracken	66 - 75 years	Female	Monthly	Monthly	Helping my grand children practice their skills.. It is a treasured time to watch them grow and develop skills in a sport they play.	Nothing but I have been in the area when others have abused the time restrictions	I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	Probably advertise it is under camera surveillance or under police patrols	NA	NA	NA	NA
56	1/06/2022	Ashleigh Ave	Felixstow	46 - 55 years	Female	Weekly	Monthly	It's within walking distance of our house. There is nearby carparking which is useful when holding any family parties. It is a relatively new space so the court is in very good repair. The court is bright and clean and has green surrounds making for a lovely place to shoot some hoops. The kids love that there is a net on the ring. The area that the basketball court is in has many other facilities like seating, toilets and BBQs that makes it a very useful and convenient court to use.	That there's only the one half court in the area. That it's popular which sometimes means a bit of a wait to use.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
57	2/06/2022	Diekman Ave	Felixstow	46 - 55 years	Female	Daily	Rarely	NA	It's proximity to homes on Langman Grove and Riverside Drive	I want the basketball court removed and not relocated elsewhere	NA	NA	NA	NA	NA
58	2/06/2022	Cann Close	Felixstow	36 - 45 years	Male	Daily	Rarely	More facilities for families and young people is a good thing. The facility has never been graffitied or damaged by vandalism to the best of my knowledge and gives families on the frequently smaller blocks a place to play during the winter months as well as being part of the great facilities and grassy spaces in summer.	Nil	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA
59	2/06/2022	Cann Close	Felixstow	36 - 45 years	Female	Weekly	Rarely	Great facility for this area and it attracts young people to come together	Does not always have a net on the ring	I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents	Late night traffic issue is a more significant issue that affects a greater number of residents in this area	NA	NA	NA	NA
60	3/06/2022	Hambledon Rd	Campbelltown	36 - 45 years	Female	Monthly	Monthly	The kids say it's an excellent court, it's their favourite in the area.	There's only one.	I want the basketball court to remain at the reserve at its current location	NA	NA	NA	NA	NA

# Attachment D

## Felixstow Reserve Basketball Court

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City of Norwood Payneham & St Peters  
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*City of*  
**Norwood  
Payneham  
& St Peters**

Resonate

## **Marion Council Basketball Courts**

### **Basketball Court Acoustic Assessment Procedure**

A210286RP1 Revision A

Friday, 17 September 2021





### Document Information

<b>Project</b>	Marion Council Basketball Courts
<b>Client</b>	City of Marion
<b>Report title</b>	Basketball Court Acoustic Assessment Procedure
<b>Project Number</b>	A210286

### Revision Table

<b>Report revision</b>	<b>Date</b>	<b>Description</b>	<b>Author</b>	<b>Reviewer</b>
0	30 July 2021	Draft issue for comment	Alex Foster	Darren Jurevicius
A	17 September 2021	Updated version	Alex Foster	Darren Jurevicius

# Resonate

## Glossary

A-weighting	A spectrum adaption that is applied to measured noise levels to represent human hearing. A-weighted levels are used as human hearing does not respond equally at all frequencies.
Characteristic	Associated with a noise source, means a tonal, impulsive, low frequency or modulating characteristic of the noise that is determined in accordance with the Guidelines for the use of the Environment Protection (Noise) Policy (Noise EPP) to be fundamental to the nature and impact of the noise.
Continuous noise level	A-weighted noise level of a continuous steady sound that, for the period over which the measurement is taken using fast time weighting, has the same mean square sound pressure as the noise level which varies over time when measured in relation to a noise source and noise-affected premises in accordance with the Noise EPP
Day	Between 7 am and 10 pm as defined in the Noise EPP
dB	Decibel—a unit of measurement used to express sound level. It is based on a logarithmic scale which means a sound that is 3 dB higher has twice as much energy. We typically perceive a 10 dB increase in sound as a doubling of loudness.
dB(A)	Units of the A-weighted sound level.
Frequency (Hz)	The number of times a vibrating object oscillates (moves back and forth) in one second. Fast movements produce high frequency sound (high pitch/tone), but slow movements mean the frequency (pitch/tone) is low. 1 Hz is equal to 1 cycle per second.
Indicative noise level	Indicative noise level determined under clause 5 of the Noise EPP.
L <sub>90</sub>	Noise level exceeded for 90 % of the measurement time. The L <sub>90</sub> level is commonly referred to as the background noise level.
L <sub>eq</sub>	Equivalent Noise Level—Energy averaged noise level over the measurement time.
L <sub>max</sub>	The maximum instantaneous noise level.
Night	Between 10.00 p.m. on one day and 7.00 a.m. on the following day as defined in the Noise EPP
Noise source	Premises or a place at which an activity is undertaken, or a machine or device is operated, resulting in the emission of noise
Quiet locality	A locality is a quiet locality if the Planning & Design Code provisions that make land use rules for the locality principally promote land uses that all fall within either or both of the following land use categories: (a) Residential; (b) Rural Living;



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## 1 Introduction

This report outlines the recommended procedure for the acoustic assessment of new basketball courts with the City of Marion.

We understand that proposed basketball courts sometimes raise concern for residences located in close proximity, with adverse noise impacts being cited as a primary concern.

Resonate have been commissioned by Marion Council to quantify the noise levels generated by basketball activity, and prepare an assessment methodology that can be applied to future proposed basketball courts to determine the likely impact and required mitigation to comply with relevant noise policies.

The following documents are referenced in this report:

- Planning & Design Code
- South Australian Environment Protection (Noise) Policy 2007
- AS/NZS 2107: 2016 *Acoustics - Recommended design sound levels and reverberation times for building interiors*
- World Health Organisation *Guidelines for Community Noise* (1999)

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## 2 Activity noise levels

### 2.1 Basketball noise sources

Basketball activity comprises the following noise sources:

- Basketball impacts on the floor
- Basketball impacts on the backboard
- Raised voices.

#### 2.1.1 Basketball impacts on floor

Resonate undertook measurements of basketball bounce impacts on a typical asphalt floor surface to quantify the noise level of ball bounces.

Measurements of ball bounce impacts on Gerflor PowerGame + flooring tiles were also undertaken to determine whether any reduction in noise level was achieved through use of a different floor surface. The Gerflor PowerGame + flooring tile was placed on the asphalt for the measurements.

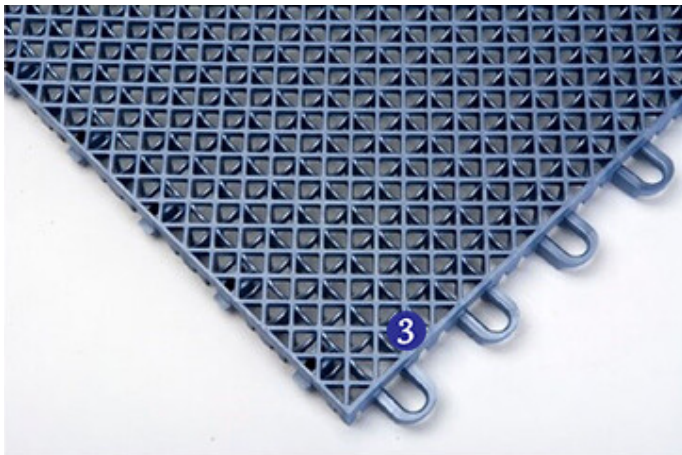


Figure 1 – Photo of Gerflor PowerGame + flooring tiles

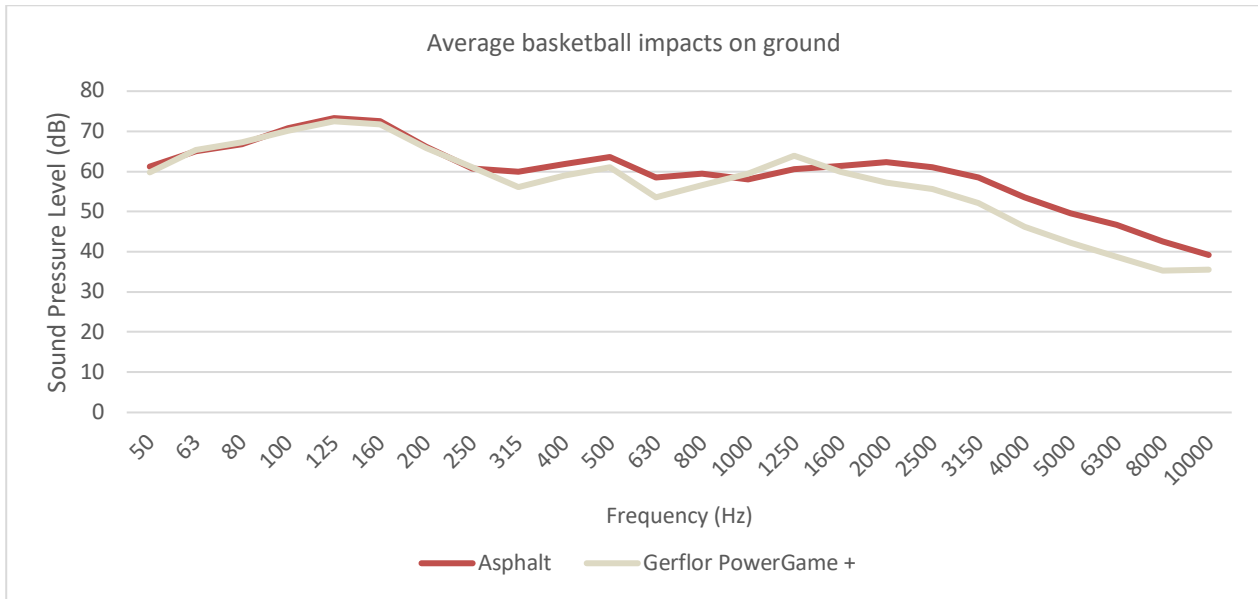
A total of twelve (12) ball bounce impacts were measured for each floor surface. The sound level meter was positioned at a height of 1 metre at 1 metre horizontal distance from the ball bounce spot. The average overall noise levels are presented in Table 1. The average measured spectra are presented in Table 2. An ambient noise measurement was undertaken during the measurements and the reported results have been corrected to account for the influence of ambient conditions.

Table 1 Measured average basketball impact noise level

Floor Surface	Measured Sound Pressure Level, $L_{Aeq,1second}$ at 1.4m (dB ref. $2 \times 10^{-5}$ Pa)	Calculated Sound Power Level, $L_w$ (dB ref. $10^{-12}$ W)
Asphalt	71	82
PowerGame + tile	70	81

**Table 2 Measured average basketball impact octave band sound pressure level spectra (dB)**

Floor Surface	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz
Asphalt	70	77	68	67	64	66	60	49
PowerGame + tile	70	76	68	64	66	63	54	42



**Figure 2 – Graph showing measured basketball impact noise level spectra**

As is shown in Table 1., there was no significant difference in the overall A-weighted sound pressure level between basketball impacts on the asphalt and Gerflor PowerGame + flooring tile, however there is a notable reduction in high frequency sound shown in Figure 2.

### 2.1.2 Basketball impacts on backboard

Resonate undertook measurements of basketball bounce impacts on a normal timber backboard to quantify the noise level of ball bounces.

Measurements of ball bounce impacts on a noise reduction backboard were also undertaken to determine whether any reduction in noise level was achieved through use of a different backboard. The noise reduction backboard is formed of a fibreglass mesh, as shown in Figure 3, and was located at Hamilton Reserve Park.

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Figure 3 – Photo of noise reduction fibreglass mesh backboard

A total of twelve (12) backboard impacts were measured on each backboard type. The sound level meter was positioned at a height of 1.5 metres at 2.8 metres horizontal distance from the centre of the hoop. The average overall noise levels are presented in Table 3. The average measured spectra are presented in Table 4. An ambient noise measurement was undertaken during the measurements and the reported results have been corrected to account for the influence of ambient conditions.

Table 3 Measured average basketball backboard impact noise level

Backboard Surface	Measured Sound Pressure Level, $L_{Aeq,1second}$ at 3.2m (dB ref. $2 \times 10^{-5}$ Pa)	Calculated Sound Power Level, $L_{WA}$ (dB ref. $10^{-12}$ W)
Wooden backboard	64	82
Noise reduction backboard	59	77

Table 4 Measured average basketball backboard impact sound pressure level spectrum (dB)

Backboard Surface	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz
Wooden backboard	58	59	62	57	59	58	53	49
Noise reduction backboard	56	55	58	53	54	54	48	40

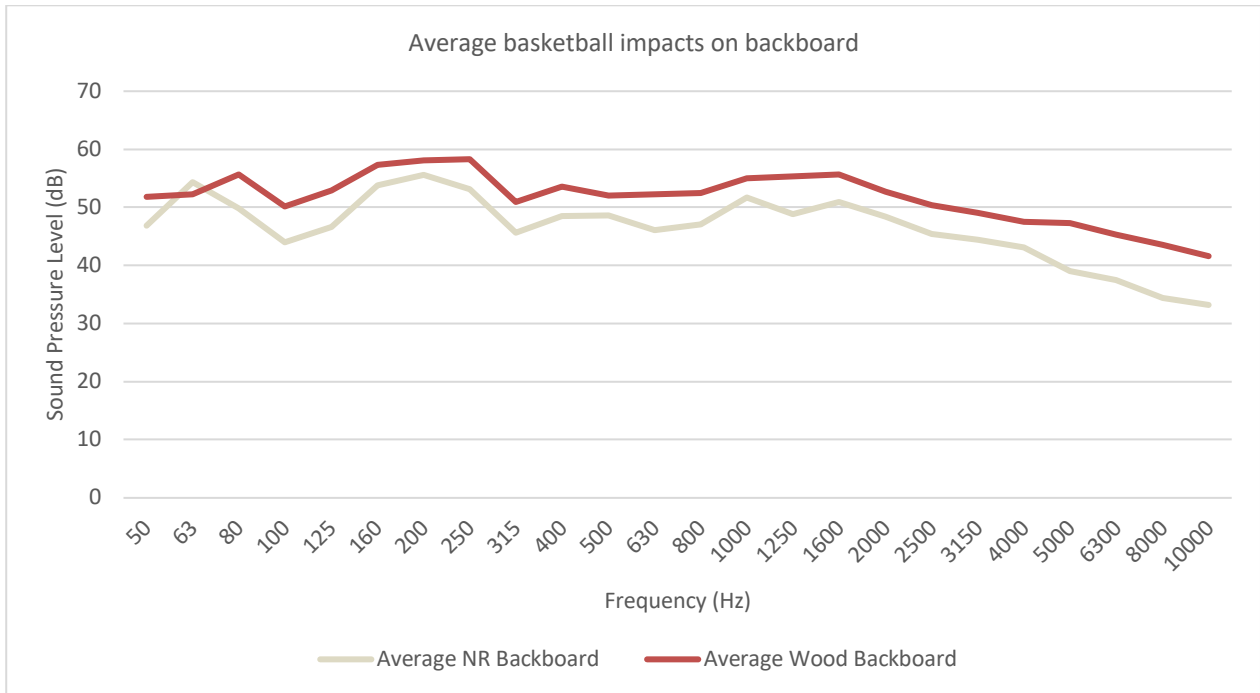


Figure 4 – Graph showing measured basketball backboard impact noise level spectra

As is shown in Table 3 and Figure 4, there is a reasonable difference in the overall noise level between the two backboards measured. The noise reduction backboard was 5 dB(A) quieter than the normal wooden backboard. Basketball impacts on the metallic hoop were also measured for both backboard types, but were significantly below the noise level of basketball impacts on the backboard.

### 2.1.3 Raised voices

Measurements of people talking at various vocal efforts are well documented in available literature. During a basketball game, it is reasonable to assume that vocal effort may be increased above normal, therefore a “loud” vocal effort is considered appropriate for use in the assessment.

Table 5 Voice noise levels [Pearsons et al. (1977)<sup>1</sup>]

Voice type	Measured Sound Pressure Level, $L_{Aeq}$ at 1m (dB ref. $2 \times 10^{-5}$ Pa)	Calculated Sound Power Level, $L_w$ (dB ref. $10^{-12}$ W)
Male “loud” voice	76	87
Female “loud” voice	71	82
Child “loud” voice	74	85

<sup>1</sup> Average Speech Levels and Spectra in Various Speaking/Listening Conditions, Pearson, Bennett, & Fidell (1977)



## 3 Assessment criteria

### 3.1 Planning & Design Code

The relevant assessment provisions used to establish the assessment criteria are outlined in the Planning and Design Code. Interface between Land Uses is a General Development Policy that is typically relevant to a subject site. The relevant Assessment Provisions relating to noise are outlined in Table 6.

#### 3.1.1 Interface between land uses

Table 6 Relevant Assessment Provisions—Activities generating noise or vibration

Relevant Assessment Provisions	
<b>Desired Outcome</b>	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
<b>Performance Outcome</b>	<b>Deemed-to-Satisfy Criteria / Designated Performance Feature</b>
PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.

As noted in DTS/DPF 4.1, environmental noise emissions from the subject site should comply with the *Environment Protection (Noise) Policy 2007* (Noise EPP).

### 3.2 Noise EPP

The noise goals in the Noise EPP are based on the zoning of the development and the closest noise affected premises in the relevant development plan. The land uses primarily promoted by the zones are used to determine the environmental noise criteria with the indicative noise factors shown in Table 7.

Table 7 Excerpt from Noise EPP—Table 2(subclause(1)(b)) Indicative Noise Factors for various land use categories

Land use category	Indicative noise factor dB(A)	
	Day (7 am to 10 pm)	Night (10 pm to 7 am)
Rural living	47	40
Residential	52	45
Rural industry	57	50
Light industry	57	50
Commercial	62	55
General industry	65	55
Special industry	70	60



In accordance with Part 5 of the Noise EPP, the design criterion is the average of the relevant indicative noise factors for the subject site and receiver, less 5 dB(A). The 5 dB(A) reduction is known as a 'planning penalty' and is used to reduce the cumulative impact of multiple new noise sources being introduced in an area. Considering that additional noise sources are unlikely to be added to recreational areas where basketball courts are being considered, this planning penalty is not considered necessary in the derivation of the proposed criteria.

Penalties can also be applied to a noise source for a variety of characteristics, such as impulsive, low frequency, modulating or tonal characters. For a characteristic penalty to be applied to a noise source it must be fundamental to the impact of the noise and dominate the overall noise impact. We recommend that a characteristic penalty of 5 dB is included to account for the impulsive nature of the basketball impacts.

We note that under Part 5, Clause 20(6) of the Noise EPP, exceedance of the recommended criterion does not necessarily mean action is required under the Noise EPP. Some of the following matters should be considered when considering action:

- the amount by which the criterion is exceeded (in dB(A))
- the frequency and duration for which the criterion is exceeded
- the ambient noise that has a noise level similar to the predicted noise level
- the times of occurrence of the noise source
- the number of persons likely to be adversely affected by the noise source and whether there is any special need for quiet.

### 3.2.1 Example derivation of noise criteria

For a given subject site where a basketball court is proposed, first ascertain the principally promoted land use for the subject site. For a Recreational zone, a Residential land use category is the assumed worst case, and is used in this example. Residential land use has an indicative noise factor of 52 dB(A) for daytime operation, as per Table 7.

Next, determine the principally promoted land use for the nearest noise sensitive receiver to the subject site. For a Residential zone, a Residential land use category is appropriate, and is used in this example. Note, this is the same indicative noise factor as for the subject site, but that may not necessarily always be the case.

The daytime noise criterion is then calculated by averaging the two indicative noise factors for both the subject site and receiver site:

$$\left(\frac{52 + 52}{2}\right) = 52$$

The noise criterion for a proposed basketball court at the nearest residential receiver is therefore 52 dB(A).

To account for impulsive characteristics, a 5 dB characteristic penalty can be applied by subtracting 5 dB from the noise criterion:

$$52 - 5 = 47$$

Resulting in a rated noise criterion of **47 dB(A)**.

## 3.3 Criteria for general assessments

As the City of Marion Council is within Metropolitan Adelaide, it is assumed that there are no "rural living" land uses within the City of Marion. Therefore, as is shown in Table 7, Residential land use has the most stringent indicative noise factors. The derived rated noise criterion of 47 dB(A) outlined in Section 3.2.1 is therefore representative of the worst-case scenario. This criterion has therefore been adopted as the basis of the recommended assessment procedure. In situations where the subject site or receiver are located in zones where residential use is not the primarily promoted land use, the noise criteria will be higher.

## 4 Recommended assessment procedure

### 4.1 Modelling assumptions

The following assessment procedure makes the following assumptions:

- Noise EPP criteria of 47 dB(A) is adopted, based on the subject site and receiver site being located in a residential area and includes for a 5 dB character penalty. This is the worst-case scenario, in situations where the subject site or receiver are located in zones where residential use is not the primarily promoted land use, the noise criteria will be higher.
- A 15-minute scenario has been derived based on the following activity for a half court:
  - 30 floor impacts per minute
  - 10 backboard impacts per minute
  - 30 seconds of loud voices per minute.
- The above scenario assumes there are multiple users practicing simultaneously.
- For a full court, the number of events outlined in the above 15-minute scenario have been doubled and the activity spread across an area twice the size.
- Noise reduction backboards are used.
- Basketball floor impacts are at a height of 0.1 metres.
- Basketball backboard impacts are at a height of 3.0 metres.
- Voices are at a height of 1.5 metres.
- There is an equal mix of male, female and children's voices.
- Basketball full court size is 15 metres width x 28 metres length, with a half court being 15 metres width and 14 metres length.
- Calculations are undertaken in accordance with ISO 9613-2:1996 *Acoustics — Attenuation of sound during propagation outdoors — Part 2: General method of calculation*.
- There is 50% ground absorption between the basketball court and receiver (ground factor of 0.5). This is considered a reasonably pessimistic assumption and assumes there are equal areas of grass and paved ground between source and receiver.
- There is a flat topography between basketball court and receiver.
- There are no reflective surfaces in the vicinity of the basketball court (other than the noise barrier, if specified).
- Meteorological conditions are for moderate downwind propagation. Strong winds or temperature inversion that could affect the propagation path are not accounted for.
- The model is predicted to be accurate to within +/- 3 dB.
- The receiver assessment position is assumed to be an area of external amenity for the residence, at a height of 1.5 metres. The worst-case assessment position is the boundary of the residential property, however, a more reasonable approach would be to consider the impact at a location that could reasonably be expected to be occupied by the resident.
- The assessment does not consider the impact at first floor or higher storeys, such as balconies. Where the upper floors of dwellings overlook a proposed basketball court, the effectiveness of the noise barrier will be compromised and will not be a practical form of mitigation.

### 4.2 Limitations

- Where there are multiple receivers surrounding a proposed site, noise barriers to protect one receiver can reflect sound toward another receiver. In such cases, a detailed noise model would be required to correctly predict noise levels at each receiver.

## 4.3 Assessment guideline

Three scenarios have been modelled and guidelines are provided at Appendix A.

For full basketball courts, the distance between the two backboards can be significant relative to the distance between the court and the receivers. For receivers that are roughly equidistant from both backboards (<10m difference), the noise impact is greater than for those receivers who are closer to just one back board (>10m difference). Therefore, guidelines have been provided for both scenarios. For receivers that are closer to one backboard (>10m difference), the noise barrier must only intersect the line of sight between the receiver and one half of the court.

### 4.3.1 Noise barrier requirements

The noise barrier can either be a fence above ground or an earth mound with or without a sunken court. The noise barrier must be located as close as possible to the edge of basketball court. The barrier must break the line of sight between the basketball court and the receiver.

Generally, the barrier should extend the full length of the court and continue an additional length equal to the height of the barrier at each end. For example, if the basketball court is 15 metres in length, and a 1.8 metre high barrier is required, the barrier must be at least 18.6 metres long:

$$15 + 1.8 + 1.8 = 18.6 \text{ metres}$$

The length of the barrier could be reduced, however, depending on the location of the receiver(s) in relation to the basketball court. For each receiver, draw a straight line from each edge of the court to the receiver, the barrier should continue past this line for a minimum distance equal to the barrier height.

A fence must be solid, imperforate and have a minimum surface density of 5 kg/m<sup>2</sup>.

For an earth bund, the top of the bund must be at the barrier height specified relative to the court height. For example, if the barrier height required is 1.8 metres, and the court is sunken into the ground 1 metre below ground level, the earth bund must be at least 0.8 metres high above ground level.

### 4.3.2 Facade upgrade treatments

Upgrade treatments to residents' facades could be considered as part of the noise mitigation plan. We recommend facade treatments are considered as a last resort option, as reducing the noise at the source through the use of noise reduction backboards and noise barriers will benefit a greater number of receivers and will reduce noise levels in areas of external amenity. Facade treatments will only benefit a single residence and only in internal areas. Facade treatments also only work when windows are closed, further restricting residents to choose between noise amenity or fresh air and ventilation.

Standard glazing typically encountered is 3 mm thick single pane glass, typically taken to provide an attenuation of 20 dB(A). Glazing upgrade treatments most often come in the form of an additional secondary glazing system, such as Magnetite. The improvement in performance is dependent on the existing glazing frames and the airgap between the existing glazing and new secondary glazing. With an airgap of 100 mm and 10 mm acrylic secondary glazing (e.g. Magnetite), an improvement of 6-7 dB can be achieved. Further reductions can be gained by increasing the existing external glazing to 6mm or 10 mm laminated glass, and increasing the Magnetite layer to 6 mm VLam glazing. With such a system, an overall reduction of up to 33 dB(A) can be achieved (an improvement of up to 13 dB from standard 3 mm glazing).

To provide some context regarding acceptable internal noise levels in dwellings, AS/NZS 2107: 2016 *Acoustics - Recommended design sound levels and reverberation times for building interiors* recommends internal noise levels in Living Areas of 30-40 dB(A) during the daytime. The World Health Organisation *Guidelines for Community Noise* recommends noise levels of 35 dB(A) during the daytime and evening periods to prevent moderate annoyance.

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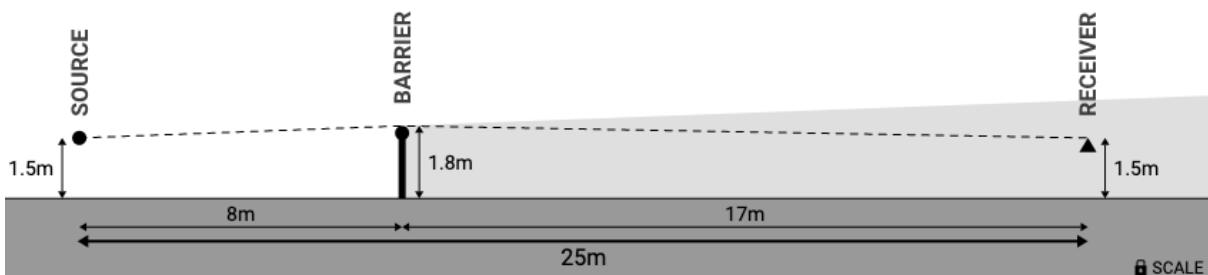
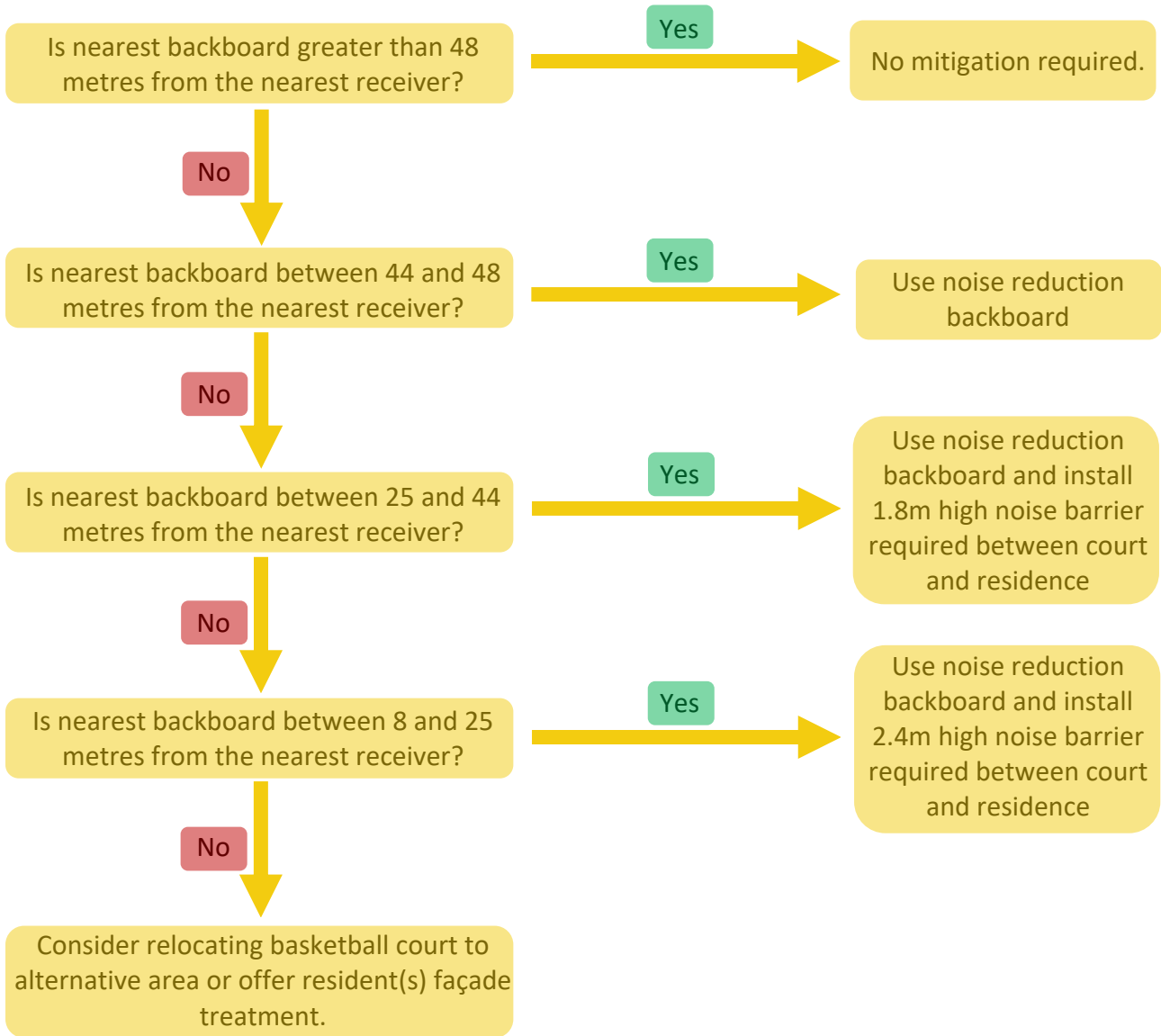
For a property with 3 mm glazing, if a basketball court with wooden backboards is located 7 metres from the facade, internal noise levels would be below 35 dB(A), which is within the recommended range recommended in AS 2107. To provide a more robust assessment and account for a 5 dB character penalty, the backboard could be located 15 metres from the nearest facade of the receiver and still achieve an internal noise level below 35 dB(A).

Therefore, facade upgrade treatments could be an option offered to residents who have heightened concerns about the proximity of basketball court in order to alleviate their concerns and provide a greater level of internal amenity. As a general mitigation strategy, however, facade upgrade treatments are unlikely to be necessary unless the basketball court is within 15 metres of a property and no barrier can be installed.



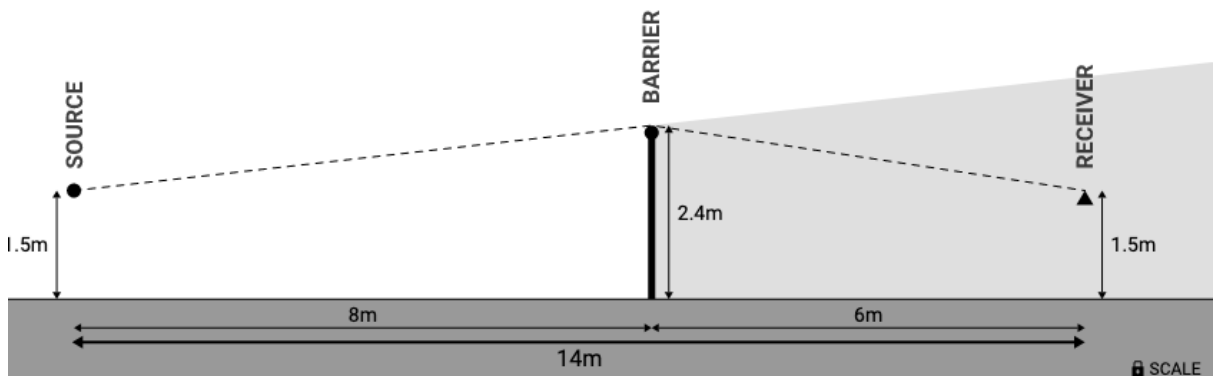
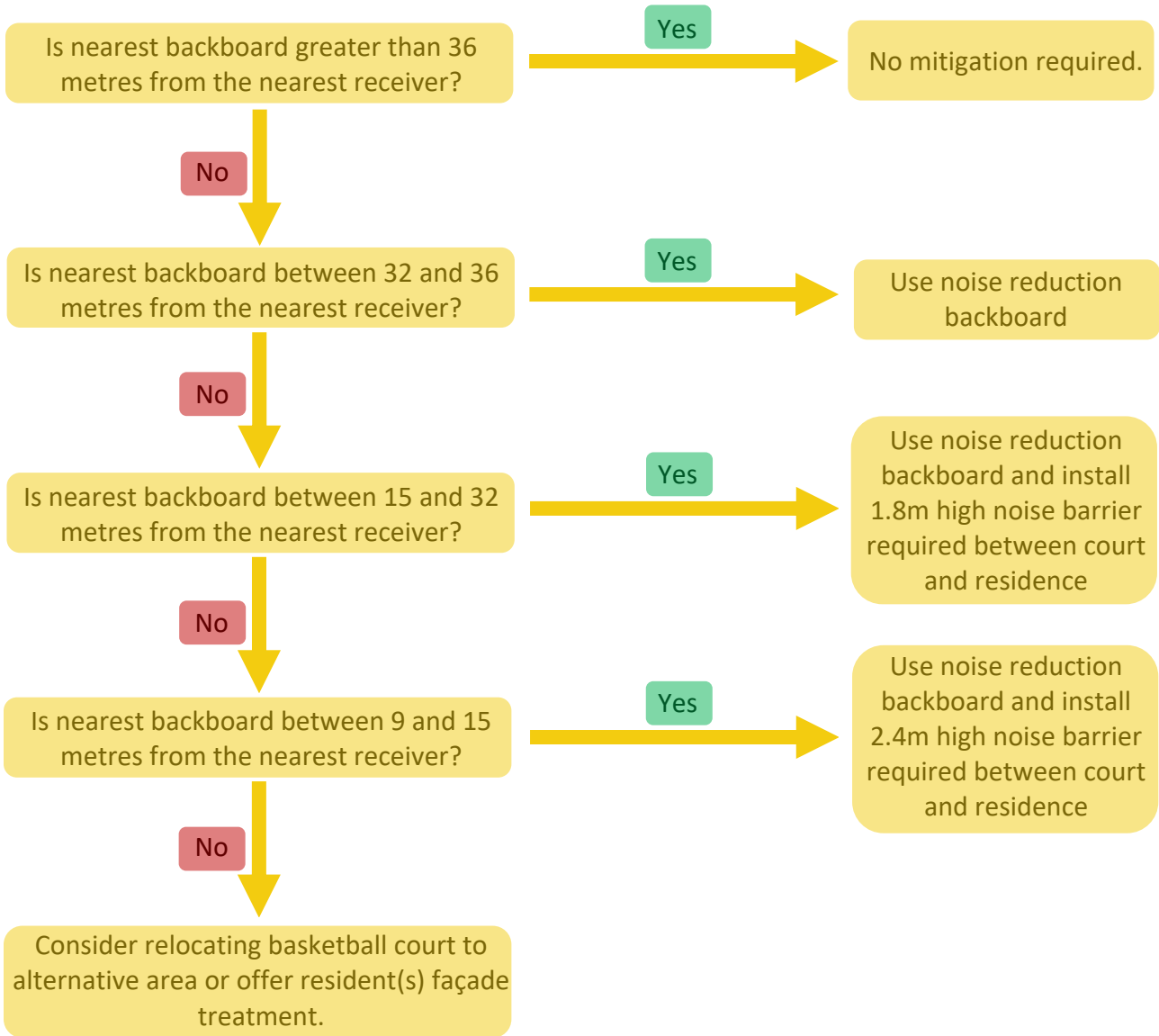
## Appendix A – Flow chart assessment guidelines

**BASKETBALL FULL COURT NOISE ASSESSMENT GUIDELINE FOR RESIDENTIAL AREAS**  
 (<10m difference between receiver and both backboards)



Example of 1.8m barrier positioned at side of court screening voices

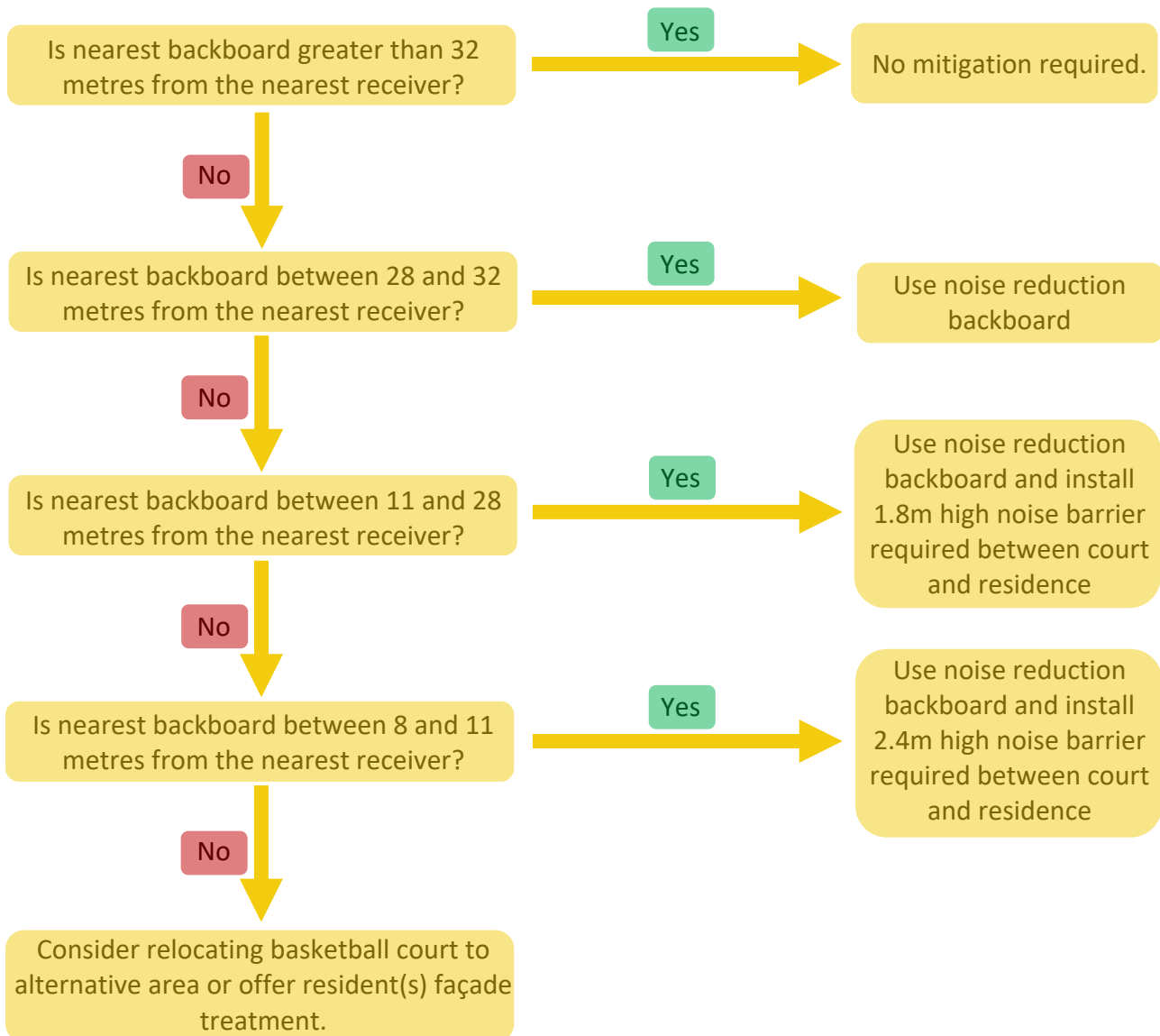
**BASKETBALL FULL COURT NOISE ASSESSMENT GUIDELINE FOR RESIDENTIAL AREAS**  
 (>10m difference between receiver and both backboards)



Example of 2.4m barrier positioned at side of court screening voices



## BASKETBALL HALF COURT NOISE ASSESSMENT GUIDELINE FOR RESIDENTIAL AREA



# Attachment E

## Felixstow Reserve Basketball Court

---

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



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Web: [www.trulineaustralia.com.au](http://www.trulineaustralia.com.au)

# Attachment F

## Felixstow Reserve Basketball Court

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

Telephone 8366 4555  
Facsimile 8332 6338  
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Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)

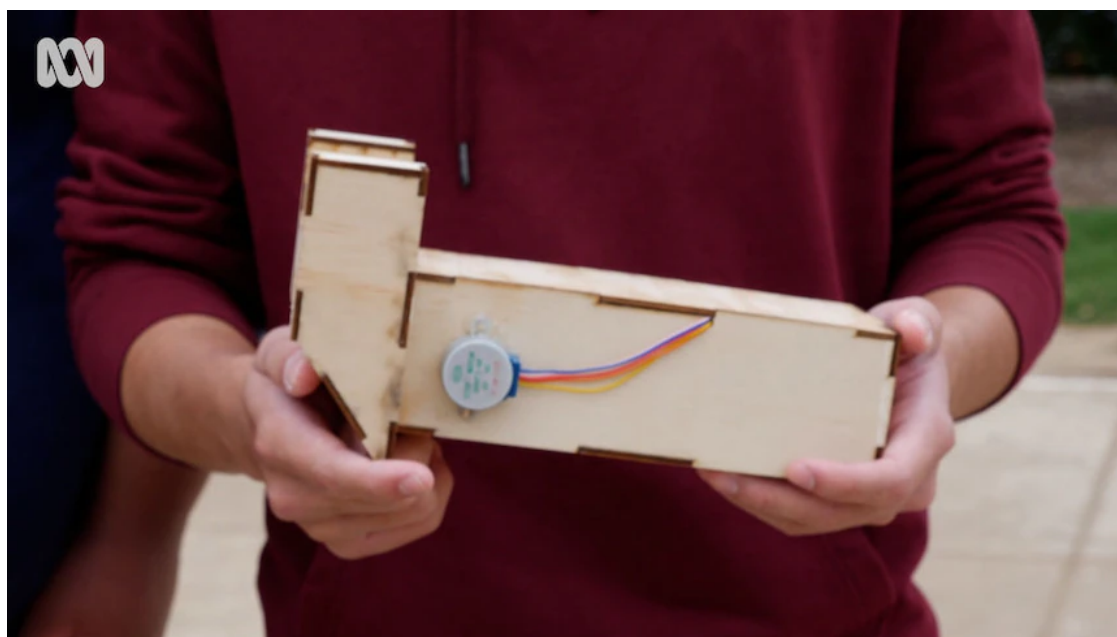


*City of*  
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Payneham  
& St Peters**

## Coburg basketball ring gets innovative upgrade after night noise complaints

ABC Radio Melbourne / By Matilda Marozzi

Posted Wed 18 May 2022 at 7:16am



Monash University students save Melbourne basketball ring with innovative design.

A public basketball hoop in Melbourne's north has been saved by the innovative thinking of a council worker and two industrial design students.

The hoop in Coburg's Bush Reserve was removed after police and council received several complaints about the noise of late-night basketballers disrupting residents between 10pm and 2am.

"We want young people to have a good time, but to do it in a way that is a bit more respectful of those living nearby," Moreland City Council Mayor Mark Riley said.

"There are other sites where they can go that aren't so close to residents."

### Key points:

- The basketball hoop in Bush Reserve was removed in July 2021 after several noise complaints
- Unable to find technology to enable the timed removal of the basketball hoop, council asked students for help
- The device designed by Monash University students will be rolled out to other sites

After verbal warnings were not enough to keep the late-night noise at bay the hoop was removed in July 2021.

Determined to find a way to reinstall the ring, a council worker investigated what existing technology was available to automatically remove the hoop at night and return it during daylight hours.

When he couldn't find any workable solutions on the market, he approached a number of Melbourne universities seeking a solution.

## Taking up the challenge

Monash University industrial design students Marcell Aryananda and Jules Kabore were told about the brief and took up the design challenge.



Mark Riley and students Marcell Aryananda and Jules Kabore say the collaboration has been a "win-win". (ABC Radio Melbourne: Madi Chwasta)

After researching various possible solutions and the cost, the pair came up with a relatively simple and inexpensive design.

"It's essentially a pole that extends out at certain times in the middle of the hoop to stop the ball going through," Mr Kabore said.

"But it is also a social cue that we shouldn't be playing this late."

The pole is connected to a circuit board which is programmed to extend the pole at 10pm and retract it at 8am.

Mr Aryananda said it was powered by a battery and a solar panel.

"We have an internal clock to support that circuit board, so it knows what time it is," he said.



A render of the Bush Reserve basketball hoop (*Supplied: Jules Kabore*)

The device was installed in early April and has performed well so far.

All up the materials cost \$1,200.

"I am relieved that it is working," Mr Aryananda said.

"The project has been really fulfilling honestly."

## **More devices to be rolled out**

Mr Riley says it is a "win-win" for everybody.

"The local residents are really pleased with it, but the young ones kind of get it as well," he said.

Moreland City Council is keen to try out refined versions of the invention at two other sites within the municipality.

"I was really impressed by the students' thinking," Mr Riley said.

For Mr Aryananda and Mr Kabore, it was also a great opportunity to kickstart their careers.

"As young designers it's quite difficult to enter into the field," Mr Kabore said.

"The fact they were willing to help us in every regard and sponsor us through this has been great.

"We are not offered these opportunities very often."

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### 11.3 SMART PARKING INITIATIVE – WEBBE STREET CAR PARK, NORWOOD

---

**REPORT AUTHOR:** General Manager, Urban Planning & Environment  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4501  
**FILE REFERENCE:** qA2055  
**ATTACHMENTS:** Nil

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#### PURPOSE OF REPORT

The purpose of this report is to seek the Council's endorsement to commence a call for Expressions of Interest to investigate options to monitor time limited car parking bays in the Webbe Street car park, Norwood, using smart technology.

#### BACKGROUND

In December 2020, the Council endorsed a *Smart City Plan*. Smart Cities apply digital technology, data and innovative practices to improve liveability, sustainability, collaboration and economic opportunities. The Council also endorsed a Priority Action Plan, subject to funding opportunities being considered through the annual budget.

Since the adoption of the *Smart City Plan*, several key initiatives have been implemented, including:

- appointment of an internal staff Smart City Steering Committee;
- adoption of a Zero Emissions Corporate Vehicle Strategy;
- adoption of a Corporate Emissions Reduction Strategy;
- leasing of hybrid electric corporate passenger vehicles for staff use;
- installation of 66kW Solar PV and Battery Storage at Norwood Town Hall;
- installation of smart irrigation systems at Scott Street Reserve, Syd Jones Reserve and the median strip of The Parade, Norwood;
- use of heat mapping data to guide decision making on the future greening of the Council area;
- integration of a remote monitoring system and radar to monitor vehicle speeds within a Koala Crossing on William Street, Norwood;
- a trial of e-scooters across the City;
- partnering with JOLT and Evie Networks to install public electric vehicle charging stations at various locations across the City (first one is scheduled for install in August 2022 in the Webbe Street car park);
- partnering with IronBark Sustainability and Google to use Google Environmental Insights Explorer (EIE) analytics to understand transport volumes by different modes across the city since 2020;
- use of the *Social Pinpoint* software platform to facilitate community consultation on traffic related matters;
- purchase of a 'Smart Starter Kit', including a range of sensors to enable the counting of people at events, traffic movements etc. (still in procurement stage);
- integration of Smart City features in some strategic projects such as The Parade Masterplan;
- installation of Christmas themed augmented reality projections on The Parade;
- membership of the Smart Cities Council of Australia/New Zealand; and
- undertaking a Smart Park Pilot Project for the Webbe Street car park, Norwood in partnership with eSMART 21.

One of the key initiatives contained in the Priority Action Plan includes consideration of smart parking opportunities, which is the subject of this report.

#### RELEVANT STRATEGIC DIRECTIONS & POLICIES

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

*An inclusive, connected, accessible and friendly community.*

The implementation of Smart Parking initiatives is underpinned by the objective of improving accessibility to local businesses and services.

**Outcome 2: Cultural Vitality**

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

The implementation of Smart City projects that contribute to the sustainable, effective use of hard infrastructure fosters a stronger connection with the City and a sense of place.

**Outcome 3: Economic Prosperity**

*A dynamic and thriving centre for business and services*

Smart Parking initiatives have a role to play in enabling greater citizen connectivity to local businesses and services by improving turn over and availability of car parking spaces. The Council can play the role of 'enabler' in this space and apply digital technology, and or make data available to improve citizen and business collaboration and inform economic opportunities.

**FINANCIAL AND BUDGET IMPLICATIONS**

A Smart Parking Pilot Project for the Webbe Street Car Park, Norwood, was undertaken in 2021 in partnership with eSMART 21, to test the suitability and effectiveness of eSMART 21's propriety product AutoFine, to monitor car parking bays, including the turn-over of vehicles, in the Webbe Street car park.

The Pilot Project included the monitoring of six unsigned car parking bays in the ground floor of the Webbe Street carpark to ascertain the extent to which vehicles over stayed the two (2) hour parking time limit controls and this in turn, enabled staff to make some data-based assumptions about cost and revenue projections, if the use of smart technology was to be implemented on an ongoing basis for all of the 151 parking bays contained on the ground floor of the Webbe Street car park.

The cost and revenue projections ascertained from the analysis of the Pilot Smart Parking Project, clearly showed that the Council would incur some 'up front' start-up costs associated with the installation of hardware such as sensors, cabling, high-definition cameras, junction boxes etc. and the procurement of software to enable the smart monitoring and integration with the Council's Information Systems. However, these costs could either be borne as 'up front' capital expenditure, or could potentially be spread over time as part of a leasing agreement for the hardware and software, depending on what the supplier is prepared to offer.

The likely revenue that the Council would receive from monitoring the parking bays and issuing fines using smart technology, would vary significantly depending on the type of smart technology that is used. For instance, some options, such as eSMART 21's Autofine system, offers a complete 'end-to-end' solution in which the parking bays would be fully monitored and Expiation Notices would be generated automatically by the Autofine software and sent directly to the vehicle owners by mail. Other simpler options could include the installation of in-ground sensors in each vehicle bay, which would trigger a smart phone notification to the Council's Compliance Officers when a vehicle overstays the parking control time limits and this would require the Inspectors to attend the car park to issue Expiation Notices.

The latter approach would not provide an 'end-to-end' system so it is likely to generate substantially less revenue than a complete 'end to end' monitoring and expiation system, but the 'up front' costs to implement in-ground sensors would be far cheaper than the cost of installing an 'end to end' system requiring high-definition cameras.

Irrespective of the type of smart technology that is eventually deployed, provided that the 'up front' set up cost to the Council is less than the projected revenue in the first year of operation, then the project would be considered 'revenue positive' and would not have any negative cost implications for the Council.

Elected Members may recall that a Budget Submission was proposed as part of the 2022-2023 Budget to implement a Smart Parking initiative for the Webbe Street car park. That submission was not endorsed by the Council. It is understood that the reason the project was not endorsed is because of the projected \$80,000 cost to the Council and not necessarily because of any concerns with the value or merits of the project.

Following a review of the submission, it is considered that the Budget Submission did not clearly articulate the extent to which the cost of the initiative would be offset by the likely increase in revenue that would result from using smart technology to monitor the car parking bays compared with the current level of revenue generated by the periodic monitoring of the Webbe Street car park by the Council's Compliance Officers, who have to split their time to monitor car parking time limit controls across the whole City. As such, the Budget Submission incorrectly inferred that the project would require \$80,000 in funding, whereas it should have clearly stated that the \$80,000 cost would be entirely offset by the projected increase in revenue from using smart technology to monitor the parking bays and therefore be a 'revenue positive' project.

Notwithstanding the outcome of the Budget Submission, given there are many ways in which smart technology can be used to monitor and manage parking the Webbe Street car park, it is now proposed to call for expressions of interest from providers to enable staff to assess the suitability of different technologies and ensure that any short-listed proposals are 'revenue positive'. Once submissions are assessed, a further report will be presented to the Council for consideration.

### **EXTERNAL ECONOMIC IMPLICATIONS**

One of the key objectives of using smart technology to monitor the Webbe Street carpark, is to increase turn-over of available parking spaces and minimise the extent to which vehicles overstay the current parking time limits. If this objective is achieved, then more vehicles can use the car park on a daily basis meaning that more people will have convenient access to local services on and near The Parade, Norwood and increased visitation rates, combined with improved access to convenient car parking spaces, will benefit local traders.

### **SOCIAL ISSUES**

The use of smart technology to monitor car parking bays is increasing across Australia. Locally, several councils, including, but not limited to, the City of Adelaide, the City of Charles Sturt, City of Playford, City of Marion and City of Unley, use smart technology to monitor car parking bays in different ways. Some councils use complete 'end-to-end' systems that monitor parking bays and generate expiation notices that are sent directly to vehicle owners. Other councils use in-ground sensors and smart phone applications that alert Compliance Officers when a vehicle has overstayed a parking time limit control and some councils use smart sensors and displays to advertise and promote the available number of car parking bays in a particular location or car park.

In other cases, car parking time limits are monitored using cameras and boom gates at the entry and exit points to a car park. This approach is evident in the private sector.

The use of smart technology to monitor car parking bays is not uncommon and is widely accepted as a part of modern-day society.

### **CULTURAL ISSUES**

Nil

### **ENVIRONMENTAL ISSUES**

Nil.

### **RESOURCE ISSUES**

If the Council determines to implement a Smart Parking initiative in the Webbe Street car park, Norwood, some training of staff will be required to manage the system. It is difficult to predict the extent of resourcing that will be required until such time as tender submissions have been analysed. The overriding principle that will be adopted is that any adverse resource implications that arise will either need to be covered within existing resources or offset and paid for by additional revenue generated by the increased monitoring of the time limit parking controls.

## RISK MANAGEMENT

There is the potential that some local traders and citizens may not support the increased monitoring of the ground level of the Webbe Street carpark. This will need to be managed by undertaking robust consultation and information sharing with local traders and the community and being clear about the benefits of the project regarding more effective service delivery and encouragement of greater accessibility to local businesses and services. Notwithstanding this, there are existing time-limit parking controls already in place at the Webbe Street Car Park and it is considered that local traders want these limits to be enforced. Whether the enforcement is through the Council's Compliance Officers or through a Smart Parking initiative should not be an issue.

Local traders were informed about the Smart Parking Pilot project that was conducted in 2021 by the Council's Economic Development staff and two positive responses were received at that time, supporting the notion of policing time limit controls to ensure regular turn over and availability of car parking spaces for visitors to The Parade precinct.

## COVID-19 IMPLICATIONS

Not Applicable.

## CONSULTATION

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

## DISCUSSION

One of the key drivers of the Council's *Smart City Plan* is to facilitate greater accessibility and mobility so that people can move efficiently around the City, accessing services and participating in economic activity. One of the Council's accessibility related Priority Actions is to explore opportunities to improve the efficiency and effectiveness of parking with smart technology.

In 2021, the Council partnered with eSMART 21, to undertake a Smart Parking Pilot Project in the Council owned Webbe Street, Norwood car park. The purpose of the Pilot project was to evaluate the use of technology to facilitate a greater turnover of car parking spaces in highly utilised car parks, via the monitoring and enforcement of parking time limit controls.

The overall objectives of monitoring car parking spaces in the Webbe Street car park with smart technology include:

- increasing turn-over of available parking spaces to benefit local traders;
- where required, issuing expiation notices in an effective and efficient manner, minimising the extent of time the Council's Regulatory Services Compliance Officers need to physically spend in the car park monitoring vehicle stays;
- improving the standard of proof of evidence for issuing expiations; using data obtained from in-ground sensors, and/or CCTV footage;
- freeing up time for the Council's Compliance Officers to perform more duties, such as monitoring parking adjacent school zones, elsewhere in the City;
- increasing revenue sourced from parking expiations, noting that this is not one of the key drivers for the project; and
- monitoring of car parking usage rates, including peak periods, to inform the timing of delivery for other council projects such as capital works upgrades in the vicinity of the carpark.

The Smart Parking Pilot Project undertaken in partnership with eSMART 21 was successful and showed that their Autofine technology could be deployed and be 'fit-for-purpose' in the Webbe Street car park, however, given the broad range of technology available to monitor and manage car parks, it is proposed to 'test the market' by calling for expressions of interest via an open tender process, for the monitoring and management of the ground floor of the Webbe Street car park using smart technology.

Once a range of smart technology options are analysed, a report will be prepared for the Council's consideration making recommendations for the most suitable technology available.

## **OPTIONS**

The Council can either endorse or reject the proposal. However, given that the first phase of this project is limited to calling for expressions of interest to enable staff to analyse the suitability or otherwise of using smart technology to monitor and manage time limited car parking bays on the ground floor of the Webbe Street car park, there is considered to be little if any down side, or financial or other risks for the Council. In addition, further investigation of smart parking opportunities is consistent with the strategies contained in the Council's *Smart City Action Plan*.

## **CONCLUSION**

In order to remain financially sustainable and meet community expectations, the Organisation must be cognisant of emerging technologies and the need to be innovative in the way we do business.

The Council's Smart City Plan provides a robust framework to facilitate the investigation of digital technologies and innovative practices to improve liveability, sustainability, collaboration and economic opportunities, in a cost-effective manner. In this context, the Council's endorsement to call for expressions of interest and investigate options to monitor time limited car parking bays in the Webbe Street Car Park in Norwood, using smart technology is now sought.

## **COMMENTS**

Nil

## **RECOMMENDATION**

1. The Council notes that Expressions of Interest will be called to investigate options to monitor and manage time limited car parking bays in the ground floor of the Webbe Street car park Norwood, using smart technology.
2. The Council notes that a report will be prepared for its consideration following the assessment of any submissions which are received through the Expressions of Interest.

## 11.4 REVIEW OF POLICIES

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA61370  
**ATTACHMENTS:** A - E

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### PURPOSE OF REPORT

The purpose of the report is to present a number of policies which have been reviewed to the Council for adoption.

### BACKGROUND

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

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

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

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

It is therefore important that policies remain up to date and consistent with any position adopted by the Council.

A review of all Council Policies commenced in 2018 and as a result all Policies have been reviewed, a number of new Policies have been adopted and a number of Policies have been revoked.

A list of all Council Policies is contained within **Attachment A**.

The following Policies are now scheduled to be reviewed:

1. Local Government Elections Caretaker Policy & Guidelines (**Attachment B**); and
2. Social Media (**Attachment C**);

Where required, the Policies have been amended to ensure that the Policies meet current standards and reflect the Council's position on the respective matters.

In addition to the policies set out above, the following policies have been reviewed. Based on recent legislative amendments, these policies are redundant and therefore no longer required.

1. Informal Gatherings (**Attachment D**)
2. Mobile Food Vendor Guidelines (**Attachment E**)

The basis for the recommendation to rescind these policies is set out in the Discussion section of this report.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

## DISCUSSION

### Local Government Elections Caretaker Policy & Guidelines

The *Local Government Elections Caretaker Policy & Guidelines* is an existing Policy.

The *Local Government (Elections) Act 1999* (the Act), provides for mandatory Caretaker provisions during Local Government elections. These provisions require each Council to adopt a Caretaker Policy, which will govern the conduct of the Council (Elected Members) and its staff during an election period.

The *Local Government Elections Caretaker Policy* (the Policy), which was adopted by the Council at its meeting held on 6 August 2018, applied to the Local Government Election held in November 2018. The Policy has now been reviewed, updated and amended to apply to the Local Government Election which will be held in November 2022.

The draft Policy has been updated to reflect the recent legislative amendments which have been made to Section 91A(2) of the *Local Government (Elections) Act 1999* (as set out below), as a result of the *Statutes Amendment (Local Government Review) Act 2021*, which came into operation in September 2021:

*91A—Conduct of council during election period*

- (2) *Subject to this section, the caretaker policy must, as a minimum—*
- (a) prohibit the making of a designated decision; and*
  - (b) prohibit the use of council resources for the advantage of a particular candidate or group of candidates,*
- during the election period.*

The draft *Local Government Elections Caretaker Policy* affirms the Council's commitment to fair and democratic elections. The Policy aims to ensure that the Council conducts its business throughout the Election Period in a responsible and transparent manner and in accordance with the relevant statutory requirements and that the Council avoids actions and decisions which could be perceived as intended to affect the results of an election or have a significant impact on the incoming Council.

The draft Policy stipulates that the Caretaker period will commence at the close of nominations on Tuesday, 6 September 2022 and will expire at the conclusion of the election, being the time at which the final result of the election is certified by the Returning Officer.

A copy of the draft *Local Government Elections Caretaker Policy* is contained within **Attachment B**.

### Social Media Policy

The *Social Media Policy* is an existing Policy.

The *Social Media Policy* provides guidance for Elected Members and Council staff, Volunteers and contractors (who are engaged by the Council) regarding the appropriate use of social media platforms and tools (whether authorised Council platforms or personal accounts) for the purpose of conducting Council business.

Whilst it is acknowledged that the role of Elected Members is different to the role of staff, all Elected Members and staff are deemed to be *Public Officers* and as such, policies which govern the various responsibilities and duties of Public Officers, (ie, *Public Interest Disclosure Policy, Fraud & Corruption Prevention Policy, Electronic Communications Policy, Local Government Elections Caretaker Policy, etc*), are prepared and adopted by the Council to ensure that all Public Officers perform their duties and functions in accordance with the relevant legislation, (ie *Local Government Act 1999, Independent Commissioner Against Corruption Act 2012, Criminal Law Consolidation Act 1935, Defamation Act 2005, etc*), and with the utmost integrity and standards of behaviour.

The *Social Media Policy* applies to all Public Officers, which includes Elected Members and staff. Therefore, rather than have separate policies, (ie a policy which applies to Elected Members and a policy which applies to staff, Volunteers and contractors), one (1) policy has been prepared.

In doing so, the *Social Media Policy* clearly sets out the roles and responsibilities for Public Officers in respect to the use of social media.

A copy of the draft *Social Media Policy* is contained within **Attachment C**.

### **Informal Gatherings Policy**

The *Informal Gatherings Policy* was adopted in accordance with Section 90 (8) of the *Local Government Act 1999*, which allowed Elected Members and staff to participate in *informal gatherings* or *discussions*, provided that a matter which would ordinarily form part of the agenda for a formal meeting was not dealt with in such a way as to obtain, or effectively obtain, a decision outside a formally constituted meeting of the Council or committee.

Informal gatherings as previously set out in the Act, could include:

- planning sessions associated with the development of policies and strategies;
- briefing or training sessions;
- workshops; and
- social gatherings to encourage informal communication between members or between members and staff.

Each Council in South Australia was required to adopt an *Informal Gatherings Policy* to clearly define how Informal Gatherings would be managed by the Council, in accordance with the *Local Government Act 1999*.

The *Statutes Amendment (Local Government Review) Act 2021*, has subsequently repealed *Section 90(8)* of the *Local Government Act 1999* and introduced a new *Section 90(A)* which establishes a new framework for the management of "*Information or briefing sessions*".

This means that the Council is no longer required to adopt a policy and therefore the *Informal Gatherings Policy* can be revoked.

A copy of the *Informal Gatherings Policy* is contained within **Attachment D**.

### **Mobile Food Vendor Guidelines**

Section 225A of the *Local Government Act 1999*, required Councils to adopt guidelines (*Mobile Food Vendor Guidelines*), to set out the rules and locations within respective Local Government Areas in which Mobile Food Vendors could operate. The rules on location were required to comply with any requirements prescribed by the *Local Government (General) Regulations 2013*.

As such, the Council adopted the *Mobile Food Vendor Guidelines* in April 2018.

The provisions however which established the legislative framework to manage Mobile Food Vendor applications have subsequently been deleted in their entirety through the *Statutes Amendment (Local Government Review) Act 2021*. New applications from Mobile Food Vendors are now required to be treated the same as other applications seeking permission to use a road for a business purpose.

This means that the Council is no longer required to adopt and maintain location rules for Mobile Food Vendors.

A copy of the *Mobile Food Vendor Guidelines* is contained within **Attachment E**.



## **OPTIONS**

As the draft Policies contained within Attachments B and C have been in place for some time and have not been the subject of major change and/or are required by legislation without a requirement for consultation, it is recommended that the Council does not undertake community consultation regarding the draft Policies and adopts the Policies.

In respect to the Policies which have been recommended for revocation, it is recommended that these be revoked without undergoing any community consultation as the legislative requirements to have these Policies in place have been removed.

## **CONCLUSION**

Pursuant to the principles of administrative law, a Council should not deviate from an adopted policy without a clear, substantiated reason for doing so.

## **COMMENTS**

As the changes to the policies reflect minor amendments and those changes have not altered the intent or key requirements of the policies, it is recommended that the Council determine that the draft policies do not require public consultation as part of this review.

There is no legislative requirement to consult in respect to the attached policies.

## **RECOMMENDATION**

1. That the following Policies be adopted:
  - 1.1 Local Government Elections Caretaker Period (Attachment B); and
  - 1.2 Social Media Policy (Attachment C).
  
2. That, having conducted a review of the following policies, the Council revokes the following policies:
  - 2.1 Informal Gatherings Policy (Attachment D); and
  - 2.2 Mobile Food Vendor Guidelines (Attachment E).

## **Attachments – Item 11.4**

# Attachment A

## Review of Policies

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*City of*  
**Norwood  
Payneham  
& St Peters**



City of  
Norwood  
Payneham  
& St Peters

## POLICIES

### CODES

Code of Conduct for Council Members  
Code of Practice – Access to Meetings & Documents

### FINANCE

Asset Impairment  
Asset Revaluation  
Assets Capitalisation and Depreciation Guideline  
Assets Capitalisation and Depreciation Policy  
Bad Debt Write-Off  
Bank Accounts  
Budget Policy Guidelines  
Budget Policy  
Budget Review Policy Guidelines  
Budget Review Policy  
Credit Card  
Credit  
Disposal of Land and Assets  
Expenditure Policy & Delegation of Authority  
Fees & Charges  
Financial Hardship  
Fringe Benefits Tax  
Funding  
Goods & Services Tax  
Payments  
Petty Cash  
Prudential Management  
Rate Rebates on Council Land Leased or Licenced  
Salaries & Wages Administration  
Treasury Management

### GOVERNANCE

Access & Inclusion  
Asset Management  
Civic Bands & Orchestra Policy  
Civic Collections  
Civic Recognition  
Code of Conduct for Council Members – Complaint Handling Procedure  
Community Consultation  
Community Funding Program  
Community Gardens  
Community Information  
Complaints Handling Policy & Procedure  
Conditions of Library Use  
Council Assessment Panel Review of Decisions of the Assessment Manager  
Council's Role in Markets  
Data Management Guidelines  
Display of Business Merchandise and Objects on Council Footpaths  
Elected Member Access to Legal Advice  
Elected Member Allowances & Benefits  
Elected Member Training & Development

Elected Members Electronic Communications Policy Guidelines  
 Elected Members Electronic Communications Policy  
 Emergency Disaster Donations  
 Events  
 Fraud, Corruption, Misconduct & Maladministration Prevention Policy  
 Freedom of Information  
 Informal Gatherings  
 Information Management Policy  
 Internal Control  
 Library Collection Development Policy  
 Library Outreach Services Policy  
 Live Music  
 Local Area Traffic Management  
 Local Government Elections Caretaker Policy & Guidelines  
 Mobile Food Vendor Guidelines  
 Naming of Roads and Public Places Policy & Procedure  
 Norwood Oval Football Passes  
 Order Making  
 Plaques, Monuments & Memorials  
 Policy of Notification – Accredited Professionals  
 Privacy Policy  
 Private Laneways Policy & Procedure  
 Procurement Policy Guidelines  
 Procurement Policy  
 Public Art  
 Public Interest Disclosure Policy & Procedure  
 Public Liability Insurance for Community Groups when Hiring Council Owned Facilities  
 Rate Rebate Policy  
 Rating Policy  
 Reconciliation  
 Records Disposal  
 Records Management Guidelines  
 Removal and Impounding of Vehicles  
 Requests for Services Policy and Procedure  
 Review of Decisions Policy & Procedure  
 Risk Management  
 Safe Environments Policy  
 Smoke-Free Policy  
 Social Media Policy  
 Temporary Road Closures for Non-Council Initiated Road Events  
 Unreasonable Complainant Conduct Policy & Procedure  
 Verge Landscaping and Maintenance Policy & Guidelines  
 Waste Management Policy  
 Work Health & Safety Policy Statement

## **SERVICE**

Closed Circuit Television Policy  
 Directional Signage  
 Footpaths and Driveway Crossovers  
 Irrigation  
 Mobile Garbage Bins  
 On-Street Parking Permit  
 Outdoor Dining  
 Public Buildings  
 Reinstatement of Council Infrastructure by Public Utilities  
 Tennis Facilities  
 Tree Policy

## **URBAN PLANNING & ENVIRONMENT**

Building Inspection  
 Development Assessment & Development Compliance Reporting & Monitoring  
 Planning Approval Compliance & Development Complaint Handling Policy

# Attachment B

## Review of Policies

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& St Peters**



City of  
Norwood  
Payneham  
& St Peters

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**NAME OF POLICY:** Local Government Elections Caretaker Policy & Guidelines

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**POLICY MANUAL:** Governance

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## BACKGROUND

The *Local Government (Elections) Act 1999*, requires Councils to prepare and adopt a Caretaker Policy to govern the conduct of the Council and its staff during the election period for a Local Government General Election. Section 91A(2) of the *Local Government (Elections) Act 1999*, stipulates that the Caretaker Policy must, at a minimum, prohibit the making of certain designated decisions by the Council during an election period [and prohibit the use of Council resources for the advantage of a particular candidate or group of candidates during an election period.](#)

This Policy has been prepared on the basis of meeting these legislative obligations. Local Government Elections Caretaker Guidelines have also been prepared to assist with the interpretation of the Policy and provide further information and examples.

## POLICY STATEMENT

It has been a long established democratic principle within Local Government, that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming Council.

The *Local Government Elections Caretaker Policy and Guidelines* affirms this Council's commitment to fair and democratic elections and will assist in ensuring that the Council conducts its business throughout the Election Period in a responsible and transparent manner and in accordance with statutory requirements.

## KEY PRINCIPLES

The City of Norwood Payneham & St Peters is committed to ensuring and achieving good governance and responsible leadership for its community. The Policy and Guidelines aim to provide guidance and information regarding decision making and activities during an Election Period to the Council, Council staff and the community to ensure that:

- the day-to-day business of the Council continues efficiently during the Election Period;
- the incumbent Council does not inappropriately make decisions that will be binding on the incoming Council; and
- the Council is committed to the conduct of efficient, equitable and accountable Local Government elections within its area.

## DEFINITIONS

For the purpose of this Policy the following definitions will apply:

**Caretaker Period** — the period commencing on 6 September 2022 (that is, at the close of nominations) and ending at the conclusion of the General Election, when the results have been officially declared by the Electoral Commissioner of South Australia.

**Chief Executive Officer** — the Chief Executive Officer (including their delegate) of the City of Norwood Payneham & St Peters, or an Acting Chief Executive Officer of the City of Norwood Payneham & St Peters (including their delegate).

**Council** — the City of Norwood Payneham & St Peters.

**Council staff** — any person that is employed full-time, part-time or casually by the Council who receives remuneration for their work.

**Elected Member** — an Elected Member of the City of Norwood Payneham & St Peters.

**Election Period** — the period commencing on the day of the close of nominations for a General Election and expiring at the conclusion of the General Election.

**Designated Decision** — a decision:

- (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer or to suspend the Chief Executive Officer for serious and willful misconduct;
- (b) to terminate the appointment of the Chief Executive Officer;
- (c) to enter into a contract, arrangement or understanding (other than a contract for road construction, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year, except if the to enter into a contract, arrangement or understanding (other than a Prescribed Contract), the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year, except if the decision:
  - (i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004* (SA), or under Section 298 of the *Local Government Act 1999* (SA);
  - (ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;
  - (iii) relates to the employment of a particular Council employee (other than the Chief Executive Officer);
  - (iv) is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the Election Period; or
  - (v) relates to a Community Wastewater Management Systems scheme that has, prior to the Election Period, been approved by the Council; ~~or~~
- ~~(d) allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election).~~



~~**General Election** — a Local Government election of Council members held once every four (4) years in accordance with Section 5 of the *Local Government (Elections) Act 1999* or pursuant to a proclamation or notice under the *Local Government Act 1999*.~~

~~**General Election** means a general election of Council Members held:~~

- ~~(a) under section 5 of the *Local Government (Elections) Act 1999*; or~~
- ~~(b) pursuant to a proclamation or notice under the *Local Government Act 1999*.~~

~~**Major Policy Decision** — includes any decision (not being a Designated Decision) by the Council:~~

- ~~1.1.1. to spend unbudgeted monies;~~
- ~~1.1.2. to conduct unplanned public consultation;~~
- ~~1.1.3. to endorse a new policy;~~
- ~~1.1.4. to dispose of Council land;~~
- ~~1.1.5. to approve community grants;~~
- ~~1.1.6. to progress any matter which has been identified as an election issue; and~~
- ~~1.1.7. any other issue that is considered a Major Policy Decision by the Chief Executive Officer.~~

~~**Minister** — the Minister for Local Government or other Minister of the South Australian Government vested with responsibility for the *Local Government (Elections) Act*.~~

~~**Prescribed Contract** — is a contract entered into by the Council for the purpose of undertaking road construction or maintenance, or drainage works.~~

~~**Significant Decision** — is any Major Policy or other decision by the Council which will significantly affect the Council area or community or will bind the incoming Council.~~

## APPLICATION OF THE POLICY

- 1.1. This Policy applies throughout the Election Period for a General Election.
- 1.2. For the purposes of the Local Government Elections to be held in November 2022, this Policy will apply during the City of Norwood Payneham & St Peters Caretaker Period, commencing on 6 September 2022 (that is, at the close of nominations) and ending at the conclusion of the General Election, when the results have been officially declared by the Electoral Commissioner of South Australia.
- 1.3. This Policy applies to:
  - 1.3.1. the Council (ie all of the Elected Members); and
  - 1.3.2. Council staff.
- 1.4. This Policy is to be taken to form part of the *Code of Conduct for Council Members*.
- 1.5. This Policy does not apply to Local Government Supplementary Elections held in accordance with Section 6 of the *Local Government (Elections) Act 1999*.

## **TREATMENT OF SIGNIFICANT DECISIONS**

~~So far as is reasonably practicable, the Chief Executive Officer will avoid scheduling Significant Decisions (including Major Policy Decisions), for consideration during an Election Period and ensure that such decisions:~~

- ~~are considered by the Council prior to the Election Period; or~~
- ~~are scheduled for determination by the incoming Council.~~

~~The determination as to whether or not any decision is a Significant Decision (including whether it is a Major Policy Decision) will be made by the Chief Executive Officer, after consultation with the Mayor.~~

~~The Chief Executive Officer will report to the Council any instance whereby the Chief Executive Officer has determined that a decision is a Significant Decision and circumstances have arisen which therefore require the decision to be made during the Election Period.~~

~~The aim of the Chief Executive Officer's report to the Council will be to assist the Council to determine whether the decision should be deferred for consideration by the incoming Council.~~

~~The Chief Executive Officer's report to Council will address the following issues (where relevant):~~

- ~~why the matter is considered to be a Significant Decision;~~
- ~~why the matter is considered urgent;~~
- ~~what are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;~~
- ~~whether deciding the matter will significantly limit options for the incoming Council;~~
- ~~whether the matter requires the expenditure of unbudgeted funds;~~
- ~~whether the matter is the completion of an activity already commenced and previously endorsed by Council;~~
- ~~whether the matter requires community engagement;~~
- ~~any relevant statutory obligations or timeframes; and~~
- ~~whether dealing with the matter in the Election Period is in the best interests of the Council area and community.~~

~~The Council will consider the Chief Executive Officer's report and determine whether or not to make the decision.~~

## **PROHIBITION ON DESIGNATED DECISIONS**

2.1 The Council is prohibited from making a Designated Decision during an Election Period.

2.2 A decision of the Council includes a decision of:

- a Committee of the Council; and
- a Delegate of the Council.

## **TREATMENT OF OTHER SIGNIFICANT DECISIONS**

3.1 So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an 'election period' and ensure that such decisions:

- are considered by Council prior to the 'election period'; or
- are scheduled for determination by the incoming Council.

3.2 A 'significant decision' is any major policy or other decision which will significantly affect the Council area or community or will bind the incoming Council.

3.3 A 'major policy' decision includes any decision (not being a designated decision):

- to spend unbudgeted monies;
- to conduct unplanned public consultation;
- to endorse a new policy;
- to dispose of Council land;
- to approve community grants;
- to progress any matter which has been identified as an election issue; and
- any other issue that is considered a major policy decision by the Chief Executive Officer.

3.4 The determination as to whether or not any decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor or Chairperson (as relevant). The Chief Executive Officer must keep a record of all such determinations made by Chief Executive Officers (including by previous Chief Executive Officers) and make this list available to candidates upon request.

3.5 Where the Chief Executive Officer has determined that a decision is significant, but circumstances arise that require the decision to be made during the election period, the Chief Executive Officer will report this to the Council.

3.6 The aim of the Chief Executive Officer's report is to assist Council Members assess whether the decision should be deferred for consideration by the incoming Council.

3.7 The Chief Executive Officer's report to Council will address the following issues (where relevant):

- why the matter is considered 'significant';
- why the matter is considered urgent;
- what are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;
- whether deciding the matter will significantly limit options for the incoming Council;
- whether the matter requires the expenditure of unbudgeted funds;
- whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- whether the matter requires community engagement;
- any relevant statutory obligations or timeframes; and
- whether dealing with the matter in the election period is in the best interests of the Council area and community.

3.8 The Council will consider the Chief Executive Officer's report and determine whether or not to make the decision.

## **PROHIBITION ON THE USE OF COUNCIL RESOURCES**

4.1 Council resources must not be used for the advantage of a particular candidate or group of candidates.

4.2 For clarity, neither the *Local Government (Elections) Act 1999* or this Policy prohibits a Council providing resources to all members of the public, which includes all candidates for election.

4.3 The following Council resources must not be used for the advantage of a particular candidate or group of candidates and may only be used by Elected Members, where necessary, in the performance of their ordinary duties as a Council Member:

- Council provided Mobile phone (Mayor only);
- Council provided IPADs;
- Council provided business cards;
- Requests to Council staff perform tasks which would confer an advantage on a candidate or group of candidates;
- Access to areas that members of the public cannot access, including areas within the property of third parties (eg the 'Mayor's Parlour' at the Norwood Oval); and
- Council produced promotional brochures and documents.

#### **APPLICATION OF THE POLICY**

1.1. This Policy applies throughout the Election Period for a General Election.

1.2. For the purposes of the Local Government Elections to be held in November 2022, this Policy will apply during the City of Norwood Payneham & St Peters Caretaker Period, commencing on 6 September 2022 (that is, at the close of nominations) and ending at the conclusion of the General Election, when the results have been officially declared by the Electoral Commissioner of South Australia.

1.3. This Policy applies to:

- 1.3.1. the Council (ie all of the Elected Members); and
- 1.3.2. Council staff.

1.4. This Policy is to be taken to form part of the Code of Conduct for Council Members.

1.5. This Policy does not apply to Local Government Supplementary Elections held in accordance with Section 6 of the Local Government (Elections) Act 1999.

#### **CONSEQUENCES OF CONTRAVENING THIS POLICY**

5.1 A Designated Decision made by the Council during an Election Period is invalid, except where an exemption has been granted by the Minister<sup>1</sup>.

5.2 Any person who suffers loss or damage as a result of acting in good faith on a Designated Decision made by the Council in contravention of this Policy is entitled to compensation from the Council for that loss or damage<sup>2</sup>.

A breach of this policy is a breach of the Code of Conduct for Council Members and the Behaviour Standards Policy & Procedure for Council Employees.

#### **APPLICATION FOR EXEMPTION**

6.1 If the Council considers that it is faced with extraordinary circumstances which require the making of a Designated Decision during an Election Period, the Council may apply in writing to the Minister for an exemption to enable the making of a Designated Decision that would otherwise be invalid under Section 91A of the Local Government (Elections) Act and this Policy<sup>3</sup>.

<sup>1</sup> Section 91A(5) Local Government (Elections) Act 1999

<sup>2</sup> Section 91A(6) Local Government (Elections) Act 1999

<sup>3</sup> Section 91A(3) Local Government (Elections) Act 1999

6.2 If the Minister grants an exemption to enable the making of a Designated Decision that would otherwise be invalid under Section 91A of the *Local Government (Elections) Act* and this Policy, the Council and Council staff ~~must~~<sup>will</sup> comply with any conditions or limitations that the Minister imposes on the exemption<sup>4</sup>.

## **CONTINUING THE ORDINARY FUNCTIONS OF THE COUNCIL DURING THE CARETAKER PERIOD**

This Policy does not prevent the Mayor, Elected Members and Council staff carrying on the ordinary business of the Council during the Caretaker Period.

For instance, the Mayor and Elected Members may continue to accept invitations to attend community functions where it would be normal practice for them to attend, and Council publications may continue to be published as part of the usual activity of the Council should there not have been an election occurring. Notwithstanding the above, the Chief Executive Officer will ensure, as far as is practical, that Council initiatives will not be launched during the Caretaker Period.

The Mayor will continue in their role as the Council's spokesperson in terms of the media and at official functions. In some instances, the Mayor may determine to appoint the Chief Executive Officer as the spokesperson for the Council, depending on the nature of the issue.

Refer to the Local Government Elections Caretaker Guidelines for a more detailed examination of the above scenarios.

### **ASSOCIATED DOCUMENTS**

~~The following documents must be read in conjunction with this Policy:~~

- ~~• *Local Government Elections Caretaker Guidelines; and*~~
- ~~• *Code of Conduct for Council Members.*~~

### **REVIEW PROCESS**

The Council will review this Policy in the lead up to the next Local Government General Election.

### **INFORMATION**

The contact officer for further information is the Council's General Manager, Governance & Community Affairs, telephone 8366 4549 or via email: [lmara@npsp.sa.gov.au](mailto:lmara@npsp.sa.gov.au)

### **ADOPTION OF THE POLICY**

This Policy was adopted by the Council on 7 June 2010.

This Policy was adopted by Council on 4 August 2014.

This Policy was adopted by the Council on 6 August 2018.

This Policy was reviewed and adopted by the Council on 2022.

### **TO BE REVIEWED**

July 2026

<sup>4</sup> [Section 91A\(4\) Local Government \(Elections\) Act 1999](#)

## LOCAL GOVERNMENT ELECTIONS CARETAKER GUIDELINES

### BACKGROUND

The *Local Government Elections Caretaker Guidelines* (Caretaker Guidelines) are a supplement to the *Local Government Elections Caretaker Policy* and provide an overview of the scope and meaning of the legislative requirements under Section 91A of the *Local Government (Elections) Act 1999*. The Caretaker Guidelines also examine the use of Council resources during an Election Period, including where resources are used for the ordinary business of the Council, for the advantage of candidates in the election, or by Elected Members for personal benefit (including campaigning).

Definitions provided within the *Local Government Elections Caretaker Policy* also apply to the Caretaker Guidelines.

### 1. OVERVIEW

In accordance with [Section 91A\(2\) of the Local Government \(Elections\) Act 1999](#), a Council's Caretaker Policy must, at a minimum, prohibit the Council from making Designated Decisions during an Election Period [and prohibit the use of Council resources for the advantage of a particular candidate or group of candidates during the election period](#)

[In considering how the Policy applies to the prohibition on making designated decisions, regard must be given to three \(3\) separate elements. In particular the following must be present:](#)

- [1\) a decision of council;](#)
- [2\) made during an election period;](#)
- [3\) which is a designated decision.](#)

[The caretaker policy must also prohibit the use of council resources for the advantage of a particular candidate or group of candidates during the election period.](#)

[There are three \(3\) elements to this requirement:](#)

- [\(a\) a decision of the Council;](#)
- [\(b\) made during an Election Period; and](#)
- [\(c\) which is a Designated Decision.](#)

[Each of these elements is described below.](#)

[The \*Local Government \(Elections\) Act 1999\* stipulates that any Designated Decision made by a Council during an Election Period without an exemption from the Minister is invalid.](#)

[Any person who suffers loss or damage as a result of acting on a Designated Decision made in contravention of Section 91A of the \*Local Government \(Elections\) Act 1999\* is entitled to compensation from the Council for that loss or damage.](#)

### Decisions of the Council

Section 91A of the *Local Government (Elections) Act 1999* only applies to a decision of the Council. This includes decisions made directly by the Council or indirectly through a Council Committee or Delegate. [A delegate may be the Chief Executive Officer \(CEO\) or the CEO's nominee or another senior Council staff member.](#)

~~A personal decision of an Elected Member or Council staff member who is not acting under a delegation, is not a decision of the Council and therefore is not a Designated Decision for the purposes of Section 91A of the *Local Government (Elections) Act 1999*.~~

## Election Period

Section 91A of the *Local Government (Elections) Act 1999*, prohibits the making of Designated Decisions during an Election Period. [The use of Council resources for the advantage of a particular candidate or group of candidates is also prohibited.](#)

An Election Period<sup>5</sup>:

- (a) commences on either:
  - (i) the day on which nominations for a General Election close; or
  - (ii) if a Council's Caretaker Policy specifies an earlier date, that date; and
- (b) expires at the conclusion of the General Election.

A decision which is made prior to the Election Period, but announced during the Election Period, will not be a Designated Decision for the purposes of Section 91A of the *Local Government (Elections) Act 1999*.

[The Council may apply in writing to the Minister for an exemption from the application of this section to a designated decision.](#)

For the purposes of the Local Government Elections to be held in November 2022, the Council's Caretaker Period will commence on 6 September 2022 (that is, at the close of nominations) and will end at the conclusion of the election, when the results have been officially declared by the Electoral Commissioner of South Australia.

## Designated ~~D~~ecisions

[Only specific types of decisions will be designated decisions under section 91A of the \*Local Government \(Elections\) Act 1999\*. The designated decisions are outlined below. The \*Local Government \(Elections\) Act 1999\* stipulates that any designated decision made by a Council during an election period without a Ministerial exemption is invalid.](#)

[Any person who suffers a loss or damage as a result of acting in good faith on a designated decision made in contravention of section 91A of the \*Local Government \(Elections\) Act 1999\* is entitled to compensation from the council for that loss or damage.](#)

### [Decisions relating to the Employment of the Chief Executive Officer](#)

[Any ~~Certain~~ Council decisions regarding the \[employment, remuneration or termination\]\(#\)<sup>6</sup> of the Chief Executive Officer made during an Election Period, \[other than a decision to:\]\(#\)](#)

- 1.5.1. appoint an acting Chief Executive Officer; or
  - 1.5.2. suspend a Chief Executive Officer for serious and wilful misconduct<sup>7</sup>,
- will be a Designated Decision.

<sup>5</sup> Section 91A(8) *Local Government (Elections) Act 1999*

<sup>6</sup> Section 91A(8) *Local Government (Elections) Act 1999*

<sup>7</sup> Regulation 12(1)(b) *Local Government (Elections) Regulations 2010*



### Specific Contracting Decisions

Certain Council decisions regarding specific types of contracts made during an Election Period will be Designated Decisions.

Generally, a decision to enter into a contract, arrangement or understanding (other than a 'prescribed contract') the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year<sup>8</sup> will be a Designated Decision. However, there are exclusions from this general position provided in section 91A of the *Local Government (Elections) Act 1999* and the *Local Government (Elections) Regulations 2010* (the Elections Regulations).

As set out in Table 1 above, this includes any decision to enter into a contract, arrangement or understanding (other than a Prescribed Contract), the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year. However, there are exclusions from this general position provided in Section 91A of the *Local Government (Elections) Act* and the *Local Government (Elections) Regulations 2010* (SA).

- Prescribed Contracts

Prescribed Contracts are expressly excluded from the types of contracts which are able to be the subject of a Designated Decision. A 'prescribed contract' is defined in Section 91A of the *Local Government (Elections) Act 1999* to mean a Contract entered into by a Council for the purpose of undertaking road construction, road maintenance or drainage works.

Prescribed Contracts allow the Council to continue with its core road and drainage infrastructure work unaffected by the Caretaker Period.

- Exemptions

Other types of contracts are excluded from being the subject of a Designated Decision by the *Local Government (Elections) Regulations*. These types of decision are decisions:

(a) relating to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004* or under Section 298 of the *Local Government Act 1999*;

(b) for an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;

(c) relating to the employment of a particular Council staff member (other than the Chief Executive Officer);

(e)(d) made in the conduct of negotiations relating to the employment of Council staff generally, or a class of Council staff members, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the Election Period; or

(d)(e) relating to a Community Wastewater Management Systems scheme that has, prior to the Election Period, been approved by the Council.

<sup>8</sup> Section 91A(8) *Local Government (Elections) Act 1999*



## Decisions Regarding the Use of Council Resources

### Prohibition of the use of Council Resources **Scope of Designated Decision**

A Council's Caretaker policy must prohibit the use of Council resources for the advantage of a particular candidate or group of candidates during an election period. A Caretaker policy may however allow the equal use of resources by all candidates for election.

The prohibition does not prevent all candidates, including current Elected Members utilising Council resources that are available to all members of the public (ie using a Council Library public computer to design election campaign material and produce copies for distribution on a Council photocopier that is available to the general public). Candidates should not be given access to Council facilities that are not available to other candidates.

A decision of the Council allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election) made during an Election Period is a Designated Decision.

Designated Decisions do not include individual decisions of Elected Members or Council staff to utilise Council resources for personal benefit. For example, the use of Council resources by an Elected Member for the purposes of his/her election campaign is not a Designated Decision for the purposes of Section 91A of the *Local Government (Elections) Act 1999*.

However, the *Local Government Act 1999* and the *Code of Conduct for Council Members and the Code of Conduct for Council Employees* impose constraints on the personal use of Council resources by Elected Members. These provisions are discussed in [more detail below](#).

- Council Resources

'Council resources' is a broad concept which is not defined in the *Local Government (Elections) Act 1999*. Based on a general definition of the term 'resources' provided in the Macquarie Dictionary (ie 'the collective wealth and assets of a country, organisation, individual'), the term 'Council resources' is taken to mean 'any asset or information owned or controlled by a Council'.

Council resources may include:

- materials published by the Council;
- facilities and goods owned by the Council;
- attendance and participation at functions and events;
- access to Council information; and
- media services.

Council staff and contractors engaged by the Council are also classified as Council resources.

- Meaning of 'advantage'

The concept of advantage is broad and is defined in the *Macquarie Dictionary* as 'any state, circumstance, opportunity, or means especially favourable to success, interest, or any desired end'. In the context of Section 91A of the *Local Government (Elections) Act 1999*, the relevant advantage is in respect of being elected or re-elected.

An advantage will be conferred where a decision allowing the use of Council resources favours one candidate over another. An advantage arises when a candidate utilises resources, information or support that is not available to a candidate in an election who is not a ~~current~~<sup>existing</sup> Elected Member.

The South Australian Ombudsman has given 'advantage' a broad interpretation. The Ombudsman's view is that any activity that gives a perception of favouring one candidate over another is an advantage.

[In previous decisions of the Ombudsman:](#)

- [\(a\) a decision to engage an independent contractor to conduct a Section 270 Review of a procurement decision did not involve the use of Council resources for the advantage of a particular candidate, even though a possible outcome of the review would have assisted or harmed the electoral chances of particular candidates.](#)
- [\(b\) a decision to include a Mayor's review of the achievements of the Council in an Annual Report did provide such an advantage.](#)

Whether the scope of the 'advantage' under Section 91A of the *Local Government (Elections) Act 1999* extends to a perceived advantage is likely to be a matter for debate. Notwithstanding this, the Council should be aware of this view when making decisions during an Election Period.

- [Normal Council Business or Campaigning?](#)

There is no relevant advantage where Council resources are used exclusively for normal Council business during an Election Period and are not used in connection with a candidate's election campaign.

It is important, however, that the Council continues to function during the Election Period. The ordinary business of the Council is to be conducted during the Election Period and interactions with community organisations, businesses or government should continue relative to the issues currently before the Council.

For example, if the Mayor or Elected Members are invited to a function of a community group during the Election Period and it would be normal practice for them to attend, then attendance at the function is not prohibited. Council resources may also need to be provided to enable that attendance (eg the drafting of a speech for the Mayor or the preparation of a media statement may be required).

[Examples of Council resources that, if used during the election period for campaign purposes, or purposes that would otherwise provide a genuine advantage to the candidate, which would contravene a Council Caretaker policy include:](#)

- [\(a\) mobile phones;](#)
- [\(b\) Council vehicles;](#)
- [\(c\) Council-provided landline phones, computers \(IPADs\), and other office equipment beyond that provided to members of the public \(eg in a public library\);](#)
- [\(d\) Council-provided business cards;](#)
- [\(e\) requests to Council employees to perform tasks;](#)
- [\(h\) access to areas that members of the public cannot access, including areas within the property of third parties \(eg a 'Mayor's Parlour' at a suburban football oval\); and](#)
- [\(i\) Council printed materials \(brochures or other documents\).](#)

It is however reasonable for Councils to continue to provide resources where these are necessary for an Elected Member to perform their duties, provided the resources are not used to advantage a candidate or group of candidates. For example:

- (a) access to Council facilities, for the purpose of a Council meeting. This may include refreshments, if usually provided as an adjunct to Council meetings; and
- (b) access to a secure area of the Council website, where Council agendas, minutes and other Council documents can be obtained.

In the circumstances whereby the Mayor and/or an Elected Member is pursuing a particular issue during his/her campaign and this issue is one that has been the subject of Council debate, caution must be exercised when using information that has been provided to them as an Elected Member but may not be accessible to general candidates.

Candidates seeking information from the Chief Executive Officer or Council staff, may have access to information provided it is public information.

Reasonable minds are likely to differ over whether the use of particular Council resources will advantage particular candidates. Due propriety and appropriate judgment should be exercised in making decisions to use Council resources during Election Periods to ensure that the Council and its Elected Members are not open to criticism.

- Use of Council Resources for Personal Benefit

The use of Council resources for personal benefit is distinct from the prohibition against the use of Council resources – a Designated Decision of the Council regarding the use of Council resources for the advantage of a particular candidate or group of candidates.

The use of Council resources for personal benefit is regulated by legislation other than Section 91A of the *Local Government (Elections) Act 1999*. The use of Council resources by an Elected Member for the purposes of an election campaign, will be a use of those resources for personal benefit. Elected Members standing for re-election to the Council must ensure that they only use Council resources for ordinary Council business and not to assist them in campaigning.

The general duties of Elected Members, in accordance with Section 62 of the *Local Government Act 1999*, include offences for the improper use of information<sup>9</sup> or position<sup>10</sup> to gain a personal advantage for an Elected Member or another person. A maximum penalty of \$10,000 or imprisonment for two (2) years applies to these offences.

Section 78 of the *Local Government Act 1999*, which provides for the use of Council resources by Elected Members, states that:

*A member of a council must not use a facility or service provided by the council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use).*

The *Code of Conduct for Council Members* prohibits the use Council resources for private purposes without authorisation.

The use of Council resources for personal benefit in breach of the requirements of the Codes of Conduct, could be determined to be misconduct or corruption under the *Independent Commissioner Against Corruption Act 2012* (SA) and be the subject of a complaint to the Office of Public Integrity (OPI) or the South Australian Ombudsman.

<sup>9</sup> [Section 62\(3\) Local Government Act 1999](#)

<sup>10</sup> [Section 62\(4\) Local Government Act 1999](#)

The conduct of a Public Officer that results in a substantial mismanagement of public resources may also be the subject of a complaint to the [OPI, the South Australian Ombudsman](#).

Disciplinary consequences or prosecutions may ultimately result from the unauthorised use of Council resources for private purposes.

### Specific Council Resource Scenarios

The business of the Council does not cease during the Election Period. Council resources will continue to be used during the Election Period.

There is a distinction between the use of Council resources in the ordinary course of Council operations and the use of Council resources by a Candidate or group of Candidates for campaigning purposes. Where resources are used for campaign purposes, this will be deemed to be the use of Council resources for personal benefit.

During an Election Period, Elected Members and Council staff must take care that Council resources are not used for the purpose of election campaigning. Some specific examples are provided below where this issue may arise.

- Council Publications during an Election Period

A decision by the Council to publish information for the advantage of a particular candidate or group of candidates (other than a decision which allows for the equal use of Council resources by all Candidates for election) ~~is a Designated Decision and~~ is prohibited by Section 91A of the *Local Government (Elections) Act 1999*.

'Publishing' includes publication by any medium, including but not limited to leaflets, newspapers, posters, email, websites, radio or television. This does not include, however, the publication of information, a press release or articles by the Mayor if this would form part of the ordinary course of business of the Council.

Councils have a statutory responsibility to publish certain information regarding General Elections. Pursuant to Section 12(b) of the *Local Government (Elections) Act 1999*, each Council is responsible for the provision of information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area, and to advise its local community about the outcome of the elections and polls conducted in its area.

All election materials published by the Council should fall within the types of material described by Section 12(b) of the *Local Government (Elections) Act 1999* and will not contain any material which would advantage a particular candidate or candidates.

'Electoral material' is defined in the *Local Government (Elections) Act 1999* as 'an advertisement, notice, statement or representation calculated to affect the result of an election or poll'. Given that the purpose of electoral material is to persuade voters towards a particular candidate or group of candidates, it will not be appropriate for a Council to publish electoral material.

Councils may publish other material during an Election Period. The material published during this period should reflect ordinary Council business and the usual activity of the Council should there not have been an election occurring. If the Council or a Council delegate is considering making a decision to publish material during the Election Period, the Council or delegate should consider whether or not the material would confer an advantage on a particular candidate or group of candidates for election. If an advantage would be conferred then the ~~material should not be published or distributed decision would be a Designated Decision~~.

Where a Council publication made in the ordinary course of Council operations would be published during an Election Period (and this is not the subject of a Council decision made during the Election Period), the publication will not contravene Section 91A of the *Local Government (Elections) Act 1999*.

[However, consideration of the contents of these publications must be given, to ensure that the Council and Elected Members are not criticised for publishing information which may assist or hinder the electoral prospects of particular candidates.](#)

Elected Members are able to publish electoral material on their own behalf (provided that they comply with Sections 27 and 28 of the *Local Government (Elections) Act 1999*). Elected Members should not assert or imply that the electoral material originates from or is endorsed by the Council. An Elected Member must also not use Council resources to create or distribute his/her electoral material, including through the use of Council stationery, computers, printers, photocopiers or staff or the application of the Council's logos.

During an Election Period, material which is prohibited by the Local Government Elections Caretaker Policy and Guidelines, will not be placed on the Council's website. Any information which refers to the election, will only relate to the election process by way of information, education or publicity.

Information about Elected Members will be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

The Council's website will include a link to the Local Government Association of South Australia's publication of candidate profiles and electoral statements for the purposes of Section 19A of the *Local Government (Elections) Act 1999*.

- Attendance at Events and Functions

Events and functions can take many forms, including conferences, workshops, forums, launches, promotional activities, and social occasions (eg dinners, receptions etc).

Elected Members can continue to attend events and functions during an 'Election Period, provided that their attendance is consistent with the ordinary course of their duties and is not used for campaigning.

Elected Members should consider whether or not their attendance at an event or function is likely to be viewed as campaigning. In part, this may depend on the conduct of the Election Member while in attendance at the event or function. Care should particularly be taken by Elected Members, if they are asked to give a speech at an event or function during an Election Period.

The Mayor and Elected Members must not give speeches or keynote addresses at Council-organised or sponsored events and functions during an Election Period. The Mayor and Elected Members may, however, make short welcome speeches at Council-organised or sponsored events and functions during an Election Period.

- Access to Council Information

Section 61 of the *Local Government Act 1999* provides Elected Members with a right to access Council documents in connection with the performance or discharge of the functions or duties of the Elected Member. This right of access continues during an Election Period.

Elected Members should take care that access to Council documents is in connection with the performance or discharge of their functions or duties as an Elected Member.



Access to Council documents for the purpose of campaigning or to gain an advantage in an election is an improper use of information gained by virtue of the Elected Member's position as a Member of Council.

Elected Members can be prosecuted for the improper use of Council information to gain an advantage for themselves or another person. Maximum penalties of \$10,000 or two (2) years imprisonment apply<sup>11</sup>.

- Media Services

The Council's media services are provided ~~solely~~ to promote the Council's activities or initiatives, or community activities or initiatives which are endorsed or otherwise supported by the Council, and must not be used in any manner that might favour a candidate during an 'Election Period.

Media services will, during the Election Period, be used in the ordinary course of the Council's operations and will continue to operate in accordance with standard protocols. Care should be taken that media services will not be used to advantage a particular Elected Member in his or her re-election campaign (eg by profiling that member or activities which are closely associated with that Elected Member)

Any request for media advice or assistance from Elected Members during the Election Period will be referred in the first instance to the ~~Chief Executive Officer~~[General Manager, Governance & Civic Affairs](#). No media advice will be provided in relation to election issues or in regard to publicity that involves specific Elected Members.

In some instances, the Mayor may determine to appoint the Chief Executive Officer as the spokesperson for the Council on some issues, depending on the nature of the issue.

Elected Members are not to use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign. To do so, would contravene Section 62(4) of the *Local Government Act 1999*, which prohibits an Elected Member improperly using his/her position as an Elected Member to gain, directly or indirectly, an advantage for himself/herself or for another person.

Elected Members can be prosecuted for this offence and maximum penalties of \$10,000 or two (2) years imprisonment apply.

- Public Consultation during an Election Period

Public consultation must be undertaken during an Election Period if the consultation is mandated by legislation.

Where public consultation is discretionary then the consultation can occur during the Election Period, however, consideration should be given prior to the consultation being scheduled as to whether or not the consultation will influence the outcome of the election.

If the matter subject to the consultation is likely to be closely associated in the minds of voters with a particular candidate or group of candidates then it may be prudent to delay the consultation process until after the Election Period.

- Expenses Incurred by Elected Members

Payment or reimbursement of costs relating to Elected Members' out-of-pocket expenses incurred during an Election Period, will only apply to those necessary costs that have been incurred in the performance of normal Council duties.

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<sup>11</sup> [Section 62\(4\) Local Government Act 1999](#)

This is consistent with the ~~general~~ requirements applying to the reimbursement of Elected Member ~~expenses~~ under Section 77 of the *Local Government Act 1999*.

No reimbursements will be provided for campaign expenses or for expenses that could be perceived as supporting or being connected with a Candidate's election campaign.

- Council Branding and Stationery

Council logos, letterheads, Elected Member business cards or other Council branding or Council resources or facilities, are not to be used as part of a Candidate's election campaign.

The Mayoral letterhead is exempt from this clause in circumstances whereby the Mayor is utilising the Mayoral letterhead for the performance of his ordinary functions and duties of office as the Principal Member of the Council.

It is appropriate, however, for a Mayor or Elected Member to make it clear in their written publications that they are ~~a~~ currently an Elected Member ~~and use the 'Mayor' or 'Councillor' sign-off.~~

- Support Staff to the Mayor and/or Elected Members

Council staff who provide support to the Mayor and Elected Members should not be asked to undertake any tasks connected directly or indirectly with an election campaign for an Elected Member, except where similar support is provided to all candidates.

[The Mayor of the City of Norwood Payneham & St Peters has access to support staff for assistance with email and diary management and coordination of activities related to the performance of their role. During an election period it is important to ensure clear separation of 'business as usual' \(ie acknowledging or responding to emails received, coordinating calendar appointments\) and campaigning activity \(e.g. preparation and distribution of campaign flyers\) and that Council staff do not provide any assistance with any campaigning activity.](#)

- Equipment and Facilities

Council resources such as iPads, stationery and Elected Member business cards can continue to be used by Elected Members during an Election Period for normal Council business.

Council resources are not to be used for campaign purposes as this will contravene the *Local Government Act 1999* and the *Code of Conduct for Council Members*.

### Council Staff Activities During an Election Period

Council staff should not undertake any activity which may influence the outcome of an election, except where the activity relates to the election process and is authorised by the Chief Executive Officer.

Council staff will not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it relates to the election process and is authorised by the Chief Executive Officer. This includes making Council resources available to Elected Members for campaign purposes.

Council staff must not assist an Elected Member with their election campaigns at any time, including outside working hours.

Whilst it is not illegal for Council staff to assist an Elected Member with the Member's election campaign in their own time, such campaign assistance creates reputational risks for the staff member, the candidate, the Council and for the integrity of the election process.

Where the use of Council resources could be construed as being related to a Candidate's election campaign, the incident matter must be reported to the Chief Executive Officer.

All Council staff must also comply with the mandatory reporting directions and guidelines issued by the Independent Commissioner Against Corruption.

### Equity of Assistance to Candidates

- Candidate Assistance and Advice

All candidates for the Council election will be treated equally.

Any assistance or advice provided to candidates as part of the conduct of an election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated transparently to all candidates in advance.

- Election Process Enquiries

All election process enquiries from candidates, whether current Elected Members or not, are to be directed to the Electoral Commissioner as the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer of the Council or the General Manager, Governance & Civic Community Affairs.



# Attachment C

## Review of Policies

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City of Norwood Payneham & St Peters  
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*City of*  
**Norwood  
Payneham  
& St Peters**




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**NAME OF POLICY:** Social Media Policy

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**POLICY MANUAL:** Governance

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## BACKGROUND

Social media allows online communities with common interests to connect, share and consume information, thoughts and ideas. The Council recognises the opportunities that social media presents to engage in meaningful, two-way communication with a broad audience of residents, ratepayers, businesses, community groups and other organisations.

Social media can both complement and enhance traditional communication, customer service and consultation methods used by the Council, and further improve access to and delivery of key services. Through use of social media, the Council aims to keep its local community well-informed and to ensure that citizens understand the extensive role that the Council plays in the community.

This Policy provides guidance for Elected Members and Council staff, Volunteers and contractors regarding the appropriate use of social media platforms and tools (whether authorised Council platforms or personal accounts) for the purpose of conducting Council business.

## KEY PRINCIPLES

The key principles of this Policy are to:

- provide guidance about appropriate and responsible use of social media platforms (whether authorised Council platforms or personal accounts);
- reduce the likelihood of miscommunication or inappropriate communications;
- promote effective and valuable community engagement through social media;
- assist with the management of challenges associated with social media such as timeliness, record keeping, privacy and security; and
- provide clarity about roles and responsibilities in relation to use, approval and monitoring.

## SCOPE

This Policy applies to all Elected Members, Council staff, Volunteers and contractors engaged by the Council who:

- are authorised to use the Council's social media platforms;
- who use personal social media accounts for the purpose of conducting Council business; or
- who publish information on personal social media accounts which relates in any way to the Council or its business,

and to agencies and individuals who provide services to the Council (where relevant).

This Policy applies to all current and future social media platforms and tools. That is, digital spaces where people comment, view, contribute, create, forward, post, upload and share content, including (without limitation):

- social networking sites (e.g. Facebook, Instagram, LinkedIn);
- microblogging sites (e.g. Twitter), podcasts, video podcasts, video and photo sharing sites (e.g. Flickr, YouTube, Pinterest, Instagram);
- online encyclopaedias (e.g. Wikipedia);
- online collaboration platforms (e.g. Yammer, Wiki); and
- any other websites which allow individuals to use simple publishing tools or new technologies emerging from the digital environment.

This Policy should be read in conjunction with other relevant policies and procedures of the Council, including:

- Code of Conduct for Council Members;
- Behaviour Standards Policy & Code of Conduct for Council Employees;
- Community Consultation Policy;
- Community Information Policy;
- Complaints Handling Policy;
- Elected Member Electronic Communications Policy & Guidelines;
- Records Disposal Policy.

This Policy does not limit the application of relevant legislation, including (without limitation), the *Copyright Act 1968 (Cth)*, *Defamation Act 2005*, *Equal Opportunity Act 1984*, *Freedom of Information Act 1991*, *Local Government Act 1999*, *Privacy Act 1988 (Cth)*, *Spam Act 2003 (Cth)* and *State Records Act 1997*.

In particular, Elected Members must ensure compliance at all times with the obligations set out in Section 62 of the *Local Government Act 1999* and the Code of Conduct for Council Members, when using social media platforms and tools, including the obligation to:

- at all times act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties;
- not make improper use of information or position to gain an advantage for themselves or another person or to cause detriment of the Council; and
- not disclose information or a document in relation to which there is an order of a Council or Committee in effect under Section 90 of the Act.

## POLICY

### Approval

The establishment of new Council social media accounts must be approved by the ~~General Manager, Governance & Community Affairs~~ [General Manager, Governance & Civic Affairs](#). Approval of new social media accounts will involve consideration of the identified business objective of the account, the audience, the proposed use, alignment with the Council's corporate branding and style guidelines and resourcing requirements.

Council staff, Volunteers or contractors engaged by the Council seeking to incorporate usage of the Council's social media platforms into a business strategy in relation to a particular project or service of the Council, must seek approval from ~~General Manager, Governance & Community Affairs~~ [General Manager, Governance & Civic Affairs](#) in accordance with Council guidelines.

## Access

Access to the Council's social media platforms by Council staff, Volunteers and contractors that are engaged by the Council (including for content creation, responding to queries, monitoring, account maintenance and security) will be authorised and managed in accordance with Council guidelines.

Access will be determined by the Coordinator, Events and Marketing~~Digital Marketing Officer~~ in consultation with the General Manager, Governance & Community Civic Affairs and conditions of access may be modified at any time (including authorisation of access by additional staff, Volunteers or contractors engaged by the Council, as required from time-to-time).

Elected Members will not be authorised to access or use the Council's authorised social media platforms to conduct Council-related business (this excludes the publication of information relating to the Elected Members by Council staff, Volunteers or contractors that are engaged by the Council).

Elected Members, Council staff, Volunteers and contractors that are engaged by the Council, are encouraged to publish content (including, eg, images, videos, stories and text) relating to Council or community events on their personal social media accounts (including, for example, tagging the Council, using event hashtags or location tags) to promote the Council and its activities, or to provide this content to the Coordinator, Events and Marketing~~Digital Marketing Officer~~ for potential use on the Council's social media channels, provided content is published in accordance with this Policy.

## Content

In publishing content on the Council's social media platforms, the following principles will be followed:

- content will be relevant, timely and engaging to the Council's audience;
- content will promote and provide information about new and existing Council services, programs and facilities, along with special events and initiatives, and the City of Norwood Payneham & St Peters more broadly;
- content will be accessible and understandable and will promote a safe and inclusive environment in which to connect, share and consume information (where possible, information published on social media platforms will also be made available in another format – eg on the Council's website, or in hard copy from the Norwood Town Hall); and
- the type of content published on different social media platforms will be responsive in order to meet changing audience expectations and best practice communications and marketing strategy for that particular platform (as this changes over time).

## Usage

The Council encourages appropriate and professional use of social media platforms to aid the efficient and effective conduct of Council business. In using social media platforms (whether authorised Council platforms or personal accounts), Elected Members, Council staff, Volunteers and contractors engaged by the Council are expected to comply with the following principles at all times:

### Communication and Expression

- Be courteous, patient and respectful of others' opinions.
- Use your own voice, but be mindful of language and expression.
- Don't make statements or engage with, share or upload content that is malicious, defamatory or may negatively impact the reputation of another person or organisation (including the Council, Elected Members, Council staff, Volunteers or contractors engaged by the Council).
- Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.
- Encourage open, honest and transparent engagement and feedback from the "online community".
- Do not use social media when inebriated, irritated, upset or tired.

### Accuracy and Transparency

- Only publish content and statements that are accurate, clear and not likely to mislead or deceive.
- Only comment about matters within your area of expertise.
- Be constructive and informative, and correct any errors as soon as possible.
- Be clear about your professional identity and any vested interests, and refrain from covert, anonymous or deceitful representation including through a third party.

### Confidentiality and Privacy

- Only disclose publicly available information.
- Do not disclose confidential information, internal discussions or Council decisions, or other material obtained in your role at the Council that you know (or ought reasonably to know) to be confidential or commercially sensitive information.
- Do not disclose personal or private information about Elected Members, Council staff, Volunteers or contractors, or third parties (including, eg, personal contact details and addresses).
- Seek permission from anyone who appears in any photographs, video or other footage before publishing such content, and if asked to remove the content, do so as soon as practical.
- Only use or reproduce copyright material, or the intellectual property of others (including, eg, applications, sound recordings (speeches, songs), footage (video), graphics (graphs, charts and logos), images, artwork, photographs, publications or music) if you have permission from the creator or owner, and otherwise in accordance with any relevant legislative requirements.
- Protect your personal privacy and guard against identity theft.

### Personal vs Council Business

- Unless authorised to publish content on behalf of the Council, do not hold yourself out as speaking on behalf of the Council or representing the Council's position on a particular matter.

\*Note: the Mayor is the official spokesperson of the Council.

- Avoid expressing personal opinions in relation to Council decisions or Council business, and do not make disparaging or critical comments in relation to Council decisions or Council business (including in relation to Elected Members or Council staff, Volunteers or contractors).

\*Note: Clause 2.5 of the Code of Conduct for Council Members provides that Elected Members must: *ensure that personal comments to the media, or other public comments on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.*

However, be mindful that in some circumstances, such a statement may not be sufficient, depending on the nature of the matter being discussed and your involvement in that matter.

- Clearly identify any comments made in relation to the Council or Council business as your private view on a particular matter, and not that of the Council.

\*Note: Clause 2.5 of the Code of Conduct for Council Members provides that Elected Members must: *ensure that personal comments to the media, or other public comments on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.*

However, be mindful that in some circumstances, such a statement may not be sufficient, depending on the nature of the matter being discussed and your involvement in that matter.

- Refrain from making statements that commit you to a particular position or indicate that you will act in a certain manner in relation to Council business or a matter before the Council for consideration.

\*Note: This may give rise to a conflict of interest under the *Local Government Act 1999*.

- Refrain from behaviour which could be viewed as biased, showing undue favour or acting in a manner so as to obtain a benefit, or avoid a loss of some kind (whether pecuniary or otherwise).

\*Note: This may give rise to a conflict of interest under the *Local Government Act 1999*.

## Monitoring and Responding to Content

The Council's social media platforms will be regularly monitored and maintained by authorised staff in order to:

- ensure appropriate usage by Elected Members, Council staff, Volunteers and contractors engaged by the Council, and third parties (and identify and remove content that breaches this Policy or other Council policies);
- respond to enquiries and complaints made by third parties;
- monitor community response and feedback to content that is published; and
- identify issues circulating in the community that relate to the business or reputation of the Council or Local Government more broadly.

Responses to content posted on the Council's social media platforms (including, eg, complaints, general enquiries, and neutral comments) will be timely and will be conducted in accordance with Council guidelines and procedures. Media enquiries received through social media or posts about potentially sensitive or political issues will be referred to the Council's Communications Officer for a response.

The following content is not permitted on the Council's social media platforms at any time:

- abusive, profane or sexual language;
- discriminatory material (including in relation to a person or group based on age, colour, creed, disability, family status, gender identity, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation);
- statements which may be considered to be bullying or harassment;
- illegal material or materials designed to encourage law breaking;
- materials that could compromise safety of the Council, its systems, Elected Members, Council staff, Volunteers or contractors engaged by the Council;
- materials which would breach applicable laws (including, eg, defamation, privacy, trade practices, copyright, financial rules and regulations, fair use, trademarks);
- confidential or commercially sensitive information in relation to the Council, Elected Members, Council staff, Volunteers or contractors engaged by the Council, third parties, or Council-related matters;
- material which would offend contemporary standards of taste and decency;
- material which would bring the Council or its Elected Members, staff, Volunteers or contractors engaged by the Council into disrepute;
- personal information or references to Elected Members, Council staff, Volunteers or contractors, or third parties, which may be inconsistent with Council's Privacy Policy;
- spam (including, eg, advertisements or endorsements) or unsolicited bulk electronic messages; or
- any other content deemed to be inappropriate for publication on the Council's social media platforms, at the Council's discretion in all respects.

Any such content that is identified on the Council's social media platforms, will be formally recorded and may be removed from the platform, and further action may be taken against the individual or entity responsible for publishing the content at the Council's discretion (including, eg, blocking users, or pursuing disciplinary action against Council staff).

If Elected Members or Council staff, Volunteers or contractors engaged by the Council, or third parties, become aware of any content that breaches the above criteria, they should report the content to the Coordinator, Events and Marketing ~~Digital Marketing Officer~~ and include a link or reference to the offending material.

## Security

The ~~Digital Marketing Officer~~Coordinator, Events and Marketing will be responsible for general account maintenance and security (including password management in accordance with Council guidelines), to protect against unauthorised use of the Council's social media platforms.

Access to social media platforms on electronic communication devices supplied by the Council (including, eg, the Council's computer network, mobile phones and iPads) is monitored by the Council. Any breaches of this Policy or other relevant policies may result in disciplinary processes being implemented against the Elected Member, staff member, Volunteer or contractor engaged by the Council, and/or reasonable steps being taken to restrict or remove access to the electronic communication device/s.

## Record Keeping

To ensure the Council is complying with its legislative responsibilities, social media records and archiving including (but not limited to) posts, public and private messages and, comments which are made by members of the public, Elected Members, and Staff on Council owned platforms, are maintained in accordance with the State Records Act 1997.

~~Where necessary,~~ Formal records relating to use of the Council's social media platforms will be kept and maintained in accordance with the Council's *Records Disposal Policy*, internal Council guidelines and relevant requirements under the *State Records Act 1997* (as amended from time-to-time).

## Evaluation and Continuous Improvement

Use of the Council's social media platforms will be reviewed at regular intervals to ensure that they are achieving business objectives, are in line with best practice for the social media industry and to seek opportunities for further improvement. This may include review of qualitative data (eg feedback and comments from Council staff, Volunteers and contractors engaged by the Council) and quantitative data (eg the number of likes, reach, audience demographics, number of comments, or number of click-throughs to the Council's website).

## REVIEW PROCESS

The Council will review this Policy within three (3) years of the adoption date of the Policy.

## INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's ~~Digital Marketing Officer~~Coordinator, Events and Marketing, telephone 8366 4582578.

## ADOPTION OF THE POLICY

This Policy was adopted by the Council on 5 August 2019.  
This Policy was reviewed by the Council on 8 October 2019.  
[This Policy was reviewed by the Council on 1 August 2022.](#)

## TO BE REVIEWED

August 2025~~2~~

# Attachment D

## Review of Policies

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*City of*  
**Norwood  
Payneham  
& St Peters**






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**NAME OF POLICY:** Informal Gatherings

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**POLICY MANUAL:** Governance

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## INTRODUCTION

Informal gatherings or discussions provide a valuable opportunity to enhance Council decision-making processes by providing opportunities for Elected Members to become better informed and seek clarification on issues. Informal gatherings will not be used in such a way as to obtain, or effectively obtain, a decision of the Council or Council Committee. Open and transparent Council meetings and Council Committee meetings underpin representative democracy and ensure public confidence in the Council's decision-making processes.

## PURPOSE

This Policy is intended to clearly outline the purpose of, and the basis upon which, the Council will hold informal gatherings or discussions in accordance with section 90(8a) of the *Local Government Act 1999* (the Act) and regulation 8AB of the *Local Government (General) Regulations 2013* (the Regulations).

This Policy aims to ensure that the statutory requirements for openness and transparency in Council decision-making are observed; while providing an opportunity for confidential discussions, as appropriate, between Elected Members, where warranted by the nature of the subject matter to be discussed.

## KEY PRINCIPLES

The Council plays a very important policy-making role, requiring the identification of community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

Section 6 of the Act, stipulates that one of the primary roles of the Council is to:

*to act as a representative, informed and responsible decision-maker in the interests of its community.*

The Council is a corporate body and as such, can only make decisions by resolutions that have been passed by the majority of Elected Members at a Council Meeting or Committee Meeting.

The Council's decision-making structure is comprised of the Council and a number of Committees operating on a functional or 'as needed' basis. This structure ensures that matters are dealt with objectively, fairly and in a timely manner.

Decisions are made, in keeping with legislative requirements, to:

- determine policies to be applied by the Council in exercising its discretionary powers;
- determine the type, range and scope of projects to be undertaken by Council; and
- determine the resources which are to be made available to undertake such works and service.

The Council understands that community consultation is important and, indeed, fundamental to its role, and is committed to engaging with the community across a broad range of issues. Community consultation is designed to inform the decision making process and the Council's Community Consultation Policy clearly sets out the mechanisms which the Council will consider when determining to undertake consultation with the community.

Conversely, informal gatherings and discussions are conducted to assist the Elected Members of the Council in their role, as they provide a forum and opportunity for Elected Members to discuss issues and options in an informal environment, without obtaining or effectively obtaining a decision outside a formally constituted meeting of the Council or Council Committee. Such a forum enables Elected Members to question, clarify and develop a greater understanding of issues, which supports and contributes to informed decision making in Council or Council Committee meetings.

It is, therefore, important to distinguish informal gatherings and discussion (including "designated" informal gatherings or discussions) from community consultation mechanisms.

## SCOPE

This Policy applies to all informal gatherings or discussions of the Council or a Council Committee, including designated informal gatherings and discussions.

Regulation 8AB defines a *designated informal gathering or discussion* as:

*... an event organised and conducted by or on behalf of the Council or Chief Executive Officer to which Members of the council or chief executive officer (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.*

Accordingly, an informal gathering which involves discussion of a matter that is not, or is not intended to be, part of the agenda for a formal meeting of the Council or Council Committee, is not a designated informal gathering or discussion. In those circumstances, the provisions set out at regulation 8AB have no application.

## POLICY

Section 90(8) of the Act provides that the Council can hold informal gatherings or discussions provided that a matter which would ordinarily form part of the agenda for a formal meeting of the Council or Council Committee is not dealt with in such a way as to obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the Council or a Council Committee.

The Act sets out the following (non exhaustive) examples of informal gatherings or discussions that might be held under subsection (8):

- planning sessions associated with the development of policies or strategies;
- briefing or training sessions;
- workshops; and
- social gatherings to encourage informal communication between members or between members and staff.

Informal gatherings or discussions of Elected Members or Council Committee Members (either with or without Council staff) are, by their nature, non-compulsory. However, all Elected Members and Council Committee Members are encouraged to attend informal gatherings or discussions, particularly where the informal gathering or discussion is intended to provide history, context or additional information regarding matters of importance to the Council.

### **Designated Informal Gatherings or Discussions**

Designated informal gatherings and discussions will be held where the matters to be discussed are, or are intended to be, part of the agenda for a formal meeting of the Council or Council Committee.

A designated informal gathering or discussion will be used solely for the purpose of information sharing and not for the purpose of obtaining, or effectively obtaining, a decision on a matter outside a formally constituted meeting of the Council or a Council Committee.

### **Informal Gatherings or Discussions to be Open to the Public, except in Certain Circumstances**

Designated informal gatherings or discussions will be held at a place open to the public, except for when the Council or Chief Executive Officer has declared that the designated informal gathering or discussion may be held in confidence.

The Council or Chief Executive Officer may, on a case-by-case, declare a designated informal gathering or discussion to be a 'confidential informal discussion' where the designated informal gathering or discussion is:

- (i) a planning session of a general or strategic nature; or
- (ii) a briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the Act (refer to Attachment A).

An informal gathering or discussion of the Council or a Council Committee, which is not a designated gathering or discussion for the purposes of the Regulations, will not be open to the public, unless otherwise determined by the Council or Chief Executive Officer.

### **Procedures applying to Informal Gatherings or Discussions**

The Chief Executive Officer and the Council are responsible for ensuring designated informal gatherings or discussions are conducted in accordance with the Act.

By their very nature, informal gatherings or discussions (whether designated or not) are not subject to the procedural meeting requirements of the Act or the *Local Government (Proceedings at Meetings) Regulations 2013*.

Designated informal gatherings or discussions will be chaired by the Chief Executive Officer or a senior Council officer.

Formal minutes will not be recorded for any informal gathering or discussion, whether designated or not.

If a designated informal gathering or discussion has been declared by the Council or Chief Executive Officer to be a 'confidential informal discussion', then the designated informal gathering or discussion may be attended by Elected Members, the Chief Executive Officer and any other person invited to attend by the Council or the Chief Executive Officer.

If a 'confidential informal discussion' declaration has been made in respect to only some of the items to be discussed at a designated informal gathering or discussion, then these confidential items will be scheduled to be discussed at the end of the designated informal gathering or discussion. The designated informal gathering or discussion will be open to the public until immediately prior to the commencement of any discussion regarding the confidential items.

Where an informal gathering or discussion (whether designated or not) is open to the public, members of the public are only permitted to attend as an observer, and are not permitted to approach or otherwise to engage with Elected Members during the course of the informal gathering or discussion, and are not permitted to ask questions or contribute to the discussion.

Any member of the public that fails to observe these protocols, or is otherwise disruptive during the course of the informal gathering or discussion, will be asked to leave.

### **Publication of Information relating to Designated Informal Gatherings or Discussions**

For all designated informal gatherings or discussions, the following information will be published on the Council's website:

- (i) the place, date and time at which the designated informal gathering or discussion will be held;
- (ii) the matter that is to be discussed at the designated informal gathering or discussion;
- (iii) whether or not the designated informal gathering or discussion is to be held at a place open to the public; and
- (iv) where the discussion is to be held in confidence, the reason.

### **REVIEW PROCESS**

The Council will review this Policy within twelve (12) months of the next Local Government General Election which is scheduled to occur in 2022. The Council does however have the ability to review this Policy at any time if considered desirable and necessary.

### **INFORMATION**

For further information in relation to this Policy, please contact the Council's General Manager, Governance & Community Affairs, on 8366 4549 or via email: [Imara@npsp.sa.gov.au](mailto:Imara@npsp.sa.gov.au).

### **ADOPTION OF THE POLICY**

This Policy was adopted by Council on 28 November 2016.  
The Council reviewed and amended this Policy on 6 May 2019.

### **TO BE REVIEWED**

November 2023

## Attachment A

### Information and Matters within the ambit of Section 90(3) of the Local Government Act 1999

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- (b) information the disclosure of which:
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and
  - (ii) would, on balance, be contrary to the public interest;
- (c) information the disclosure of which would reveal a trade secret;
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:
  - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
  - (ii) would, on balance, be contrary to the public interest;
- (e) matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;
- (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (h) legal advice;
- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;
- (j) information the disclosure of which:
  - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and
  - (ii) would, on balance, be contrary to the public interest;
- (k) tenders for the supply of goods, the provision of services or the carrying out of works;
- (l) *deliberately left blank as there are no provisions under (l).*
- (m) information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;
- (n) information relevant to the review of a determination of a Council under the *Freedom of Information Act 1991*.

# Attachment E

## Review of Policies

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*City of*  
**Norwood  
Payneham  
& St Peters**





# Mobile Food Vendor Guidelines



City of  
Norwood  
Payneham  
& St Peters

## BACKGROUND

The *Local Government (Mobile Food Vendors) Amendment Act 2017* was introduced into the South Australian Parliament in August 2016 and, together with the *Local Government (General) Mobile Food Vendors) Variation Regulations 2017*, came into operation on 1 March 2018.

The legislation was introduced for the purposes of amending the regulatory regime under section 222 of the *Local Government Act 1999* (the Act) for the granting of permits for the use of public roads for business purposes in relation to mobile food vendors. The amending legislation was a response to earlier State Government discussion and position papers in 2015-2016 recommending changes to the regulation of mobile food vendors. The amending legislation aims to establish a uniform regulatory system for mobile food vendors across South Australia.

## LEGISLATIVE REQUIREMENTS

As a result of the legislative changes, and pursuant to section 225A of the Act, a council must prepare and adopt rules (Location Rules) that set out locations within the council area in which mobile food vending businesses may operate.

The Location Rules must comply with any requirements prescribed by the *Local Government (General) Regulations 2013* (Regulations) and any requirements specified by the Minister by notice in the Gazette. A council may from time to time amend its Location Rules and must amend its Location Rules in order to ensure compliance with any requirement specified by the Minister or the any direction given by the Small Business Commissioner in accordance with the Act.

In adopting or amending its Location Rules, a council must:

1. ensure that its Location Rules provide for a reasonable distance between mobile food vending businesses and fixed food businesses, taking into account the—
  - a. location;
  - b. number; and
  - c. operating hours,
 of fixed food businesses in the council area; and
2. take into account the effect of the operation of mobile food vending businesses on –
  - a. vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities;
  - b. the requirements relating to, and availability of, parking spaces at the locations in which mobile food vending businesses may operate under the location rules;
  - c. residents and businesses at the locations in which mobile food vending businesses may operate under the location rules; and
3. ensure its Location Rules are consistent with any other relevant legislative requirements as prescribed in the Regulations.

## OBJECTIVES

In adopting these Guidelines, the Council aims to:

1. establish a consistent and equitable permit system for mobile food vendors seeking to operate in the Council area;
2. establish suitable locations for the operation of mobile food vending businesses in the Council area that complement the primary activities in the street resulting from the land use (both current and potential) of that area;



3. contribute to the economic prosperity and vibrancy of the community by supporting emerging enterprises and industries, particularly to activate underutilised public spaces, without adversely impacting upon fixed food businesses;
4. manage the use of public roads (including footpaths and carparks) vested in the Council in a fair and equitable manner so as to provide clear, safe and unobstructed access for all road users and pedestrians of all abilities;
5. ensure the use of public roads (including footpaths and carparks) by mobile food vendors is in keeping with the unique amenity and desired future character of the Council area, in particular, its retail and commercial precincts.

## INTERPRETATION

**Act** means the *Local Government Act 1999 (SA)*.

**Council** means the City of Norwood Payneham & St Peters.

**fixed food business** means a business the primary purpose of which is the retail sale of food or beverages that is carried on at fixed premises.

**footpath** means that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary and made or constructed for the use of pedestrians and not for the use of vehicles.

**Guidelines** means these Mobile Food Vendors Guidelines.

**Location Rules** means the Location Rules required under section 225A of the Act and contained in these Guidelines.

**mobile food vendor (MFV)** means a MFV Business that holds a Permit.

**MFV Business** means a business involving the sale of food or beverages from a Vehicle.

**MFV Sites** means the location/s at which a MFV can operate as determined by the Council from time to time (and contained within Attachment A).

**Permit** means a permit to use a public road for business purposes granted by the Council under section 222 of the Act (and where relevant, may also take effect as a permit for the purposes of section 200 of the Act).

**Regulations** means the *Local Government (General) Regulations 2013 (SA)*.

**road** means a public road as defined under the Act (and includes footpaths and public carparks that fall within that definition).

**vehicle** means:

- a motor vehicle, trailer and a tram;
- a bicycle;
- an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
- a combination;
- a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground)

but does not include another kind of wheelchair, train, or wheeled recreational device or wheeled toy.

*\*Note – where a defined term has a meaning defined by legislation (as amended from time to time), that meaning is adopted.*

## PERMIT APPLICATION

### Who requires a Permit?

All persons who intend to operate a MFV Business on a road in the Council area require a Permit.

Do you meet the following criteria?

- operating in the Council area on a road (including a footpath or public carpark);
- operating a business (sole trader, partnership, company, unincorporated association etc);
- selling food or drinks (excluding ice cream – see Exemptions below);
- operating from a vehicle (including a car, trailer, truck, caravan, cart, bicycle etc – see Interpretation above).

Note – even if you are not a MFV, you are still required to obtain a Permit from the Council to use a road for business purposes (maximum penalty: \$2500, expiation fee: \$210).

### Exemptions

<b>Ice-cream vendors</b>	MFV Businesses primarily engaged in selling ice cream do not require a Permit from the Council. If your MFV Business sells ice cream as part of a larger range of products, a Permit may be required and you should contact the Council.
<b>Council-owned land (other than roads – eg reserves, parks)</b>	A person (including a MFV Business) must not use Council land for a business purpose without Council approval pursuant to section 200 of the Act. This will take the form of a Casual Hire Permit or Licence.
<b>Private land</b>	These Guidelines do not cover the operation of MFV Businesses or the selling of food or beverages on private land. Such activities may require other consents or approvals from the Council (eg under the <i>Development Act 1993</i> ).
<b>Council-run events</b>	Events which are organised by the Council on roads or Council-owned land are not covered by these Guidelines. A MFV will need to apply to the Council for a separate Stallholder Permit to operate at the event.
<b>Private / other authorised events on Council-owned land or road</b>	A MFV engaged to serve at a private or other authorised event on Council-owned land (eg reserves or parks) or road may be permitted to operate outside of the designated MFV Sites, but must first seek Council approval. Both the person running the event and the MFV are required to have approval under the relevant Permits.

### Supporting documents

When submitting your Permit Application to the Council, please attach the following documents:

- clear images showing your MFV vehicle and set-up (including registration number, design and branding, proposed set-up and serving – including any moveable signs, canopy, rubbish bins, bollards with bunting or ropes, witches hats etc);
- a risk management plan; and
- certificates of currency indicating that you hold the required insurances (see below for details).

### Food Business Notification

MFVs are required to lodge a Food Business Notification form with the Eastern Health Authority where their MFV vehicle is garaged / stored in the Council area.

If the MFV vehicle is garaged / stored outside of the Council area, you are required to submit a Food Business Notification form to the relevant council or health authority.

### Granting of Permit

Upon receipt of a Permit Application Form and the required supporting documents, your Application will be assessed to ensure compliance with the Guidelines and Location Rules.

The Council may grant a Permit subject to conditions the Council considers appropriate.

The Council is not required to grant a Permit to a MFV Business if the vehicle proposed to be used would unduly obstruct the use of a road in a manner that cannot be adequately addressed by conditions attached to the Permit.

### Fees and duration

Permits will be granted by the Council on the following basis:

<b>1 month Permit</b>	\$200	<b>4 month Permit</b>	\$800
<b>2 month Permit</b>	\$400	<b>5 month Permit</b>	\$1000
<b>3 month Permit</b>	\$600	<b>6 month Permit</b>	\$1200

*\*Note – all Permit fees stated above are inclusive of GST.*

A MFV Business may apply for a new Permit upon expiration of their original Permit.

Fees are to be paid in full to the Council before a Permit will be issued. The above fees apply regardless of how frequently a MFV uses a MFV Site or the number of MFV Sites used. Permit fees are non-refundable.

### Insurance

MFVs must take out and keep current for the duration of their Permit:

- a public liability insurance policy for at least the amount of twenty million dollars (\$20,000,000.00) for each claim;
- all insurance in respect of the MFV vehicle for its full replacement value; and
- other insurances required by any statutory requirement or which the Council reasonably requires.

### Operating Across Council Areas

If a MFV intends to trade across a number of council areas, the MFV must obtain a Permit from each relevant council and must comply with any conditions imposed by the relevant council in that council area.

### Change of Owner or Business Name

A change in the ownership or business name of a MFV requires notification to the Council and a new Permit Application to be made.

**Cancellation of Permit**

The Council may cancel a MFV's Permit for breach of a condition of the Permit.

If a Permit is cancelled, the Council may also restrict a MFV from re-applying to the Council for a new Permit for a period of up to six (6) months.

MFVs who hold Permits from multiple councils, or who wish to apply for a Permit from another council, are required to notify those councils if any Permit they hold has been cancelled. A maximum penalty of \$500 applies.

The Council's **Mobile Food Vendor Permit Application** can be accessed via the Council's website:  
[www.npsp.sa.gov.au/mfy](http://www.npsp.sa.gov.au/mfy)

TO BE REVOKED

## LOCATION RULES

Any MFV operating at a MFV Site within the Council area must comply with the following Location Rules, which are incorporated as conditions of any Permit issued by the Council to the MFV Business.

### MFV Sites

- MFVs may only operate at the designated MFV Sites (set out in Attachment A) and must comply with the conditions identified for each Site.
- Site-specific conditions of operation are listed alongside each MFV Site in Attachment A. These conditions regulate (without limitation) the total number of MFVs permitted at each site, the number of carparks available for use by each MFV and any particular hours of operation.
- MFV Sites and site-specific conditions of operation are subject to change at the Council's discretion at any time. Changes will be updated on the Council's website.
- When submitting a Permit Application Form to the Council, a MFV must identify:
  - the MFV Site/s it intends to operate at; and
  - its intended operating hours (subject to availability, the Location Rules and stated hours of operation at each MFV Site).
- If a MFV wishes to change Sites or operating hours during the duration of its Permit, it must notify the Council (to assist in managing access to and safety of the MFV Sites for all users).

The Council's **MFV Sites** (including hours of operation and site-specific conditions of operation) are contained in Attachment A and on the Council's website: [www.npsp.sa.gov.au/mfv](http://www.npsp.sa.gov.au/mfv)

### Hours of Operation

- A MFV must only operate at a MFV Site (including set-up and pack-down) between the hours of sunrise and sunset, unless otherwise set out in the conditions of operation for a particular MFV Site in Attachment A or in the Permit itself.
- Hours of operation are subject to change at the Council's discretion at any time. Any changes will be updated on the Council's website.
- A MFV and any towing vehicle must not remain at a MFV Site overnight.

### Availability and Parking Requirements

- Use of the MFV Sites is on a first-come, first-served basis.
- A MFV is not guaranteed that a MFV Site will be available and is not entitled to exclusive occupation of a MFV Site. MFV Sites cannot be reserved or booked ahead of time.
- MFVs must comply with any parking time restrictions in place at MFV Sites unless otherwise exempted from their application by the Council. Expiation fees will otherwise apply.
- Towing vehicles for MFVs must not remain attached to the structure serving food and/or drinks during operation (unless both can remain within the specified car parking space/s) and must be parked in another legitimate parking space. Expiation fees will apply for failure to comply with any parking time restrictions in place.

- Access to MFV Sites can be restricted by the Council at any time as required (eg for maintenance works, in an emergency, for Council-run events). Restrictions will be updated on the Council's website where practicable.

### **Serving**

- The serving of food and/or beverages from a MFV vehicle must be either from:
  - the footpath-side of the vehicle; or
  - in the car park immediately adjacent to the vehicle, provided suitable moveable structures are set-up by the MFV to identify that park as a customer serving area (including, eg, bollards with bunting or ropes, or witches hats), subject to Council approval in all respects;

unless a particular serving method is required at a MFV Site as set out in Attachment A, or the Permit itself.

- A MFV must not sell, serve or provide alcohol at a MFV Site without prior Council approval and any licence or approval required under the *Liquor Licensing Act 1997*.

### **Equipment, Structures and Objects**

- Placement of any equipment, structures or objects at the Mobile Food Vendor Site in connection with the MFV Business (including moveable signs, rubbish bins, bollards with bunting or ropes, witches hats etc) is subject to Council approval, and any such equipment, structure or objects must not be placed in a manner that causes a hazard or risk to any pedestrian or road user.
- Seating or tables of any sort must not be placed on the road or footpath in connection with the MFV Business.
- Any moveable sign placed on a footpath must comply with the Council's By-law 2 – Moveable Signs (including the restriction on not displaying more than one (1) moveable sign for the MFV Business on the footpath at any time), unless approval is otherwise granted by the Council.
- MFVs must pack up and remove any equipment, structures and objects from a MFV Site upon ceasing trade at that Site each day.
- Any equipment, structures or objects which are not removed from a MFV Site may be subject to removal by the Council at the MFV's cost.
- MFVs must comply with the following requirements which are drawn from the Council's *Display of Business Merchandise and Objects on Council Footpaths Policy*:
  - maintain a minimum clear pedestrian access path of no less than one point five (1.5) metres width adjacent to the building line for all footpaths;
  - ensure the base of the vehicle and any structure / equipment / object does not protrude excessively and is detectable to a visually impaired person navigating the footpath with the aid of a cane;
  - ensure that edges of the vehicle and any structure / equipment / object do not jut out from the main body of the object and have no rough or sharp edges;
  - ensure that the vehicle and any structure / equipment / object is stable and does not pose a safety risk to pedestrians or road users;
  - not obstruct access to infrastructure (such as parking or services), permitted activities (such as outdoor dining) or public street furniture (such as seats, rubbish bins and telephone booths); and

- not obstruct safe visibility for footpath and road users.

### **Maintenance, Cleaning and Waste**

- A MFV must keep and maintain the MFV vehicle and any structure, equipment or object placed on the road (including the footpath) in connection with the MFV Business in good repair and condition at all times.
- MFVs must provide bins for use by their customers at all times and must not use Council-owned bins or the storm water system for disposal of any waste or litter. All liquid waste (including waste water and waste oil) must be contained, removed and disposed of appropriately by the MFV at the end of trading.
- MFVs must keep the MFV Site at which they are operating in a clean and hygienic condition and free of litter at all times.

### **Food Handling, Health and Safety Requirements**

- It is the responsibility of the MFV to ensure compliance at all times with any relevant legislative requirements, standards and guidelines relating to food handling and preparation, including the *Food Act 2001*, *Food Regulations 2017* and the Food Safety Standards (as amended from time to time).
- MFVs are subject to inspections by environmental health officers of the Eastern Health Authority from time to time and must comply with any directions of those officers.
- The MFV vehicle (including food preparation areas) must be maintained at a high level of cleanliness and regularly cleaned during hours of operation.
- All cooking and heating equipment in the MFV vehicle must be adequately screened to prevent injury to members of the public.

### **Water and Electricity**

- MFVs must be self-sufficient in water and electricity supply and will not be supplied with external power or water connections by the Council.

### **Use of Road**

- A MFV must comply in all respects with the Councils By-law 3 – Roads (including the restriction on use of amplification, public exhibitions and asking for donations) when operating on a public road in the Council area.

### **Vehicle and Pedestrian Access**

The operation of a MFV Business must not unduly interfere with:

- vehicles driven on roads;
- vehicles parking or standing on roads;
- a parking area for people with disabilities (within the meaning of rule 203(2) of the *Australian Road Rules*);
- public transport or cycling infrastructure (such as bus zones, taxi zones, bike lanes and clearways);
- other road related infrastructure; or
- infrastructure designed to give access to roads, footpaths and buildings.

### **Compliance with Legislative Requirements**

MFVs must comply at all times with all relevant legislative requirements, including (as amended from time to time):

- the *Food Act 2001*;
- the *South Australian Public Health Act 2011*;
- the *Environment Protection Act 1993*;
- the *Local Nuisance and Litter Control Act 2016*;
- the *Motor Vehicles Act 1959* and *Road Traffic Act 1961*;
- the *Liquor Licensing Act 1997*;
- any law or legislative provision relating to electrical or gas installations or appliances; and
- any other relevant law or legislative provision relating to health, safety or the environment.

### **Inspections**

- A Permit is subject to inspections by the Council's Compliance Officers from time to time to assess compliance with the Permit conditions (including the Location Rules) and relevant legislative requirements.
- A MFV is required to comply with any reasonable direction of a Council Compliance Officer in relation to its use of the MFV Site or its Permit (including a direction to remove or relocate the MFV vehicle if in the reasonable opinion of the compliance officer it presents or is likely to present a safety risk, hazard or obstruction).
- MFVs must present their Permit for inspection upon request of a Council Compliance Officer or Eastern Health Authority Environmental Health Officer.

### **Damage**

- A MFV will be liable for any damage caused to the MFV Site and Council-owned property (including, without limitation, the road, footpath, trees, public street furniture and public art) in operating its MFV Business (including set-up and pack-down) and will be liable to the Council for the cost of remedying any damage.
- A MFV must immediately notify the Council of any damage caused to the MFV Site or Council-owned property.



## UPDATES

MFVs should regularly check the Council website for updates relating to the Guidelines and the MFV Sites.

## DISPUTES

In the event that an operator of a food business in the Council area is directly adversely affected by the Location Rules, the operator may be entitled to apply to the Small Business Commissioner in accordance with section 225B(1) of the Act.

## ADOPTION OF GUIDELINES

These Guidelines were adopted by Council on 3 April 2018.

These Guidelines were reviewed and adopted by the Council on 12 September 2018.

These Guidelines were reviewed and adopted by the Council on 1 July 2019.

## REVIEW PROCESS

The Council will review these Guidelines within three (3) years of the last review date, or from time to time as may be required.

## INFORMATION

General enquiries should be directed to the Council's Customer Service Unit via:

Telephone: 8366 4555

Email: [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)

The contact officer for further information at the City of Norwood Payneham & St Peters is:

Manager, Governance, Legal & Property

Telephone: 8366 4507

Email: [idunning@npsp.sa.gov.au](mailto:idunning@npsp.sa.gov.au)

The Eastern Health Authority should be contacted for further information in relation to food handling and preparation requirements via:

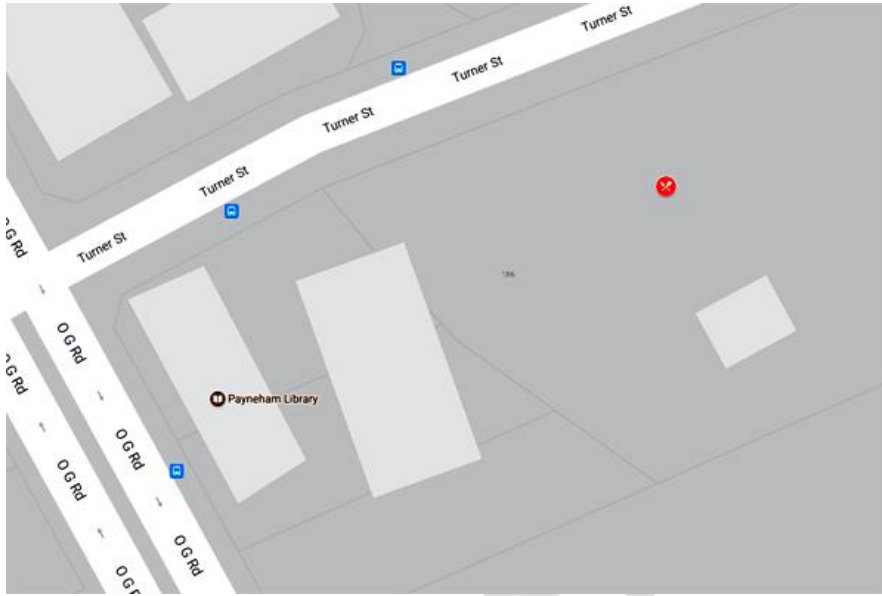
Telephone: 8132 3600

Email: [eha@eha.sa.gov.au](mailto:eha@eha.sa.gov.au)

## ATTACHMENT A MOBILE FOOD VENDOR SITES

### 1. PAYNEHAM LIBRARY CARPARK

(access via Turner Street, Felixstow SA 5070)

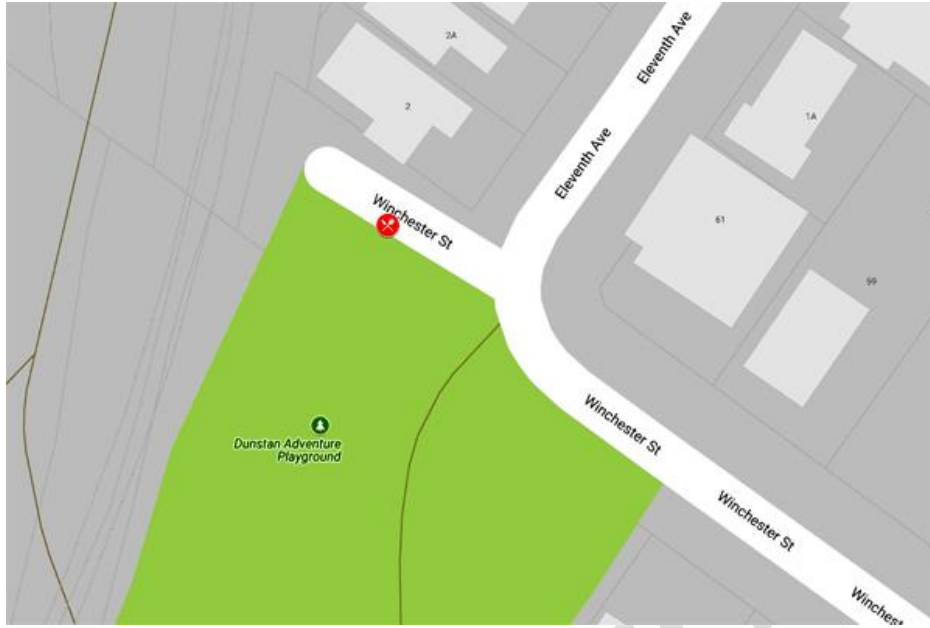


● Site location     
   Designated area

#### CONDITIONS OF OPERATION

<b>Maximum number of MFVs:</b>	Two (2)
<b>Hours of operation:</b>	Sunrise to sunset
<b>Parking spaces available for each MFV:</b>	Two (2) adjacent parking spaces, anywhere in the designated carpark
<b>Serving direction:</b>	Footpath-side of the vehicle and/or in the parking space immediately adjacent to the MFV vehicle

**2. DUNSTAN ADVENTURE PLAYGROUND CARPARK**  
 (corner of Winchester St and Eleventh Ave, St Peters SA 5069)



● Site location      □ Designated area

**CONDITIONS OF OPERATION**

<b>Maximum number of MFVs:</b>	Two (2)
<b>Hours of operation:</b>	Sunrise to sunset
<b>Parking spaces available for each MFV:</b>	Two (2) adjacent parking spaces, anywhere in the designated carpark
<b>Serving direction:</b>	Immediately adjacent to the MFV vehicle

**3. JOSLIN RESERVE – THIRD AND FOURTH AVENUE**  
(Joslin SA 5070)



● Site location      □ Designated area

**CONDITIONS OF OPERATION**

<b>Maximum number of MFVs:</b>	Two (2)
<b>Hours of operation:</b>	Sunrise to sunset
<b>Parking spaces available for each MFV:</b>	Two (2) parallel parking spaces adjacent to footpath on designated stretch of road, immediately adjacent to Reserve, not to be parked directly in front of private residences
<b>Serving direction:</b>	Footpath-side of the vehicle



**4. LINDE RESERVE – STEPNEY STREET CARPARK**

(access via Stepney Street, Stepney SA 5069)



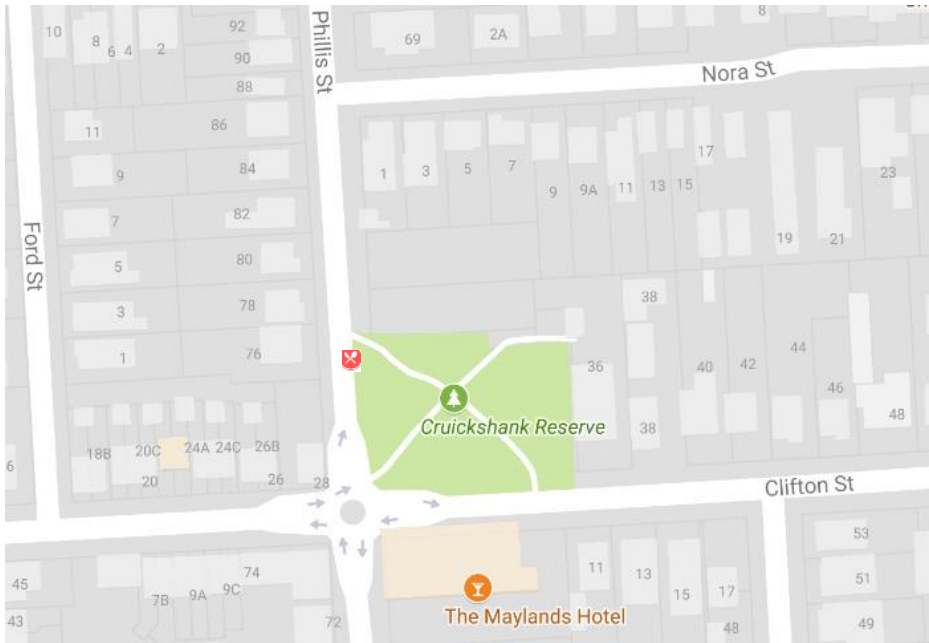
● Site location      □ Designated area

**CONDITIONS OF OPERATION**

<b>Maximum number of MFVs:</b>	Two (2)
<b>Hours of operation:</b>	Sunrise to sunset
<b>Parking spaces available for each MFV:</b>	Two (2) adjacent parking spaces, anywhere in the designated carpark
<b>Serving direction:</b>	In the parking space immediately adjacent to the MFV vehicle

**5. CRUICKSHANK RESERVE – PHILLIS STREET**

(Maylands SA 5069)



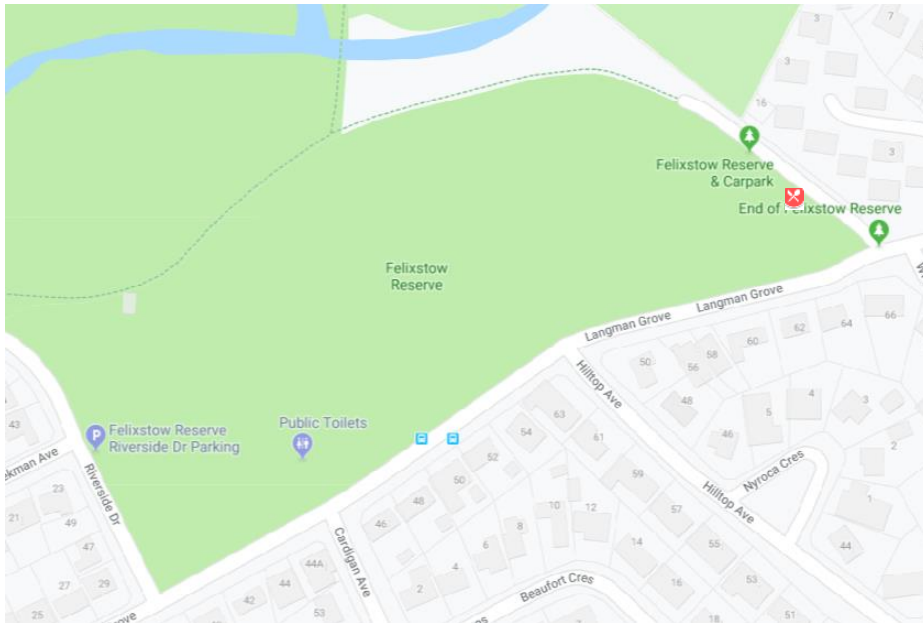
● Site location      □ Designated area

**CONDITIONS OF OPERATION**

<b>Maximum number of MFVs:</b>	One (1)
<b>Hours of operation:</b>	Sunrise to sunset
<b>Parking spaces available for each MFV:</b>	Two (2) parallel parking spaces adjacent to footpath on designated stretch of road, immediately adjacent to Reserve, not to be parked directly in front of private residences
<b>Serving direction:</b>	Footpath-side of the vehicle

**6. FELIXSTOW RESERVE – LANGMAN GROVE CARPARK**

(Felixstow SA 5070)



● Site location      □ Designated area

**CONDITIONS OF OPERATION**

<b>Maximum number of MFVs:</b>	Two (2)
<b>Hours of operation:</b>	Sunrise to sunset
<b>Parking spaces available for each MFV:</b>	Two (2) adjacent parking spaces, immediately adjacent to the Reserve side of the carpark
<b>Serving direction:</b>	Footpath-side of the vehicle

**Section 2 – Corporate & Finance**  
**Reports**



## 11.5 MONTHLY FINANCIAL REPORT – JUNE 2022

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**REPORT AUTHOR:** Manager, Finance  
**GENERAL MANAGER:** General Manager, Corporate Services  
**CONTACT NUMBER:** 8366 4585  
**FILE REFERENCE:** qA78171  
**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 year ended June 2022.

### 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. The Council adopted a Budget which forecasts an Operating Surplus of \$471,000 for the 2021-2022 Financial Year. This report is based upon the proposed Third Budget review which forecasts an Operating Surplus of \$1.356 million. The Third Budget Review as proposed saw an increase to the Operating Surplus of \$1.171 million due largely to Operating Projects being carry forward into the 2022-2023 Financial Year and the advance payment of an additional quarter of Financial Assistance Grants by the Federal Government which was not anticipated in the 2021-2022 Budget.

For the period ended June 2022, the Council's Operating Surplus is \$2.455 million against a budgeted Operating Surplus of \$1.356 million resulting in a favourable variance of \$1.099 million.

It should be noted that the 2021-2022 Financial Statements are yet to be finalised and audited, as such the result is subject to change. The Audit Committee will consider the Draft Financial Statements at their meeting scheduled for 23 October 2022, with the Council due to adopt the 2021-2022 Financial Statements at the ordinary Council Meeting scheduled for 3 November 2022.

### EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

### SOCIAL ISSUES

Not Applicable.

### CULTURAL ISSUES

Not Applicable.

### ENVIRONMENTAL ISSUES

Not Applicable.

## RESOURCE ISSUES

Not Applicable.

## RISK MANAGEMENT

Not Applicable.

## CONSULTATION

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

## DISCUSSION

For the period ended June 2022, the Council's provisional Operating Surplus is \$2.455 million against a budgeted Operating Surplus of \$1.356 million, a favourable variance of \$1.099 million. The favourable variance is primarily driven by expenditure being favourable to the Budget.

The primary drivers behind the variances in expenditure are:

- Energy Expenses are \$88,000 (15%) favourable to budget due the installation of the solar system at the Norwood Town Hall, which was completed in 2021, generating a greater reduction in energy costs than was originally anticipated.
- Materials, Parts and Consumables combined are \$161,000 (24%) favourable to budget. There are no individually significant underspends across these budget lines however, many small variances which in part are the result of issues associated with the delivery of services across the organisation with reduced staffing due to COVID-19.
- Contracted expenses are \$243,000 favourable to the budget, which is predominately due to expenditure on the engagement of consultants being \$136,000 less than planned. The lower than anticipated expenditure was due to activities being undertaken by staff combined with delays in the delivery of outcomes due to the impact of COVID-19 on both the availability of staff and external resources.
- Finance costs is \$88,000 favourable to the budget due to interest expense not being incurred as there were sufficient cash reserves to fund expenditure needs, negating the need to draw down borrowings to fund capital works undertaken during the year.
- Employee Expenses are \$522,000 favourable to the budget which is driven by the combination of staff vacancies which are being covered with existing staffing resources, timing of leave being taken compared to budget and variances in the rate of pay being paid to new staff members compared to budget.

Total income is in line with the budget expectations however, the following variances are highlighted:

- User Charges are \$202,000 (5%) unfavourable to the budget, which is due primarily a decrease in income at the St Peters Child Care Centre and Preschool (\$93,000) as a result of room closures and child absences due to COVID-19 exposures and the gap fee above the Government Subsidy being waived, combined with a number of smaller timing differences across the Councils facilities for hire.

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

**OPTIONS**

Nil

**CONCLUSION**

Nil

**COMMENTS**

Nil

**RECOMMENDATION**

That the June 2022 Monthly Financial Report be received and noted.

## **Attachments – Item 11.5**

# Attachment A

## Monthly Financial Report June 2022

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**

CITY OF NORWOOD PAYNEHAM & ST PETERS

Financial Performance for the period ended 30 June 2022					
LYTD Actual		YTD Actual	YTD Revised	Var	Var %
\$'000		\$'000	Budget \$'000	\$'000	
	<b>Revenue</b>				
36,288	Rates Revenue	37,938	37,908	30	0%
1,751	Statutory Charges	1,945	1,822	123	7%
3,506	User Charges	3,563	3,765	(202)	(5%)
2,921	Grants, Subsidies and Contributions	3,431	3,491	(60)	(2%)
19	Investment Income	24	46	(22)	(48%)
714	Other	729	566	164	29%
57	Reimbursements	100	17	84	509%
<b>45,256</b>	<b>Total Revenue</b>	<b>47,731</b>	<b>47,614</b>	<b>117</b>	<b>0%</b>
	<b>Expenses</b>				
15,270	Employee Expenses	15,167	15,689	522	3%
10,489	Contracted Services	10,206	10,449	243	2%
573	Energy	506	593	87	15%
763	Insurance	797	741	(56)	(8%)
562	Legal expense	760	607	(153)	(25%)
415	Materials	480	575	95	17%
798	Parts, Accessories and Consumables	832	898	66	7%
514	Water	567	533	(34)	(6%)
4,071	Sundry	4,515	4,619	104	2%
9,957	Depreciation, Amortisation and Impairment	10,601	10,640	39	0%
612	Finance Costs	582	670	88	13%
105	Net Loss - Joint Ventures & Associates	262	245	(17)	(7%)
<b>44,129</b>	<b>Total Expenses</b>	<b>45,276</b>	<b>46,258</b>	<b>999</b>	<b>2%</b>
<b>1,126</b>	<b>Operating Surplus/(Deficit)</b>	<b>2,455</b>	<b>1,356</b>	<b>1,099</b>	<b>81%</b>

Summary of Net Cost of Divisions for the period				
Division	YTD Actual	YTD Budget	Var	Var %
	\$'000	\$'000	\$'000	
Chief Executive Office	(3,915)	(4,175)	260	6%
Corporate Services	(14,832)	(14,268)	(563)	-4%
Governance and Community Affairs	(1,520)	(1,689)	169	10%
Urban Planning and Environment	(2,420)	(2,613)	193	7%
Urban Services	(13,147)	(13,808)	661	5%
<b>Operating Surplus/(Deficit) (before Rate Revenue)</b>	<b>(35,833)</b>	<b>(36,552)</b>	<b>719</b>	<b>2%</b>

<b>Rate Revenue</b>	<b>37,938</b>	<b>37,908</b>	<b>30</b>	<b>0%</b>
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<b>Operating Surplus/(Deficit)</b>	<b>2,105</b>	<b>1,356</b>	<b>749</b>	<b>55%</b>
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Mid-Year Budget Update Operating Surplus

185

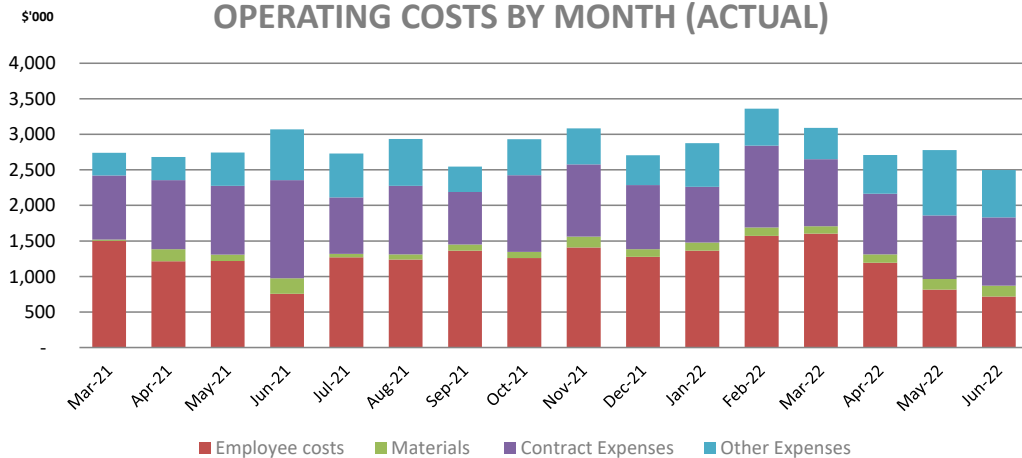
- Variances in Recurrent Operating Budget

- Increased advance of Financial Assistance Grant	533
- Adjustment to Rate Rebate, Capping and Searches	160
- Savings in administrative costs and interest	116
- reduction in Home Support payments to contractors	50
- Increase to Legal Expenses for George Street finalisation	(100)
- Operating project adjustments as identified as part of development of 2022-2023 Draft Budget	377
- other minor adjustments	35
	<u>1,171</u>

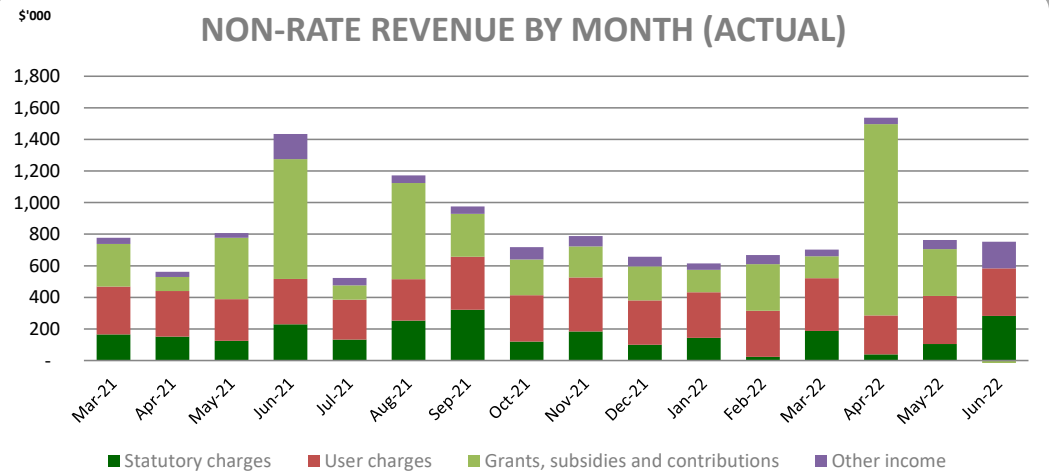
Third Budget Update Operating Surplus

1,356

OPERATING COSTS BY MONTH (ACTUAL)



NON-RATE REVENUE BY MONTH (ACTUAL)



CITY OF NORWOOD PAYNEHAM & ST PETERS

Project Summary for period ended 30 June 2022

	YTD Actual	YTD Budget	Remaining Budget
	\$'000	\$'000	\$'000
<b>Operating Projects</b>			
<b>Income</b>			
Social Equity	362	362	(0)
Environmental Sustainability	4	60	56
Cultural Vitality	-	-	-
Economic Prosperity	-	-	-
Corporate Management	-	-	-
<b>Total Income</b>	<b>367</b>	<b>422</b>	<b>56</b>
<b>Expenses</b>			
Social Equity	403	437	35
Environmental Sustainability	120	165	45
Cultural Vitality	45	17	(28)
Economic Prosperity	85	72	(13)
Corporate Management	95	68	(27)
<b>Total Expenses</b>	<b>747</b>	<b>760</b>	<b>12</b>

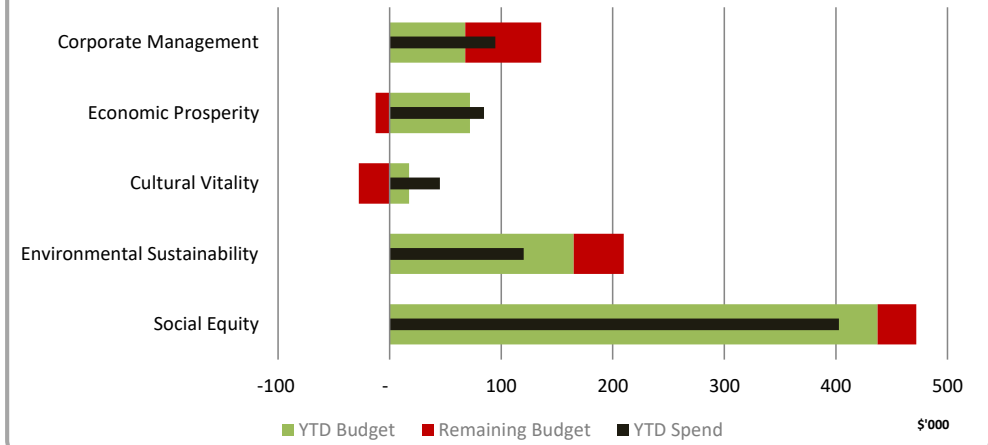
<b>Net Cost of Operating Projects</b>	<b>(381)</b>	<b>(337)</b>	<b>43</b>
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<b>Capital Projects</b>			
<b>Income</b>			
Social Equity	381	579	(198)
Environmental Sustainability	1,882	1,490	392
Cultural Vitality	-	-	-
Economic Prosperity	-	-	-
Corporate Management	-	-	-
<b>Total Income</b>	<b>2,263</b>	<b>2,070</b>	<b>194</b>
<b>Expenses</b>			
Social Equity	9,777	10,683	1,606
Environmental Sustainability	4,425	5,185	760
Cultural Vitality	151	122	(29)
Economic Prosperity	387	188	-
Corporate Management	10	20	10
<b>Total Expenses</b>	<b>14,750</b>	<b>16,197</b>	<b>2,346</b>

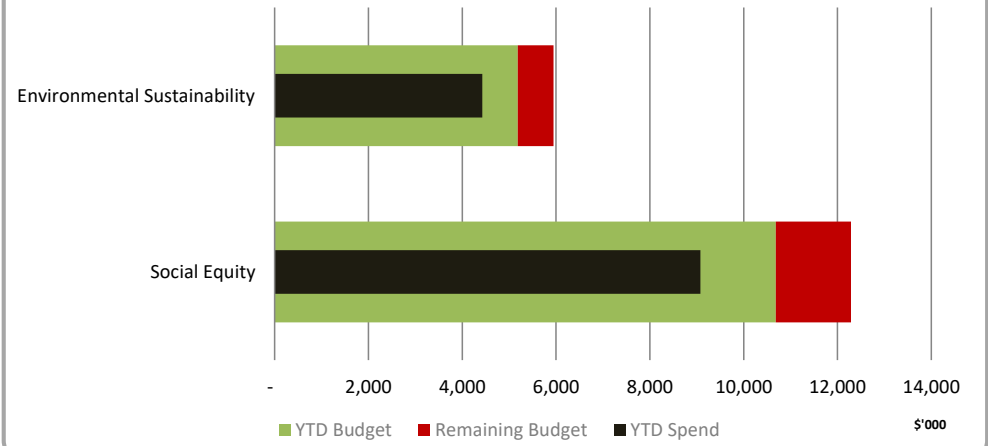
<b>Net Cost of Capital Projects</b>	<b>(12,487)</b>	<b>(14,128)</b>	<b>(2,152)</b>
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Key areas to highlight:

SERVICE INITIATIVES (inc. Carry Forwards)



NEW ASSETS & RENEWALS (inc. Carry Forwards)

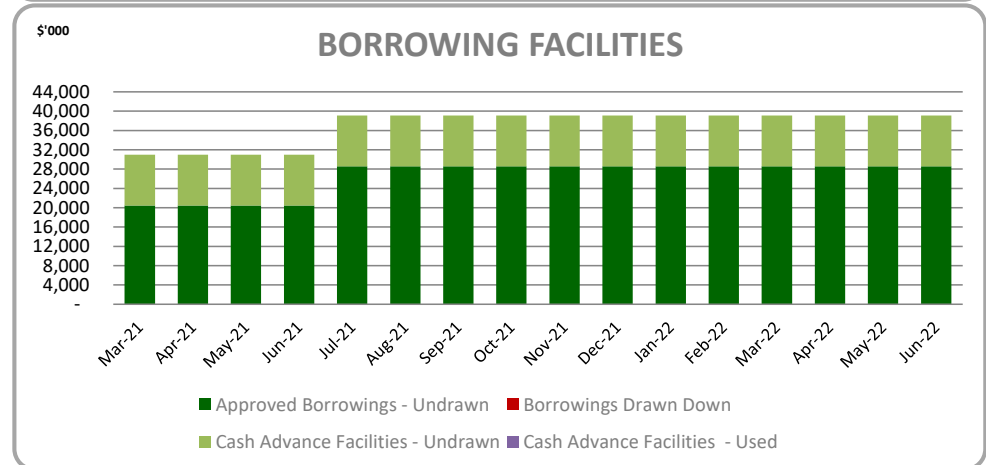
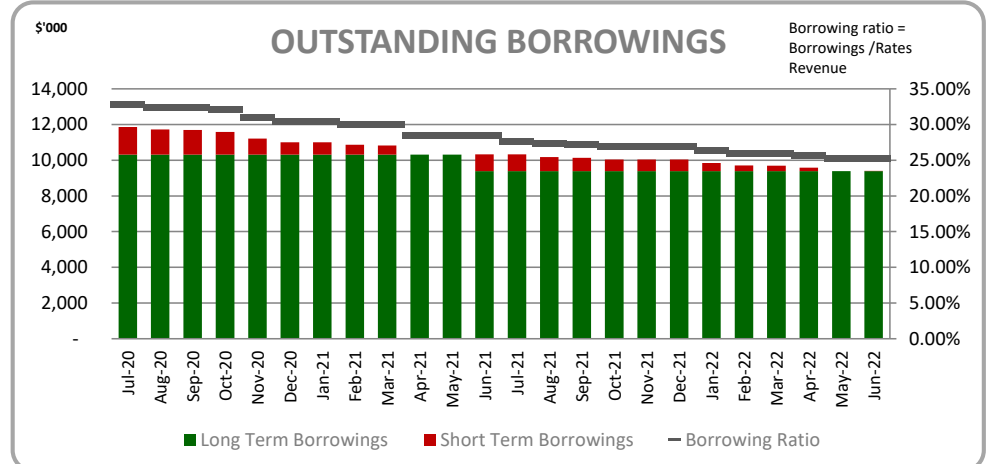
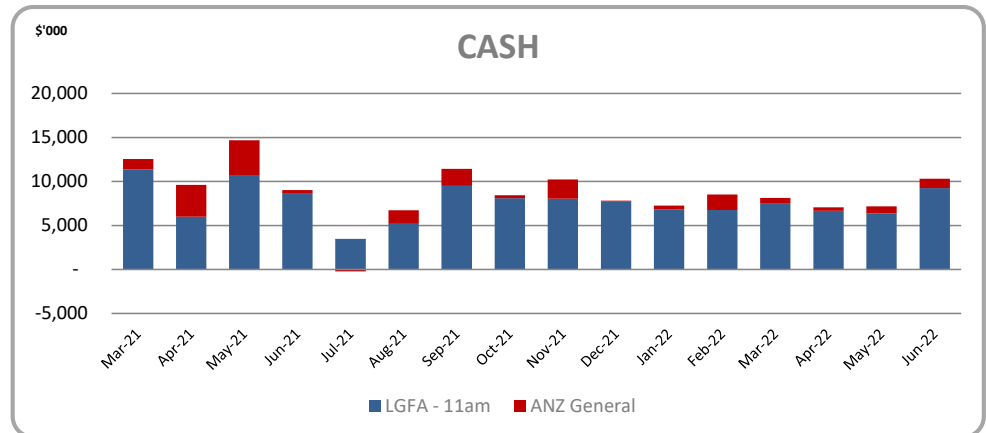


CITY OF NORWOOD PAYNEHAM & ST PETERS

Statement of Financial position as at 30 June 2022

	Jun-22	May-22	Movement	June 2021
	Actual	Actual		
	\$'000	\$'000	\$'000	\$'000
<b>ASSETS</b>				
<b>Current Assets</b>				
Bank and Cash	11,391	7,185	4,206	7,071
Accounts receivables	3,136	5,867	(2,731)	4,152
Less : Provision for Bad Debts	(349)	(349)	-	(349)
<b>Total Current Assets</b>	<b>14,179</b>	<b>12,703</b>	<b>1,476</b>	<b>10,874</b>
<b>Non-current Assets</b>				
Financial Assets	-	-	-	-
Investments in Joint Ventures	1,817	2,207	(390)	2,207
Infrastructure, Property, Plant and Equipment	512,489	509,765	2,724	510,414
<b>Total Non-current Assets</b>	<b>514,306</b>	<b>511,972</b>	<b>2,333</b>	<b>512,621</b>
<b>Total Assets</b>	<b>528,485</b>	<b>524,675</b>	<b>3,809</b>	<b>523,495</b>
<b>LIABILITIES</b>				
<b>Current Liabilities</b>				
Trade and Other Payables	11,884	9,158	2,726	8,006
Borrowings	945	-	945	972
Provisions	1,713	1,713	-	3,326
<b>Total Current Liabilities</b>	<b>14,542</b>	<b>10,871</b>	<b>3,671</b>	<b>12,304</b>
<b>Non-current Liabilities</b>				
Borrowings	8,447	9,392	(945)	9,392
Provisions	2,869	2,859	10	1,328
Investments in Joint Ventures	866	1,348	(483)	1,164
<b>Total Non-current Liabilities</b>	<b>12,181</b>	<b>13,599</b>	<b>(1,418)</b>	<b>11,884</b>
<b>Total Liabilities</b>	<b>26,723</b>	<b>24,471</b>	<b>2,253</b>	<b>24,188</b>
<b>NET ASSETS</b>	<b>501,761</b>	<b>500,205</b>	<b>1,556</b>	<b>499,306</b>
<b>EQUITY</b>				
Accumulated Surplus	62,554	60,997	1,556	60,099
Asset Revaluation Reserves	439,208	439,208	-	439,208
<b>TOTAL EQUITY</b>	<b>501,761</b>	<b>500,205</b>	<b>1,556</b>	<b>499,306</b>

Key areas to highlight YTD :





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

## 11.6 Highbury Landfill Authority Review

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**REPORT AUTHOR:** Manager, Governance & Legal  
**GENERAL MANAGER:** General Manager, Governance & Community Affairs  
**CONTACT NUMBER:** 8366 4626  
**FILE REFERENCE:** qA69172  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to brief the Council on the status of the proposed amendments to the Highbury Landfill Authority Charter.

### BACKGROUND

The Highbury Landfill Authority (**the Authority**) is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999 (the Act)*, for the purpose of facilitating the closure and post closure management of the former Highbury Landfill site.

The Constituent Councils of the Authority are the City of Norwood Payneham & St Peters, City of Burnside and the Town of Walkerville.

Under clause 19(4) of Schedule 2 to the Act, the Constituent Councils are required to review the Authorities Charter every four (4) years. As part of that requirement a number of amendments to the Charter were proposed by the Authority. To amend the Charter, the Constituent Councils must approve the amendments.

As Elected Members may recall the proposed amendments to the Charter were considered at its meeting on 6 September 2021. While most of the proposed amendments to the Charter were agreed, the proposed amendment relating to the Board conducting meetings in private was not agreed.

As such, the Council endorsed the proposed amendments to the Charter, but for the proposed amendment relating to the Board conducting meetings in private. The rationale being that meetings of the Board should be conducted in public, and that if a specific item requires a basis for an exclusion, that Section 90 of the Act can be invoked.

The Authority has now reported to the Council on the proposed amendments to its Charter after finalising its consultation with the Constituent Councils.

### 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 were previously consulted about the proposed amendments to the Charter at the meeting on 6 September 2021.
- **Community**  
Not Applicable.
- **Staff**  
Chief Executive Officer  
General Manager, Urban Services  
Manager, Governance & Legal
- **Other Agencies**  
Not Applicable.

## DISCUSSION

On **31 May 2022**, Mr Trevor Hockley, Executive Officer of the Authority, wrote to the Constituent Councils advising that the proposed approach taken by this Council at its meeting on 6 September 2021 was endorsed by both the Town of Walkerville and the City of Burnside.

That approach is that meetings of the Board are to be conducted in public unless there is a basis for an exclusion under Section 90 of the Act.

The letter dated 31 May 2022 is contained in **Attachment A** to this report.

The letter of 31 March 2022 from the Authority advises that the proposed amendments to clauses 2.5.13 to 2.5.18 inclusive of the Charter are as follows:

- provide for meetings of the Board to be conducted in public, unless a proper basis for exclusion of the public is provided as per Section 90 of the Act;
- ensure the public can have access to the Board's electronic meetings;
- entitle the public to have access to board meeting minutes and meeting documents, unless they relate to matters dealt with by the Board on a confidential basis and the Board orders they are to remain confidential;
- set out matters that must be included in the Board's minutes if the Board orders the public to be excluded from its meetings or that public access to its minutes or documents is restricted.

The amended Charter is contained in **Attachment B** to this report.

While the Council has in principle endorsed the proposed amendments to the Charter, the Authority has recommended that the proposed amendments, namely the amendments to clauses 2.5.13 to 2.5.18 inclusive of the Charter, are again considered by the Council.

At its meeting on 6 September 2021 the Council unanimously resolved the following regarding the proposed amendments to the Charter:

*That the proposed changes to the Highbury Landfill Authority Charter as contained in Attachment B be endorsed in principal, with the following amendment:*

- *that Section 2.5.13 be replaced with: That Members of the public are able to attend all meetings of the Highbury Landfill Authority Board, unless prohibited by resolution of the Board under the confidentiality provisions contained in Section 90 of the Local Government Act 1999.*

The Elected Members now asked to adopt the entirety of the Charter, incorporating the proposed amendments to clauses 2.5.13 to 2.5.18 inclusive.

## **OPTIONS**

The Council has the option of not adopting the proposed amendments to the Charter because it has in principle considered these amendments previously, however it is appropriate that the Council formally adopts the amendments to clauses 2.5.13 to 2.5.18 of the Charter.

## **CONCLUSION**

The Council did not recommend the amendment permitting the Authority to conduct meetings “in camera” because of the importance of the subject matter considered by the Authority at Board meetings. This position was supported by the Constituent Councils.

Given the proposed amendment to clause 2.5.13 was not recommended by the Council it is appropriate that the Council again considers the amendments, and formally adopts the amendments to the Charter.

## **COMMENTS**

Not Applicable.

## **RECOMMENDATION**

1. That the Council notes this report.
2. That the Council adopts the proposed changes to the Highbury Landfill Authority Charter as contained in Attachment B, namely the proposed changes to clauses 2.5.13 to 2.5.18 inclusive of the Charter.
3. That the Council authorises the Chief Executive Officer to advise the Highbury Landfill Authority of the decision to adopt the proposed changes to the Charter.

## **Attachments – Item 11.6**

# Attachment A

## Highbury Landfill Authority Review

---

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**

# HIGHBURY LANDFILL AUTHORITY

Member Councils: • City of Burnside • City of Norwood, Payneham & St Peters • Corporation of the Town of Walkerville

31<sup>st</sup> May 2022

Mr Mario Barone  
PO Box 204  
Kent Town  
SA 5071

Dear Mario

## Highbury Landfill Authority Charter

I refer to previous communications in relation to this matter.

On 6 September 2021, the City of Norwood, Payneham and St Peters resolved to endorse, in principle, changes to the Authority's Charter, subject to a proposed amendment to clause 2.5.13 of the Charter to provide that meetings of the Authority's Board must be conducted in a place open to the public, unless the public had been excluded in accordance with Section 90 of the *Local Government Act 1999* (**the Act**).

The approach proposed by the City of Norwood, Payneham and St Peters was subsequently endorsed by both the Town of Walkerville and the City of Burnside.

Arising from that endorsement, the Authority has obtained legal advice regarding necessary amendments that must be made to the Charter to properly give effect to the intent of the constituent councils in this regard. This has been necessary as the Charter had initially been prepared for endorsement on the basis that meetings of the Authority's Board would generally be conducted in private.

Amendments are accordingly proposed to clauses 2.5.13 – 2.5.18 of the Charter to:

- provide for meetings of the Board to be conducted in public, unless a proper basis for exclusion of the public is provided as per Section 90 of the Act;
- ensure the public can have access to the Board's electronic meetings;
- entitle the public to have access to board meeting minutes and meeting documents, unless they relate to matters dealt with by the Board on a confidential basis and the Board orders they are to remain confidential;
- set out matters that must be included in the Board's minutes if the Board orders the public to be excluded from its meetings or that public access to its minutes or documents is restricted.

The Authority's Board considered these proposed amendments pursuant to clause 2.5.5 of the HLA charter and resolved to recommend these amendments to the constituent councils for approval in accordance with clause 19 of Schedule 2 to the Act.

The version of the Charter that is proposed for adoption includes (without change) the other amendments previously considered by the constituent councils as part of this review.

A template resolution to enable the amended charter to be adopted and take effect is provided at Schedule 1 to this correspondence.

Given that an amended version of the Charter has already been considered by each constituent council, the Authority considers Council Chief Executive Officers should (for the

# HIGHBURY LANDFILL AUTHORITY

Member Councils: • City of Burnside • City of Norwood, Payneham & St Peters • Corporation of the Town of Walkerville

avoidance of doubt) recommend the adoption of the amended charter in accordance with Regulation 21(1) of the *Local Government (Procedures at Meetings) Regulations 2013*.

Once all councils have agreed to these amendments, it will be necessary to:

- furnish a copy of the charter as amended on the Minister;
- ensure a copy as amended is published on a website determined by the Chief Executive Officers of the constituent councils;
- give notice of the amendment and the website address are published in the Gazette.

The Authority will attend to this task, subject to appropriate input from the Chief Executive Officers regarding the website publication.

Please do not hesitate to contact me with any queries. I look forward to hearing from you once your Council has considered these amendments.

Yours sincerely etc.



**Trevor Hockley**  
Executive Officer



# HIGHBURY LANDFILL AUTHORITY

Member Councils: • City of Burnside • City of Norwood, Payneham & St Peters • Corporation of the Town of Walkerville

## Schedule 1 – Template Resolution

That the Council:

1. Note this report.
2. Having conducted a review of the Highbury Landfill Authority's Charter, endorses the charter as amended and presented at Attachment [insert] of the report to Council dated [insert date] and entitled [insert title].
3. Authorises the Chief Executive Officer to advise the Highbury Landfill Authority of its decision.

# Attachment B

## Highbury Landfill Authority Review

---

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**

HIGHBURY LANDFILL AUTHORITY CHARTER

**1. Introduction**

**1.1 Name**

The name of the subsidiary is the Highbury Landfill Authority (referred to as 'the Authority' in this Charter).

**1.2 Establishment**

The Authority is a regional subsidiary established pursuant to Section 43 of the *Local Government Act 1999 (the Act)* by the:

- 1.2.1 City of Burnside;
- 1.2.2 City of Norwood, Payneham & St Peters; and
- 1.2.3 Corporation of the Town of Walkerville  
(**the Constituent Councils**).

**1.3 Local Government Act 1999**

This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Authority shall conduct its affairs in accordance with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

**1.4 Purpose for which the Authority is Established**

The Authority is established for the following objects and purposes:

- 1.4.1 to facilitate the closure and the post-closure of the Highbury Landfill Site;
- 1.4.2 to undertake all manner of things relating to and incidental to Clause 1.5.

**1.5 Powers and Functions of the Authority**

The Authority shall have all of the powers and functions as are necessary for the carrying out of the Authority's purpose. These include, but are not limited to:

- 1.5.1 the power to incur expenditure:
  - 1.5.1.1 in accordance with a budget adopted by the Authority; or
  - 1.5.1.2 with the prior approval of the Constituent Councils; or
  - 1.5.1.3 in accordance with the Act, in respect of expenditure not contained in a budget adopted by the Authority, for a purpose of genuine emergency or hardship;
- 1.5.2 the power to borrow funds from the Local Government Financial Authority (or such other entity approved by the Constituent Councils):
  - 1.5.2.1 in accordance with a budget adopted by the Authority under this Charter;
  - 1.5.2.2 with the prior approval of the Constituent Councils;
- 1.5.3 the power to accumulate surplus funds for investment purposes;
- 1.5.4 the power to establish a reserve fund or funds clearly identified for meeting any liability or obligation of the Authority;
- 1.5.5 the power to enter into any contract or arrangement;
- 1.5.6 the power to purchase, sell, lease, hire, rent or otherwise acquire or dispose of any personal property or interests therein;
- 1.5.7 subject to obtaining the unanimous consent of the Constituent Councils for the particular acquisition or disposal, the power to acquire or dispose of real property;
- 1.5.8 the power to employ, engage, remunerate, remove, suspend or dismiss the Manager of the Authority;
- 1.5.9 the power to invest any of the funds of the Authority in any investment authorised by the *Trustee Act 1936* or with the Local Government Finance Authority provided that:
  - 1.5.9.1 in exercising this power of investment the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
  - 1.5.9.2 the Authority must avoid investments that are speculative or hazardous in nature;
- 1.5.10 the powers, functions or duties delegated to the Authority by the Constituent Councils from time-to-time;
- 1.5.11 the power to do anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers, functions or duties.

**1.6 Property**

All property held by the Authority is held by it on behalf of the Constituent Councils.

**1.7 Delegation by the Authority**

- 1.7.1 The Authority may by resolution delegate any of its powers, functions and duties under the Act or this Charter to:
  - 1.7.1.1 the Manager;
  - 1.7.1.2 a committee established by the Authority;
  - 1.7.1.3 an employee of the Authority or a Constituent Council;
  - 1.7.1.4 a person occupying a particular office or position.
- 1.7.2 A delegation is revokable at will and does not prevent the Authority from acting in a matter.

**1.8 Acting Outside Area**

- 1.8.1 The Constituent Councils consider it necessary and expedient to the attainment of the Authority's objects and purposes for the Authority to undertake the following activities outside the area of the Constituent Councils and accordingly authorise the Authority to undertake such activities:
  - 1.8.1.1 All activities relating to, necessary for and incidental to facilitating the closure and the post-closure of the Highbury

Landfill Site.

## 2. Board of Management

The Authority is a body corporate and is governed by a Board of Management that shall have the responsibility to manage the business and other affairs of the Authority ensuring that the Authority acts in accordance with this Charter.

### 2.1 Functions of the Board

- 2.1.1 The formulation of a closure management plan and strategy for closure of the Highbury Landfill Site by the Authority.
- 2.1.2 The provision of professional input and direction to the Authority.
- 2.1.3 To monitor, oversee and measure the performance of the Manager.
- 2.1.4 To assist in the development of an environmentally sound and economical solution to the closure of the Highbury Landfill Site.
- 2.1.5 To exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.

### 2.2 Membership of the Board

- 2.2.1 The Board shall consist of three members being one person appointed by each Constituent Council;
- 2.2.2 A Board Member shall be appointed for a term not exceeding three years specified in the instrument of appointment and at the expiration of the term of office will be eligible for re- appointment.
- 2.2.3 The office of a member of the Board will become vacant in accordance with Clause 20(3) of Schedule 2 of the Act.
- 2.2.4 Board Members shall be eligible for such allowances from the funds of the Authority as the Board shall determine from time to time.
- 2.2.5 Each Constituent Council may appoint a deputy Board Member to act in place of that Constituent Council's appointed Board Member.
- 2.2.6 Any other conditions of appointment for Board Members will be determined by the Board, subject to the agreement of the Constituent Councils.
- 2.2.7 In the absence of the Board Member, a deputy Board Member will be deemed to be the Board Member and can exercise all of the rights, privileges and obligations of the Board Member during the absence of that Board Member.

### 2.3 Propriety of Members of the Board

The Board Members are not required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.

### 2.4 Chair of the Board

- 2.4.1 The Board shall elect a Chair from amongst the Members for a term and upon any conditions determined by the Board.
- 2.4.2 The Chair shall preside at all meetings of the Board and, in the event of the Chair being absent from a meeting, the members present shall appoint a member from amongst them, who shall preside for that meeting or until the Chair is present.

### 2.5 Meetings of the Board

- 2.5.1 The Board must determine procedures to apply at or in relation to its meetings provided that such procedures may not be inconsistent with any provisions of this Charter.
- 2.5.2 Ordinary meeting of the Board must take place at such times and places as may be fixed by the Board or the Manager of the Authority from time to time. There shall be at least one ordinary meeting of the Board held every six months.
- 2.5.3 Notice of ordinary meetings of the Board must be given by the Manager to each Board Member and to each Constituent Council not less than 7 clear days prior to the holding of the meeting and shall be accompanied by the agenda for the meeting and any written reports.
- 2.5.4 For the purposes of this sub-clause, the contemporary linking together by telephone, audio-visual, video-conferencing or other instantaneous means ('telecommunications meeting') of a number of the members of the Board is deemed to constitute a meeting of the Board provided that:
  - 2.5.4.1 at least a quorum is present;
  - 2.5.4.2 notice of the telecommunications meeting is given to all Board Members in the manner determined by the Board for that purpose; and
  - 2.5.4.3 each participating Board Member is capable of communicating with every other participating Board Member during the telecommunications meeting.
- 2.5.5 Each of the Board members taking part in the telecommunications meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audiovisual or other communication equipment, unless that Board Member has previously notified the Chair of the meeting.
- 2.5.6 The Board may make decisions outside of a formally constituted meeting as follows: A proposed resolution in writing and given to all Board Members in accordance with procedures determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Manager or otherwise giving written notice of their consent and setting out the terms of the resolution to the Manager. The resolution shall thereupon be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held.
- 2.5.7 Any Constituent Council or Board Member may by delivering written notice to the Manager of the Authority require a special meeting of the Board to be held. The request for special meeting and the obligations upon the Manager in respect of notifying Board Members are the same as those applying to a chief executive officer of a council in relation to special council meetings called under the Act.
- 2.5.8 The quorum for any meeting of the Board is two (2) Board Members.
- 2.5.9 Every Board Member, including the Chair, shall have a deliberative vote. The Chair shall not in the event of an equality of

votes have a casting vote.

2.5.10 All matters will be decided by a majority of votes of the Board Members present.

2.5.11 Subject to any provision of the Act to the contrary, all Board Members present at a meeting shall vote on each item for decision at the meeting.

2.5.12 All Board Members must keep confidential all documents and any information provided to them for their consideration prior to a meeting of the Board.

2.5.13 Subject to this Clause, meetings of the Board must be conducted in a place open to the public.

2.5.13.1 In accordance with Clauses 2.5.4 and 2.5.5, the place may be an electronic place, provided that (subject to Clause 2.5.13.2) members of the public can hear the discussion between all Board Members.

2.5.13.2 The Board may order that the public be excluded from attendance at any meeting in accordance with the procedure set out in Section 90(2) - 90(3) of the Act.

2.5.12—If the Board makes an order under Clause 2.5.13.2, the making of the order, the grounds on which the order was made, the basis on which the information or matter to which the order relates falls within the ambit of each ground upon which the order was made and, if relevant, the reasons the receipt, consideration or discussion of information or the matter in a meeting open to the public would be contrary to the public interest must be included in the minutes.

~~2.5.12 Notwithstanding Clause 2.5.13, the Board may determine (either generally or on a case-by-case basis) that:~~

~~2.5.12.3 a report, document or minute or proceedings of the Board (or a part of such a document) shall be made available to the public in the manner and form determined by the Board (which may include, but not be limited to, being published on website determined by the Board);~~

~~2.5.12.4 2.5.13.3 that public may be admitted to a meeting of the Board or a part of a meeting of the Board, or that the proceedings of the Board or a part of those proceedings will be broadcast to the public on a website determined by the Manager.~~

2.5.14 The Manager must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented to the next ordinary meeting of the Board for confirmation.

2.5.15 Subject to Clause 2.5.17, a person is entitled to inspect, at place or on a website determined by the Chief Executive Officers of the Constituent Councils, without payment of a fee:

2.5.15.1 minutes of a Board meeting;

2.5.15.2 reports, attachments and recommendations to the Board, received at a meeting of the Board.

2.5.16 Subject to Clause 2.5.17, a person is entitled, upon payment of a fee fixed by the Board, to obtain a copy of any document available for inspection under Clause 2.5.15.

2.5.17 Clauses 2.5.15 and 2.5.16 do not apply in relation to a document or part of a document if:

2.5.17.1 the document or part of the document relates to a matter dealt with by the Board during a part of a meeting of the Board to which the public have been excluded in accordance with Clause 2.5.13.2; and

2.5.17.2 the Board orders that the document or part of the document be kept confidential.

2.5.13 2.5.18 If the Board makes an order under Clause 2.5.17.2, the Board must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed.

2.5.14 2.5.19 Each member of the Board and each Constituent Council must be supplied with a copy of all minutes of the proceedings of the meeting within five (5) days after that meeting.

### 3. Staffing Issues

3.1 The Board must appoint a Manager of the Authority who has expertise in environmental management and/or waste operations and business to manage the business of the Authority on terms agreed between the Manager and the Board. The Manager may be a natural person or a body corporate.

3.2 The Manager is responsible to the Board for the execution of all decisions made by the Board and for the efficient and effective management of the Authority.

3.3 The Manager is subject to the same legislative responsibilities and duties as a chief executive officer of a council including but not limited to those matters set out at Parts 1 and 3 of Chapter 7 of the Act.

3.4 The Manager may be, but need not be, an employee of the Authority.

### 4. Management

#### 4.1 Financial Management

4.1.1 The Authority shall keep proper books of account in accordance with the requirements of the *Local Government (Financial Management) Regulations 2011*;

4.1.2 The Authority's books of account must be available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time on request;

4.1.3 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board;

4.1.4 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior written approval of the Auditor.

4.1.5 The Manager must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board and, if requested, the Constituent Councils.

#### 4.2 Audit

4.2.1 The Authority shall appoint an auditor in accordance with the *Local Government (Financial Management) Regulations*

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2011, on terms and conditions set by the Board;

- 4.2.2 The Auditor will have the same powers and responsibilities as set out in the Act, in relation to a council;
- 4.2.3 The audit of Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils;
- 4.2.4 The books of account and financial statements shall be audited at least once per year.

#### 4.3 Audit Committee

- 4.3.1 The Authority is required to establish an audit committee to be comprised of three (3) persons nominated by the Authority and approved by the Constituent Councils.
- 4.3.2 The members of the Audit Committee:
  - 4.3.2.1 must include at least one (1) person who is not a Board Member and who is determined by the Constituent Councils to have financial experience relevant to the functions of the Audit Committee; and
  - 4.3.2.2 may include members who are members of a Constituent Council; and
  - 4.3.2.3 must not include a Constituent Council's auditor under Section 128 of the Act or the auditor of the Authority.

#### 4.4 Business Plan

The Authority:

- 4.4.1 must in consultation with the Constituent Councils prepare and adopt a Business Plan which will continue in force for the period specified in the Business Plan or until the earlier adoption by the Authority of the new Business Plan;
- 4.4.2 shall ensure the Business Plan links the closure of the Highbury Landfill Site to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period;
- 4.4.3 must in consultation with the Constituent Councils review the Business Plan annually and following such a review the Business Plan shall continue to operate for the period for which the Business Plan was adopted pursuant to clause 4.4.1;
- 4.4.4 in preparing and subsequently reviewing the Business Plan have regard to and where appropriate integrate the requirements of the Authority's Risk Review plan (as adopted by the Board from time-to-time);
- 4.4.5 may, after consultation with the Constituent Councils amend its Business Plan at any time; and
- 4.4.6 must ensure the contents of the Business Plan is in accordance with the Act and may include or set out other matters deemed appropriate by the Authority.

#### 4.5 Annual Budget

- 4.5.1 The Authority shall, must 31 May but before the end of June in each Financial Year, prepare and adopt an annual budget for the ensuing Financial Year in accordance with the Act;
- 4.5.2 The proposed annual budget must be referred to Constituent Councils at the same time as the Manager submits it to the Board Members. The proposed annual budget must be approved by the majority of the Constituent Councils prior to adoption by the Board;
- 4.5.3 The Authority must provide a copy of its annual budget to the Constituent Councils within five business days after adoption by the Board;
- 4.5.4 The Authority must review its budget in accordance with the *Local Government (Financial Management) Regulations 2011* and copies of the review report and decision of the Authority in respect of the review must be provided to the Constituent Councils within five days of the Board meeting to which the report was presented.

#### 4.6 Reporting

- 4.6.1 The Authority must submit to the Constituent Councils by 30 September in each year in respect of the immediately preceding Financial Year, a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Business Plan and incorporating the audited financial statements of the Authority and any other information or reports as required by the Constituent Councils;
- 4.6.2 The Board shall present a balance sheet and full financial report to the Constituent Councils at the end of each financial year;
- 4.6.3 The Board shall present the audited financial statements to the Constituent Councils in accordance with the requirements of the *Local Government (Financial Management) Regulations 2011*.

#### 4.7 Financial Contributions

- 4.7.1 The Constituent Councils will contribute funds to the Authority as set out in the Budget adopted by the Authority and approved by the Constituent Councils.
- 4.7.2 The Constituent Councils may agree collectively or individually to provide the Authority with additional funds and/or in kind contributions at any time on such terms and conditions, if any, as determined by the relevant Constituent Council(s).

### 5. Miscellaneous

#### 5.1 Equitable Share

- 5.1.1 Each of the Constituent Councils will have an equity share in the Authority as set out in the table contained at Schedule 1 to this Charter.
- 5.1.2 In the event of the Authority's insolvency, the Constituent Councils are responsible for the liabilities of the Authority in proportion to the equity share of the Constituent Councils in the Financial Year of the insolvency event.

#### 5.2 Withdrawal

- 5.2.1 The withdrawal of either Constituent Council will result in the Authority being wound up pursuant to clause 5.4 and Part 2 of Schedule 2 to the Act.
- 5.2.2 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council for the payment of its contribution towards any actual or contingent deficiency in the net assets of the Authority at the end of each Financial Year until the Authority is dissolved or wound up.
- 5.2.3 The withdrawal of any Constituent Council does not extinguish the liability of the withdrawing Constituent Council to

contribute to any liability in respect of the Highbury Landfill Site.

5.2.4 The guarantee for any liability incurred or assumed by a Constituent Council survives the withdrawal by the Constituent Council.

### 5.3 Insurance and Superannuation Requirements

5.3.1 The Authority shall register with the Local Government Mutual Liability Scheme and comply with the rules of the Scheme.

5.3.2 The Authority shall advise the Local Government Risk Services of its insurance requirements relating to Local Government Special Risks including land, contamination, buildings, structures, vehicles and equipment under the management, care and control of the Authority.

5.3.3 Where the Authority has employees it shall register with the Statewide Super and the Local Government Workers Compensation Scheme and comply with the rules of the Scheme.

### 5.4 Winding Up

5.4.1 The Authority may be wound up in accordance with the Act and will be wound up where a Constituent Council seeks to withdraw from the Authority.

5.4.2 On winding up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, shall be distributed between or become the responsibility of the Constituent Councils in the proportions of their equitable interest in accordance with Schedule 1.

5.4.3 If there are insufficient funds to pay all expenses due by the Authority on winding up, a levy shall be imposed on all Constituent Councils in proportion to the equity share of the Constituent Councils in the Financial Year prior to the passing of the resolution to wind up.

### 5.5 Non-derogation and Direction by Constituent Councils

5.5.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.

5.5.2 Provided that the Constituent Councils have all first agreed as to the action to be taken, the Constituent Councils may jointly direct and control the Authority by resolution passed by all Constituent Councils in the same or similar terms.

5.5.3 Where the Authority is required pursuant to the Act or this Charter to obtain the approval of one (1) or more of the Constituent Councils that approval must only be granted by a resolution passed by the Constituent Council or Constituent Councils granting such approval.

5.5.4 Unless otherwise stated in this Charter where the Authority is required to obtain the approval of all of the Constituent Councils this means the approval of all of the Constituent Councils expressed in the same or similar terms.

5.5.5 For the purpose of this clause, any direction given or approval granted by one (1) or more Constituent Councils must be communicated by notice in writing provided to the Manager of the Authority together with a copy of the relevant resolutions of the Constituent Councils.

### 5.6 Review of Charter

5.6.1 The Authority must review this Charter at least once in every four (4) years in accordance with the Act.

5.6.2 This Charter may be amended with the approval of all of the Constituent Councils.

5.6.3 Before the Constituent Councils vote on a proposal to alter this Charter, they must take into account any recommendation of the Board.

5.6.4 The Manager must:

5.6.4.1 furnish a copy of the Charter, as amended, to the Minister;

5.6.4.2 ensure that a copy of the Charter, as amended, is published on a website (or websites) determined by the Chief Executive Officers of the Constituent Councils; and

5.6.4.3 ensure that a notice of the fact of the amendment and a website address at which the Charter is available for inspection is published in the Gazette.

### 5.7 Dispute Resolution

About this clause:

5.7.1 The procedure in this clause must be applied to any dispute that arises between the Authority and a Constituent Council concerning the affairs of the Authority, or between Constituent Councils concerning the affairs of the Authority, including a dispute as to the meaning or effect of this Charter and whether the dispute concerns a claim in common law, equity or under statute.

5.7.2 The Authority and a Constituent Council must continue to observe and perform this Charter despite the application or operation of this clause.

5.7.3 This clause does not prejudice the right of a party:

5.7.3.1 to require the continuing observance and performance of this Charter by all parties; or

5.7.3.2 to institute proceedings to enforce payment due under this Charter or to seek injunctive relief to prevent immediate and irreparable harm.

5.7.4 Pending completion of the procedure set out in this clause, and subject to this clause, a dispute must not be the subject of legal proceedings between any of the parties in dispute. If legal proceedings are initiated or continued in breach of this provision, a party to the dispute is entitled to apply for and be granted an order of the court adjourning those proceedings

pending completion of the procedure set out in this clause.

*Step 1: Notice of dispute:*

5.7.5 A party to the dispute must promptly notify each other party to the dispute:

5.7.5.1 The nature of the dispute, giving reasonable details; and

5.7.5.2 what action (if any) the party giving notice thinks will resolve the dispute,

but a failure to give such notice does not entitle any other party to damages.

*Step 2: Meeting of the parties:*

A party to the dispute which complies with the previous step may at the same or a later time notify in writing each other party to the dispute that the first party requires a meeting within 14 business days after the giving of such notice. In that case, each party to the dispute must send to the meeting a senior manager of that party with the Board to resolve the dispute and at the meeting make a good faith attempt to resolve the dispute.

*Step 3: Mediation:*

5.7.6 Despite whether any previous step was taken, a dispute not resolved within 30 days must be referred to mediation.

5.7.7 The mediator must be a person agreed by the parties in dispute or, if they cannot agree within 14 business days, a mediator nominated by the then President of the South Australian Bar Association (or equivalent officer of any successor organisation).

5.7.8 The role of a mediator is to assist in negotiating a resolution of a dispute. A mediator may not make a decision binding on a party unless that party has so agreed in writing.

5.7.9 The mediation must take place in a location in Adelaide agreed by the parties.

5.7.10 A party in dispute must cooperate in arranging and expediting mediation.

5.7.11 A party in dispute must send to the mediation a senior manager with authority to resolve the dispute.

5.7.12 The mediator may exclude lawyers acting for the parties in dispute and may co-opt expert assistance as the mediator thinks fit.

5.7.13 A party in dispute may withdraw from mediation if there is reason to believe the mediator is not acting in confidence, or with good faith or is acting for a purpose other than resolving the dispute.

5.7.14 Unless otherwise agreed in writing:

5.7.14.1 everything that occurs before the mediator is in confidence and in closed session;

5.7.14.2 discussions (including admissions and concessions) are without prejudice and may not be called into evidence in any subsequent litigation by a party;

5.7.14.3 documents brought into existence specifically for the purpose of the mediation may not be admitted in evidence in any subsequent legal proceedings by a party;

5.7.14.4 the parties in dispute must report back to the mediator within 14 business days on actions taken, based on the outcome of the mediation;

5.7.14.5 a party in dispute need not spend more than one day in mediation for a matter under dispute; and

5.7.14.6 a party in dispute must bear an equal share of the costs and expenses of the mediator and otherwise bears their own costs.

*Step 4: Arbitration:*

5.7.15 Despite whether any previous step was taken, a dispute not resolved within 60 days must be referred to arbitration, as to which:

5.7.15.1 there must be only one arbitrator and who is a natural person agreed by the parties or, if they cannot agree within 14 business days, an arbitrator nominated by the then Chairperson of Resolution Institute;

5.7.15.2 the role of the arbitrator is to resolve the dispute and make decisions binding on the parties;

5.7.15.3 the arbitration must take place in an agreed location in Adelaide;

5.7.15.4 a party must cooperate in arranging and expediting arbitration;

5.7.15.5 a party must send to the arbitration a senior manager with authority to resolve the dispute; and

5.7.15.6 the parties may provide evidence and given written and verbal submissions to the arbitrator within the time set by the arbitrator;

5.7.16 The arbitrator must:

5.7.16.1 decide the dispute; and

5.7.16.2 give written reasons to each party.

5.7.17 Subject to a provision of this Charter to the contrary, the arbitration must take place under Resolution Institute Arbitration Rules and the provisions of the Commercial Arbitration Act 2011 (S.A.) and which Rules are taken to be incorporated by reference into this clause OR subject to this clause, the arbitrator must fix the rules of arbitration.

5.7.18 The costs and expenses of the arbitrator and of each party must be borne as the arbitrator decides.

*5.8 Common Seal*

5.8.1 The Authority will have a common seal, which may be affixed to documents requiring execution under seal and where affixed must be witnessed by the Chair of the Board and the Manager.

5.8.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board.

5.8.3 The Manager must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of persons who witnessed



the fixing of the seal and the date that the seal was affixed.

5.8.4 The Board may by instrument under seal authorise a person to execute documents on behalf of the Authority.

5.9 *Circumstances Not Provided For*

If any circumstance arises about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Board has the power to consider the circumstance and determine the action to be taken.

SCHEDULE 1

Constituent Council	Equity Share	%
City of Burnside.....	50.406	
City of Norwood, Payneham & St Peters.....	40.357	
Corporation of Town of Walkerville.....	9.237	
	Total	100

## 11.7 NOMINATIONS FOR PRESIDENT OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA

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

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### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Association of South Australia (LGA), for the position of President of the LGA and to invite the Council to submit a nomination.

### BACKGROUND

The LGA has forwarded correspondence to Councils inviting nominations for the position of President of the LGA. The term of office for the new President is a two (2) year term, commencing from the 2022 LGA Annual General Meeting (ie 28 October 2022), and concluding at the 2024 LGA Annual General Meeting.

A copy of the letter from the LGA dated 4 July 2022 is contained within **Attachment A**.

The LGA's Constitution sets out the process associated with the nominations for the role of President. The Constitution requires that the Office of the LGA President will be elected on a biennial basis and nominations will be received from an Elected Member provided they are a current Elected Member and a current Member of either the South Australian Regional Organisation of Councils (SAROC) or the Greater Adelaide Regional Organisation of Councils (GAROC). In addition, the candidates must have been a member of either SAROC or GAROC for a period of not less than one (1) year.

The relevant extract from the LGA Constitution is contained within **Attachment A**.

This Council is a member of GAROC.

As the current President, Mayor Angela Evans is from an eligible metropolitan Council (ie, the City of Charles Sturt), nominees are now sought from eligible rural Councils, (ie members of SAROC).

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### DISCUSSION

The role of the President is to:

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

The term of office of the President is two (2) years. An annual allowance is payable in relation to the position of President.

To be eligible for nomination, a person must be an Elected Member and be a current member of the SAROC Committee and have been in that role for at least one (1) year.

The current members of the SAROC Committee are:

- Mayor Erika Vickery OAM, Naracoorte Lucindale Council;
- Mayor Brent Benbow, Port August City Council;
- Mayor Peter Hunt, Berri Barmera Council;
- Mayor Moira Jenkins, City of Victor Harbour;
- Mayor, Peter Matthey OAM, Regional Council of Goyder;
- Mayor Claire McLaughlin, Whyalla City Council;
- Mayor Bill O'Brien, Light Regional Council;
- Mayor Keith Parkes, Alexandrina Council;
- Mayor Caroline Phillips, District Council of Karoonda East Murray; and
- Mayor Richard Sage, District of Council of Grant.

Whilst a Council may nominate a person from another Council, it is important to note that the Nomination Form requires that person to accept the nomination and sign the form. It is therefore incumbent on the Council to ensure that, if it does intend to nominate a person from another Council, the nominee is aware of the proposed nomination and is prepared to accept the nomination.

A copy of the 2022 Nomination Form for the LGA President is contained within **Attachment A**.

Nominations are to be received by the Returning Officer, LGA no later than 5.00pm on Friday, 19 August 2022.

#### **RECOMMENDATION**

That the report be received and noted and the invitation to submit a nomination to the Local Government Association for the position of President of the Local Government Association of South Australia President be declined.

**or**

The Council nominates \_\_\_\_\_ to the Local Government Association for the position of President of the Local Government Association of South Australia.

## **Attachments – Item 11.7**

# Attachment A

## Nominations for President of the Local Government Association of South Australia

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**

In reply please quote our reference: ECM 777935 TN/SR

4 July 2022

Mario Barone  
Chief Executive Officer  
City of Norwood Payneham & St Peters  
PO Box 204  
Kent Town, SA 5071

**Emailed:** townhall@npsp.sa.gov.au

Dear Mario

### Call for Nominations for LGA President

The LGA hereby calls for nominations for the position of LGA President to commence from the conclusion of the 2022 Annual General Meeting (AGM) and to remain in office until the conclusion of the 2024 AGM. A nomination form for the position of President is attached and must be received by me, **no later than 5pm Friday 19 August 2022**. Late nominations will not be accepted.

The LGA Constitution specifies that the office of President must be occupied on a rotational basis between a council member from a council in the South Australian Regional Organisation of Councils (SAROC) and a council member from a council in the Greater Adelaide Regional Organisation of Councils (GAROC). For this election, nominations are for council members within SAROC. To be eligible for nomination, a person must be a council member and be a current member of the SAROC Committee and have been in that role for at least 1 year. An eligible candidate needs to be nominated by a member council but does not need to be nominated by their own council. Please refer to the attached Fact Sheet and Position Description for further information on eligibility and role responsibilities.

Key (indicative) timings and relevant LGA Constitution provisions are outlined in the table below.

Indicative Timing	Headline	LGA Constitution Provision
	Office of President	Position of President – rotated between SAROC and GAROC (Clause 28.6).
	Returning Officer	Returning Officer for any election for the office of President is the Chief Executive Officer (Clause 29.1)
18 July 2022	Nominations Called	CEO to write to members calling for nominations for position of President at least 3 months before AGM (Clause 28.2)
19 August 2022	Nominations Close	Nominations, in the form of a resolution of a member, <u>must</u> be received by the CEO no later than 5pm on the day specified for the close of nominations, being 19 August 2022 (Clause 28.7)



Indicative Timing	Headline	LGA Constitution Provision
	Nominations equal to vacancies	If only 1 nomination is received for President, the Chief Executive shall declare such person duly elected (Clause 29.3). If the number of persons nominated for the office of President exceeds 1 person then an election must be held (Clause 29.4).
5 September 2022	Ballot papers prepared and posted	CEO shall deliver ballot papers to each member at least 6 weeks before AGM (last date 15 September) (Clause 29.5.1)
17 October 2022	Voting closes	The CEO as returning officer will determine when voting closes, being 17 October 2022
18 October 2022	Counting of votes	The CEO shall nominate the date, time and place for the counting of votes (Clause 29.5.6)
28 October 2022	Final declaration of result	CEO shall declare the candidate with the most votes elected at the AGM (Clause 29.5.8)
28 October 2022	President takes office	President takes office at the conclusion of the AGM (Clause 30.1)

### Timing of LGA Election

The LGA Constitution provides for the election of LGA President, SAROC and GAROC members, and the LGA Board to take effect from the LGA's AGM, every other year. This enables the outgoing President to deliver their annual report and finance statements for the preceding year, before handing over to the incoming President.

It is acknowledged that because of the timing of the AGM, the election of LGA Board and President, and the four yearly cycle of local government general elections; that there is the potential for the President and/or a Board member(s) to not be re-elected in their respective council and thus causing a casual vacancy. It is also noted that if the election of LGA office holders was held, say three to six months after the local government elections to coincide with the LGA's OGM there is still the possibility that a current member of the Board may not be re-elected at the November local government elections, resulting in a casual vacancy to be filled prior to the OGM.

Thus, there is no ideal time to hold elections for office bearers for the LGA when the end of term coincides with the general council elections. However, the general view is that it is preferable for a new Board and President to take office at the AGM and as soon as possible around a general council election to ensure the Board and President can maximise their contribution during the two-year term, rather than be put in a holding pattern until a new Board is elected following council elections.

### Caretaker Period

The timeframe for conducting the LGA Elections, as set out in the LGA's Constitution, will extend into the caretaker period for the 2022 general council elections. Whilst nominations for the LGA election process will have closed, Councils will be required to cast their vote for President and GAROC/SAROC members during the caretaker period.

During the caretaker period, councils are unable to make “designated decisions” as defined under the *Local Government (Elections) Act 1999*. These include decisions relating to the employment or termination of a council CEO and entering in a contract the value of which exceeds \$100,000 or 1% of the Council’s revenue from rates in the preceding year (with limited exceptions). In addition, council resources must not be used for the advantage of a particular candidate or group of candidates during the election period.

Caretaker guidance provided to councils also encourages avoiding scheduling significant decisions (including major policy decisions) for consideration during an election period. These can include spending unbudgeted monies, conducting unplanned public consultation, endorsing a new policy, disposing of council land, approving grants and progressing any matter that has been identified as an election issue.

Councils are required to have a Caretaker Policy which may also impose other constraints during the caretaker period.

Having regard to the definition of a ‘designated decision’ and other matters councils should not determine during a caretaker period, it is not evident that the election of LGA President, SAROC and GAROC members is prohibited. However, each council will need to review any additional constraints imposed within their Caretaker Policy to ensure compliance with the relevant requirements.

### Access to Members Information

Nominees may access the contact details of councils and elected members from the LGA database to assist in communicating with the sector during the election campaign. This information will be available upon request.

The LGA is writing separately to councils regarding the arrangements for the election of members to SAROC and GAROC.

If you have any questions in relation to the election process, please contact me or Program Leader Governance Tami Norman on 8224 2037 or [tami.norman@lga.sa.gov.au](mailto:tami.norman@lga.sa.gov.au).

Yours sincerely



Clinton Jury

### Chief Executive Officer / LGA Returning Officer

Telephone: (08) 8224 2039

Email: [clinton.jury@lga.sa.gov.au](mailto:clinton.jury@lga.sa.gov.au)

#### Attachments:

- 1 Extract from LGA Constitution – Section 28
- 2 LGA President Election Fact Sheet
- 3 Persons eligible for nomination as LGA President – 2022
- 4 LGA President Position Description
- 5 LGA President Nomination Form
- 6 Candidate Information Sheet



## Extract – LGA Constitution and Rules

### Clause 28 – Nominations for the Office of President

- 28.1 The office of President shall be elected by Members biennially.
- 28.2 In the year in which a new President is to be elected, and at least 3 months before the Annual General Meeting, the Chief Executive shall write to all Members calling for nominations for the position of President.
- 28.3 Every Member is entitled to nominate an eligible person to the office of President.
- 28.4 To be eligible for nomination as a candidate for the position of President, a person must be a Council Member.
- 28.5 To be eligible for the position of President, a person must also be a current member of SAROC or GAROC who has undertaken that role for a period of not less than 1 year.
- 28.6 The eligibility for office of President shall rotate each term between a person who is a Council Member of a Member within Regional Groupings of Members in SAROC and a Council Member of a Member within Regional Groupings of Members in GAROC.
- 28.7 A nomination of a person for the office of President shall be by resolution of a Member and must be received by the Chief Executive not later than 5 pm on the day specified for the closure of nominations. A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.
- 28.8 If no nomination is received for the office of President under clause 28.7, then the Chief Executive shall call for additional nominations from and by the Delegates at the Annual General Meeting and will conduct an election at the meeting.

## LGA President Election Fact Sheet

### 1. Who can nominate a person?

All LGA member councils (Members) are entitled to nominate an eligible person to the office of President.

### 2. Who can be nominated?

To be eligible for nomination as a candidate in the 2022 President Election, a person must be a Council Member, and must be a current member of the SAROC Committee who has undertaken that role for a period of not less than 1 year.

### 3. How is a nomination made?

A person is nominated by resolution of a Member. The LGA President Nomination Form must be signed by both the candidate indicating their willingness to stand for election and by the Chief Executive of the nominating Member and must be received by the LGA CEO no later than 5:00pm on Friday 19 August 2022.

### 4. What is the election process?

If only one eligible person is nominated, the CEO will declare such person duly elected. If the number of eligible persons nominated exceeds one person, then an election will be held. The CEO is the Returning Officer for any election for the office of President. The CEO will notify all Members of the nominated candidates and will conduct the election as follows (timings are indicative only):

1. The CEO will deliver ballot papers to each Member at least six weeks prior to the Annual General Meeting (no later than 15 September).
2. The ballot papers will list the candidates for election, specify the date of closure of the election as 17 October 2022, and be accompanied by an envelope marked "Ballot Paper" and a second envelope marked "Returning Officer".
3. Each Member then determines by resolution the candidate it wishes to vote for and mark the ballot paper accordingly and place it in a sealed envelope for delivery to the CEO.
4. The CEO will nominate the date, time, and place for the counting of votes and will invite each candidate and a person nominated as the candidate's scrutineer to be present.
5. At the counting of the votes the CEO will produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes.
6. The candidate with the most votes will be deemed elected and the CEO will declare the candidate elected at the Annual General Meeting.
7. If candidates receive the same number of votes, the CEO will draw lots at the counting of the votes and the lot drawn will be the candidate elected.



## Persons eligible for nomination as LGA President – 2022

In accordance with Clauses 28.4, 28.5 and 28.6 of the Constitution, to be eligible for the position of President, the nominee must be a current Council Member of a SAROC member council and must also be a current member of SAROC and have undertaken that position for a period not less than 1 year.

Applying this criteria, the following members of SAROC are eligible to be nominated (subject to their willingness to stand) for election to the position of President:

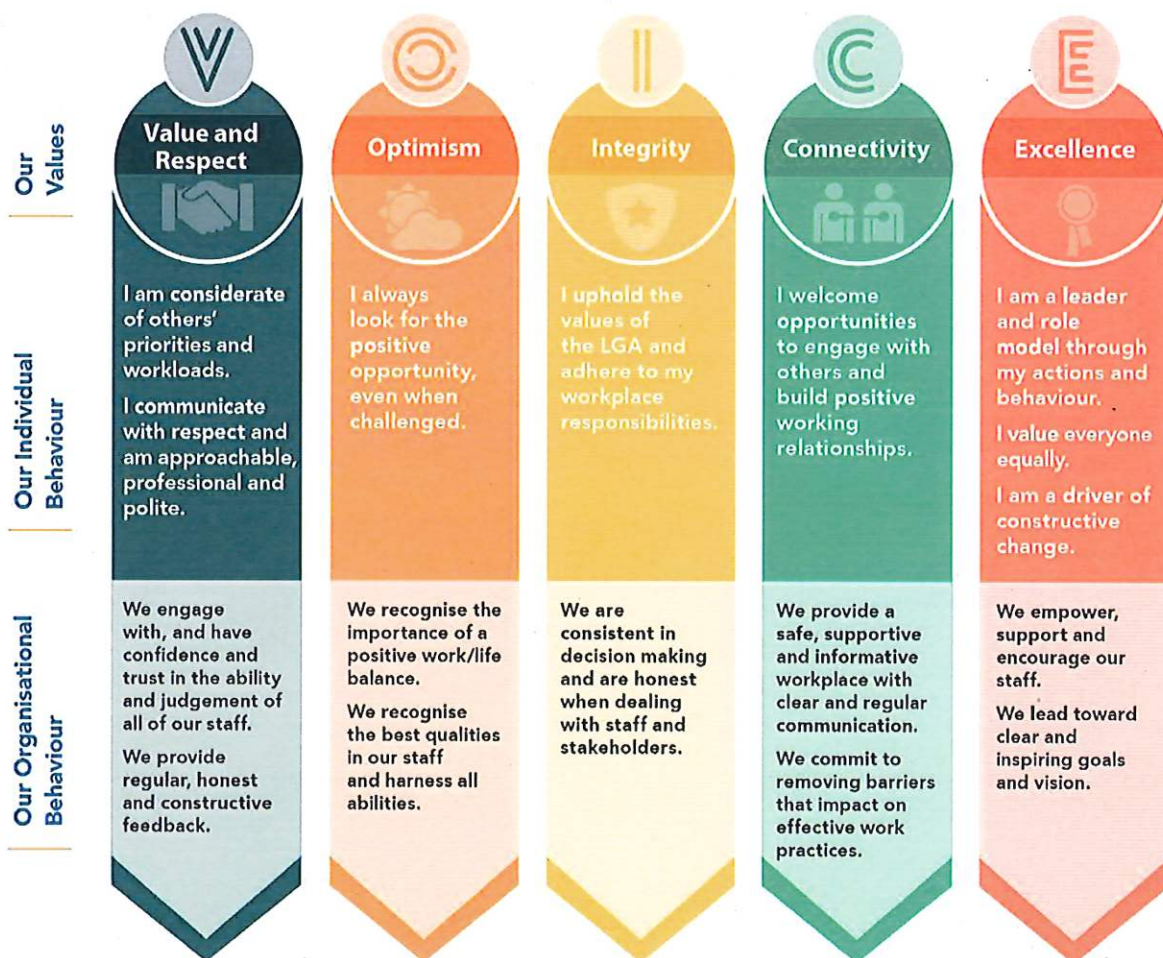
- Mayor Brent BENBOW (Port Augusta City Council – Spencer Gulf Cities Region)
- Mayor Peter HUNT (Berri Barmera Council – Murraylands & Riverland Region)
- Mayor Moira JENKINS (City of Victor Harbor – Southern & Hills Region)
- Mayor Peter MATTEY OAM (Regional Council of Goyder – Legatus Region)
- Mayor Clare McLAUGHLIN (Whyalla City Council – Spencer Gulf Cities Region)
- Mayor Bill O'BRIEN (Light Regional Council – Legatus Region)
- Mayor Keith PARKES (Alexandrina Council – Southern & Hills Region)
- Mayor Caroline PHILLIPS (District Council of Karoonda East Murray – Murraylands & Riverland Region)
- Mayor Richard SAGE (District Council of Grant – Limestone Coast Region)
- Mayor Erika VICKERY OAM (Naracoorte Lucindale Council – Limestone Coast Region)

The Constitution provides that the President may be nominated by a member council, and not necessarily the council which they are a member of.

## LGA President Position Description

LGA President	
<b>Position Title:</b>	LGA President
<b>Position Status:</b>	Elected for two year term
<b>Reporting Arrangements:</b>	This position reports to the LGA Board of Directors
<b>Location:</b>	Local Government House, 148 Frome Street, Adelaide
<b>Special Conditions:</b>	Some intra/interstate travel with overnight stays is required. Out of hours work required.

### LGA Values and Behaviours





## Position

The Board of Directors is the governing entity of the LGA.

The Board of Directors consists of:

- the President;
- the Immediate Past President;
- the chairperson of SAROC and the chairperson of GAROC; and
- 6 additional persons (each of which must be a Council Member) with relevant business and governance experience elected in equal proportions from the Council Members of SAROC (3 persons) and the Council Members of GAROC (3 persons).

Each Director must:

- undertake his or her role as a Director honestly and act with reasonable care and diligence in the performance and discharge of functions and duties;
- not make improper use of information acquired by virtue of his or her position as a Director to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA;
- not make improper use of his or her position as a Director to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA; and
- not act in any matter where the Director has a conflict of interest (provided that an interest shared in common with all or a substantial proportion of the Directors will not be an interest giving rise to a conflict of interest).

## Functions, Duties and Powers

1. Chair and lead the LGA Board of Directors who have the following roles, functions and duties:

- The role of the Board of Directors is to oversee corporate governance of the LGA and provide strategic direction and leadership. The Directors do not represent SAROC, GAROC or a specific Member or Members.
- The functions of the Board of Directors include:
  - appointing a Chief Executive and superintending his or her performance;
  - holding the Chief Executive accountable for the performance of the LGA Office;
  - advocating for the LGA, the Members and the local government community;
  - superintending the activities of the LGA;
  - determining matters which may be placed on the agenda of a General Meeting; and
  - undertaking such other functions as may be provided for, or envisioned by, this Constitution.
- The Board of Directors must ensure that:
  - the LGA acts in accordance with applicable laws and the Constitution;
  - the LGA acts ethically and with integrity, respecting diversity and striving for gender balance participation in all activities;
  - the activities of the LGA are conducted efficiently and effectively and that the assets of the LGA are properly managed and maintained;
  - subject to any overriding fiduciary or other duty to maintain confidentiality, the affairs of the LGA are undertaken in an open and transparent manner; and
  - the LGA performs to its business plan and achieves or better the financial outcomes projected in its budget.

## 2. The President shall:

- preside at all General Meetings and meetings of the Board of Directors, but in his or her absence a member of the Board of Directors chosen by the Board of Directors shall preside at the meeting.
- act as the principal spokesperson of the LGA.
- exercise other functions of the LGA as the LGA Board of Directors determines.
- represent the LGA to government, stakeholders and events.

### The key responsibilities of the LGA President

The President acts as an important link between the Board and the organisation's management via the CEO. The President is responsible for leadership of the Board including:

- Facilitating proper information flow to the Board.
- Facilitating the effective functioning of the Board including managing the conduct, frequency and length of Board meetings.
- Communicating the views of the Board, in conjunction with the CEO, to the LGA's members, State and Federal Government, broader stakeholders and to the public.
- Facilitating open and constructive communications amongst Board members and encouraging their contribution to Board deliberations.
- Overseeing and facilitating Board, committee and Board member evaluation reviews and succession planning.
- Liaising and interfacing with the CEO as the primary contact between the Board and management.
- Liaising with and counselling, as appropriate, board members.

Inside the boardroom the President is responsible for the following:

- Acting as an important link between the Board and management but without necessarily preventing direct access of fellow directors.
- Establishing and maintaining an effective working relationship with the CEO.
- Setting the tone for the Board, including the establishment of a common purpose.
- Chairing Board meetings efficiently and shaping the agenda in relation to goals, strategy, budget and executive performance.
- Obtaining appropriate information to present to the Board.
- Encouraging contributions by all Board members and seeking consensus when making decisions.
- Motivating Board members and where appropriate dealing with underperformance.
- Overseeing the process for appraising the Board as a whole.
- Overseeing negotiations for the CEO's employment and evaluating the CEO's performance.
- Planning for CEO succession.
- Assisting with the selection of Board and Committee members.



### Eligibility Criteria

As per clause 28 of the LGA Constitution:

- To be eligible for nomination as a candidate for the position of President, a person must be a Council Member.
- To be eligible for the position of President, a person must also be a current member of SAROC or GAROC who has undertaken that role for a period of not less than 1 year.
- The eligibility for office of President shall rotate each term between a person who is a Council Member of a Member within Regional Groupings of Members in SAROC and a Council Member of a Member within Regional Groupings of Members in GAROC.
- A nomination of a person for the office of President shall be by resolution of a Member and must be received by the Chief Executive not later than 5 pm on the day specified for the closure of nominations. A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.

### Performance/Accountability

The Board of Directors will conduct an annual performance review to assess its performance as a Board and in meeting the LGA's objectives and strategies. This may include a review of individual Directors including the President.

### Remuneration

The remuneration of the President is outlined in the LGA policy – GP02 Board and Committee Member Allowances and Expenses (ECM 83590).

## LGA President Nomination Form 2022

<b>Name of Council submitting nomination</b>	<i>(insert name of council)</i>
<b>Nominee's (full name)</b>	<i>(insert title, first name and surname)</i>
<b>Declaration and signature of nominee</b>	<p>I hereby accept such nomination and consent to act as LGA President if so elected.</p> <p>Signature:</p> <p>.....</p>
<b>Council Resolution</b>	<p><i>(insert date &amp; resolution no.)</i></p> <p><i>(insert council resolution)</i></p>
<b>Signature and name of CEO (Nominating Council)</b>	<p>Signature:</p> <p>.....</p> <p><i>(insert name)</i></p>
<b>Dated</b>	<i>(insert date)</i>

**This form is to be sent to the LGA Returning Officer**  
**Close of nominations is 5pm Friday 19 August 2022**



## LGA President Candidate Information Sheet

(word limit is strictly 1,000 words)

<b>Name</b>	<i>(insert title, first name and surname)</i>
<b>Council</b>	<i>(insert council name)</i>
<b>Local Government Experience &amp; Knowledge</b>	<ul style="list-style-type: none"> <li><i>(insert)</i></li> </ul>
<b>Local Government Policy Views &amp; Interests</b>	<ul style="list-style-type: none"> <li><i>(insert)</i></li> </ul>
<b>Other Information</b>	<ul style="list-style-type: none"> <li><i>(insert details of leadership, board, corporate governance experience etc)</i></li> </ul>

**This form must accompany the Nomination Form**

## LGA President Nomination Form 2022

<b>Name of Council submitting nomination</b>	<i>(insert name of council)</i>
<b>Nominee's (full name)</b>	<i>(insert title, first name and surname)</i>
<b>Declaration and signature of nominee</b>	<p>I hereby accept such nomination and consent to act as LGA President if so elected.</p> <p>Signature:</p> <p>.....</p>
<b>Council Resolution</b>	<p><i>(insert date &amp; resolution no.)</i></p> <p><i>(insert council resolution)</i></p>
<b>Signature and name of CEO (Nominating Council)</b>	<p>Signature:</p> <p>.....</p> <p><i>(insert name)</i></p>
<b>Dated</b>	<i>(insert date)</i>

**This form is to be sent to the LGA Returning Officer  
Close of nominations is 5pm Friday 19 August 2022**



## LGA President Candidate Information Sheet

(word limit is strictly 1,000 words)

<b>Name</b>	<i>(insert title, first name and surname)</i>
<b>Council</b>	<i>(insert council name)</i>
<b>Local Government Experience &amp; Knowledge</b>	<ul style="list-style-type: none"><li><i>(insert)</i></li></ul>
<b>Local Government Policy Views &amp; Interests</b>	<ul style="list-style-type: none"><li><i>(insert)</i></li></ul>
<b>Other Information</b>	<ul style="list-style-type: none"><li><i>(insert details of leadership, board, corporate governance experience etc)</i></li></ul>

**This form must accompany the Nomination Form**

## **11.8 LOCAL GOVERNMENT ASSOCIATION (LGA) 2022 ANNUAL GENERAL MEETING – APPOINTMENT OF COUNCIL DELEGATE**

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2219  
**ATTACHMENTS:** Nil

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### **PURPOSE OF REPORT**

The purpose of the report is to advise the Council of the Local Government Association of South Australia's (LGA) 2022 Annual General Meeting and the requirement, in accordance with the LGA Constitution, to appoint a Council Delegate to represent the Council and vote at the Annual General Meeting.

### **BACKGROUND**

The Local Government Association of South Australia's (LGA) 2022 Annual General Meeting, will be held on Friday, 28 October 2022. The agenda will be issued to all Councils in the near future.

Pursuant to the LGA Constitution, councils are required to appoint a Council Delegate to represent the Council and vote at the LGA Annual General Meeting, if the Council wishes to be represented and have voting rights at the 2022 Annual General Meeting. The Council may also appoint a Deputy Council Delegate in the event the Delegate is unable to attend the Annual General Meeting.

A Council Officer cannot be appointed as a Delegate.

Traditionally, the Mayor has been appointed as the Delegate for the LGA Annual General Meeting.

It is considered appropriate that the Council also appoints a Deputy Council Delegate in the event that the appointed Delegate is unable to attend the Annual General Meeting.

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

Not Applicable.

### **RECOMMENDATION**

1. That Mayor Robert Bria be appointed as the Council Delegate for the Local Government Association 2022 Annual General Meeting.
2. That Councillor \_\_\_\_\_ be appointed as the Deputy Council Delegate for the Local Government Association 2022 Annual General Meeting.

## 11.9 LOCAL GOVERNMENT ASSOCIATION (LGA) 2022 ANNUAL GENERAL MEETING – ITEMS OF BUSINESS

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

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### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the Local Government Association of South Australia's (LGA) 2022 Annual General Meeting and the invitation from the LGA to submit *Items of Business* for consideration at the Ordinary General Meeting.

### BACKGROUND

The Local Government Association (LGA) 2022 Annual General Meeting, will be held on Friday, 28 October 2022.

The purpose of the AGM is to consider items of strategic importance to Local Government and the LGA, as recommended by the Board of Directors, the South Australian Region Organisation of Councils (SAROC) or the Greater Adelaide Region of Councils (GAROC).

*Items of Business* must be submitted to either the LGA Board of Directors, or in the case of this Council, GAROC, for consideration prior to being referred to the AGM for consideration. It is however at the discretion of the Council to determine if the Notice of Motion is to be submitted to either the Board of Directors or GAROC.

The role of the Board of Directors is to oversee the corporate governance of the LGA and provide strategic direction and leadership.

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

Whilst not strictly specified, the logical approach is to refer the *Item of Business* to the relevant body in accordance with its role.

Pursuant to the LGA Constitution, Councils are invited to submit Items of Business for consideration at the Annual General Meeting. Items of Business must be received by the by Friday 12 August 2022, if they are to be considered at the 2022 Annual General Meeting.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### DISCUSSION

A requirement of the LGA in respect to Items of Business, is that Items of Business submitted by Councils, should highlight a relevant reference to the LGA Strategic Plan.

A copy of the LGA 2021-2025 Strategic Plan is contained within **Attachment A**.

A memorandum dated 29 April 2022, was forwarded to Elected Members, inviting Members wishing to submit an Item of Business for consideration at the LGA Ordinary General Meeting, to contact the Council's General Manager, Governance & Community Affairs, prior to this Council meeting, for advice and assistance in the formulation of an appropriate Notice of Motion.

At the time of writing this report, the General Manager, Governance & Community Affairs has not been contacted by any Elected Member wishing to submit An Item of Business.

**RECOMMENDATION**

That the report be received and noted.

## **Attachments – Item 11.9**

# Attachment A

## Local Government Association (LGA) 2022 Annual General Meeting Items of Business

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**





# LGA 25

## Strategic Plan 2021-2025

### Advocate

*Achieve greater  
influence for local  
government*

### Assist

*Build the capacity of  
member councils*

### Advance

*Facilitate continuous  
improvement in local  
government*

### Achieve

*Embed best practice governance and operations to enable the LGA to provide value to members*



## Message from the President

It is often said that councils are the level of government closest to the community, and work best when they genuinely engage with the communities they serve.

The same can be said of the LGA. The LGA exists for its member councils - and works best when it is close to its members, and listens to and represents their interests.

As the voice of local government, the LGA provides leadership, support, representation and advocacy on behalf of South Australian councils, for the benefit of the community.

Just as councils are about more than roads, rates and rubbish, so too the LGA is about more than just advocacy. In addition to achieving greater influence for local government, the LGA plays a critical role in strengthening the capacity of councils and driving innovation that prepares our sector for the future.

With the implementation of once-in-a-generation local government reforms just around the corner, the role of the LGA in practically assisting its members, avoiding unnecessary duplication and finding smarter ways to operate is more important than ever.

As we do this, the LGA needs to continually ensure its own house is in order, lead by example in its operations and governance, and demonstrate social and environmental responsibility.

This Strategic Plan has been developed with strong input from our members – from those who sit on our Board and committees, to council members, CEOs and frontline staff from around South Australia.

Thank you to those who continue to take the time to let us know how we can work together to do great things for our communities.



### Mayor Angela Evans

LGA President

March 2021





## About the LGA

The Local Government Association of South Australia (LGA) is the peak body for local government in South Australia. The LGA provides leadership and services to councils, and represents the sector to State and Federal governments and other key stakeholders. Membership of the LGA is voluntary, but all 68 of South Australia's councils are members.

The Association also provides competitive procurement and indemnity (insurance) services to councils through two separate commercial entities, LGA Procurement and LGASA Mutual.

The LGA is governed by a Board of Directors and supported by a secretariat based in Local Government House in Adelaide. The LGA is federated with interstate bodies through the Australian Local Government Association (ALGA), which represents local government's national interests.

More information about the LGA is available on our website at [www.lga.sa.gov.au](http://www.lga.sa.gov.au).

## About the Strategic Plan

The LGA's Strategic Plan outlines how the LGA will prioritise its resources in meeting the needs of its member councils. The plan does not detail everything that the LGA is involved in, rather it identifies the strategic outcomes that the LGA will focus on over the next four years.

The Strategic Plan is a plan for the Association and not a plan for councils. It contains strategies that will advance the interests of local government in South Australia and progress the objects outlined in the LGA Constitution.

The Strategic Plan informs the LGA's work plans and budgets, as well as the Strategic and Annual Business Plans of subsidiaries and Board committees. The LGA's progress in achieving the outcomes sought by this plan is monitored through quarterly and annual reporting.

The Strategic Plan was developed with input from member councils, the LGA Board, GAROC and SAROC Committees, the LGA's Audit and Risk Committee and LGA staff. This happened through workshops and formal consultation processes, as well as through the regular feedback the LGA receives from members through its annual member's survey.



# LGA's Integrated Planning and Reporting Framework



## LGA's Governance Framework

The LGA is governed by a Board of Directors, which receives input on policy issues from the Greater Adelaide Region of Councils (GAROC) and South Australian Region of Councils (SAROC). GAROC and SAROC are committees of the LGA Board that provide regional advocacy, policy initiation and review, leadership, engagement and capacity building in the regions. The LGA Board also receives advice from its Audit and Risk Committee, CEO Advisory Group and the LGA secretariat.

Each year, the LGA holds an Ordinary General Meeting (OGM) and an Annual General Meeting (AGM). The purpose of those meetings is for member councils to determine the policy direction of the LGA via items of business that are of strategic importance to local government.

The LGA secretariat, led by the CEO, has responsibility for implementing the direction established by the LGA Board and by members through General Meetings.

The LGA's commercial entities – LGA Procurement and LGASA Mutual – are both governed by their own Board of Directors that report to the LGA Board.

Those roles and responsibilities are summarised below.

Role	Leading body
<b>Strategy and Governance</b> <i>Where we are going</i> <i>Decisions and rules</i>	LGA Board LGASA Mutual Board LGA Procurement Board
<b>Policy</b> <i>What we stand for</i>	Member councils via: <ul style="list-style-type: none"> <li>• GAROC and SAROC Committees</li> <li>• AGM and OGM</li> </ul>
<b>Advice</b> <i>Informing how we operate</i>	CEO Advisory Group Audit and Risk Committee LGA secretariat
<b>Operations</b> <i>Delivery of advocacy and services</i>	LGA secretariat
<b>Measurement</b> <i>Determining success</i>	Member councils

## Context

The key considerations that form the context for this Strategic Plan include:

- Social and economic impacts of COVID-19, heightening the role of councils in driving local economic development and community wellbeing.
- Implementation of the Local Government Review Bill, and changes that will enhance council governance and operations.
- Financial sustainability for councils, including their critical roles in providing and maintaining infrastructure and community assets.
- Federal, State and Local Government elections scheduled for 2022, including proactively influencing national and state policy agendas and partnering with government in the implementation of new directions.
- Technological change, presenting new opportunities and increasing risks.
- The ongoing impacts of climate change and evolving responsibilities for local government in emergency management.
- Implementation of planning reforms and achieving positive planning and design outcomes in communities.

# Vision

For South Australian councils to work together as willing and trusted partners in government, for the benefit of our communities.

# Mission

To provide leadership, support, representation and advocacy on behalf of South Australian councils.

## Values and Behaviours

Our Values

Our Individual Behaviour

Our Organisational Behaviour

	V	O	I	C	E
<b>Our Values</b>	<b>Value and Respect</b> 	<b>Optimism</b> 	<b>Integrity</b> 	<b>Connectivity</b> 	<b>Excellence</b> 
<b>Our Individual Behaviour</b>	<p>I am considerate of others' priorities and workloads.</p> <p>I communicate with respect and am approachable, professional and polite.</p>	<p>I always look for the positive opportunity, even when challenged.</p>	<p>I uphold the values of the LGA and adhere to my workplace responsibilities.</p>	<p>I welcome opportunities to engage with others and build positive working relationships.</p>	<p>I am a leader and role model through my actions and behaviour.</p> <p>I value everyone equally.</p> <p>I am a driver of constructive change.</p>
<b>Our Organisational Behaviour</b>	<p>We engage with, and have confidence and trust in the ability and judgement of all of our staff.</p> <p>We provide regular, honest and constructive feedback.</p>	<p>We recognise the importance of a positive work/life balance.</p> <p>We recognise the best qualities in our staff and harness all abilities.</p>	<p>We are consistent in decision making and are honest when dealing with staff and stakeholders.</p>	<p>We provide a safe, supportive and informative workplace with clear and regular communication.</p> <p>We commit to removing barriers that impact on effective work practices.</p>	<p>We empower, support and encourage our staff.</p> <p>We lead toward clear and inspiring goals and vision.</p>



- SA councils -  
**PART**  
 - of your -  
**EVERY**  
**DAY.**

## Strategy 1:

The LGA will achieve greater influence for local government through a strategic and evidence-based approach to advocacy, partnering with state and federal government wherever possible, and by raising the profile of local government.

The LGA's advocacy will help councils to provide high quality services, facilities and operations that meet the needs of communities, while driving downward pressure on rates. As the voice of local government, the LGA's advocacy will inform awareness campaigns that shine light on the role and value of local government to communities.

The LGA's success in advocacy is built upon being close to members and understanding what is important to them.

# Advocate

Achieve greater influence  
for local government

## Outcomes

- 1.1 We are close to our members, seek their feedback and represent them with evidence-based advocacy on issues that matter.
- 1.2 Governments rely on our proactive contribution to policy and legislation that impacts councils, leading to better outcomes for communities.
- 1.3 Communities understand and value the services provided by local government, and are encouraged to participate in council processes.

## Prioritise and measure

Key priorities, along with targets and measures to monitor and report on the LGA's performance against these outcomes will be set each year in our suite of operational and committee plans, including:

- Annual Business Plan
- Advocacy Plan
- SAROC and GAROC Annual Business Plans
- Communications Strategy
- Engagement Plan.



# Strategy 2:

# Assist

## Build the capacity of member councils

The LGA will continue to provide resources, services and advice that assist councils. Through these services and by working together as a united local government sector, councils will be able to achieve more with less, leading to better outcomes for their communities.

The LGA will continue to assist council staff and elected members in core areas including policy and governance, training, web services, emergency management, communications, procurement, and mutual indemnity (insurance). Recent changes within our sector, including the implementation of local government reforms and strengthening financial sustainability in the context of growing cost pressures present opportunities for the LGA to further assist its members.

The LGA's Assist services, which enable the sharing of knowledge and experience between councils, will help drive an effective and efficient local government sector.

### Prioritise and measure

Key priorities, along with targets and measures to monitor and report on the LGA's performance against these outcomes will be set each year in our suite of operational, committee and subsidiary plans, including:

- Annual Business Plan
- Assist Plan
- SAROC and GAROC Annual Business Plans
- LGASA Mutual Strategic Plan
- LGA Procurement Strategic Plan

### Outcomes

- 2.1 We are close to our members and understand their capacity and capability needs.
- 2.2 Councils draw upon our resources, services and advice in order to save time and money, and reduce risk.
- 2.3 Councils are engaged in addressing sector-wide priorities, including local government reforms and achieving greater financial sustainability.
- 2.4 We leverage grant funding for the benefit of councils, and their communities.



## Strategy 3:

The local government sector is continually innovating to prepare for the future and place downward pressure on rates.

The LGA will facilitate continuous improvement for the sector through thought leadership and research about the future of local government, and by developing new partnerships and services that respond to emerging needs, and help drive innovation.

The LGA will assist councils understand their relative strengths through performance measurement and reporting. Technology presents an opportunity for the sector to innovate and better connect with communities, and take action to manage evolving cyber risks.

# Advance

Facilitate continuous improvement in local government

### Outcomes

3.1

We research and communicate on emerging issues for councils and their communities.

3.2

New partnerships and services help councils innovate and prepare for the future.

3.3

We provide access to systems that provide councils with the evidence base for continuous improvement.

3.4

The local government sector maximises the use of emerging technology, while effectively managing cyber risks.

### Prioritise and measure

Key priorities, along with targets and measures to monitor and report on the LGA's performance against these outcomes will be set each year in our suite of operational, subsidiary and corporate plans, including:

- Annual Business Plan
- Advocacy Plan
- Communications Strategy
- Engagement Plan
  - LGASA Mutual Strategic Plan
  - LGA Procurement Strategic Plan



## Strategy 4:

The LGA's ability to serve its members relies upon strong organisational foundations in areas such as financial management and people and culture, and the agility that comes from our size and structure as a member based association.

Improvements in corporate systems will be important to better monitor and communicate how the LGA provides value to members.

As a leader in the local government sector, it is important for LGA to lead by example and demonstrate social and environmental responsibility in its operations.

# Achieve

Embed best practice governance and operations to enable the LGA to provide value to members

## Outcomes

- 4.1 We lead by example in the governance and operations of the LGA.
- 4.2 The LGA's financial sustainability is supported by a growth in revenue from value-adding member services and LGA Procurement.
- 4.3 We provide a safe, healthy and rewarding work environment.
- 4.4 Systems and technology improve LGA operations and allow us to better serve our members.

## Prioritise and measure

Key priorities, along with targets and measures to monitor and report on the LGA's performance will be set each year in our suite of operational and corporate plans:

- Annual Business Plan
- People and Culture Plan
- ICT Strategy
- Long-Term Financial Plan



# Monitoring and Review

Implementation of this Strategic Plan will occur through the LGA's Annual Business Plan and other operational and corporate plans, as well as via the Strategic and Annual Business Plans of subsidiaries and Board committees.

The LGA's Annual Business Plan is monitored through Key Performance Indicators, which are reported upon quarterly to the LGA Board, and annually via the Annual Report. In addition to the annual Key Performance Indicators, the following strategic measures will be used to determine the LGA's success in achieving the strategies and outcomes of this plan:

Strategic Measures	Target
<b>Membership</b>	<p>All South Australian councils remain members of the LGA.</p> <p>All South Australian councils remain members of the Mutual Liability and Worker's Compensation Schemes.</p>
<b>Members perception of value</b>	<p>Retain member perception of LGA value for money for services to the sector of at least 7/10 over a rolling three year average.</p> <p>Retain an overall value of LGA membership of an average of at least \$2Million per council over a rolling three years.</p> <p>Advocate – achieve an average value for money for advocacy services of at least 7/10 on an annual basis.</p> <p>Assist – achieve an average value for money for assist services of least 7/10 on an annual basis.</p> <p>Advance – achieve an average value for money for advance services of at least 7/10 on an annual basis.</p>
<b>Utilisation of LGA services</b>	<p>All South Australian councils draw upon the resources provided on the LGA members only website.</p> <p>All South Australian councils use one or more of the LGA's value-adding member services.</p> <p>All South Australian councils use one or more services provided by LGA Procurement.</p>
<b>Community awareness</b>	<p>Maintain or increase the reach of the LGA's community awareness campaigns.</p> <p>Maintain or increase the community's understanding of the role of local government, as measured through the LGA's annual community survey.</p>
<b>Financial management</b>	<p>Income from member subscriptions to not exceed 25% of overall revenue.</p> <p>Retain operating surplus, liquidity and net financial liability ratios within the targets established by the Long Term Financial Plan.</p>





Cooper Pedy

Roxby Downs



## 11.10 NOMINATIONS FOR MEMBERS OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA GREATER ADELAIDE REGION ORGANISATION OF COUNCILS (GAROC)

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

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### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Association of South Australia (LGA), for Members of the Greater Adelaide Regional Organisation of Council (GAROC) and to invite the Council to submit a nomination/s.

### BACKGROUND

The Local Government Association of South Australia (LGA) has written to the Council inviting nominations for appointment to the Greater Region of Adelaide Organisation of Council (GAROC).

A copy of the letter to the LGA dated 4 July 2022, is contained in **Attachment A**.

The terms of the current members of the GAROC Committee will expire on 28 October 2022 (at the 2022 LGA Annual General Meeting (AGM)).

The LGA's current Constitution, sets out the process associated with the nominations for appointment to the GAROC.

The GAROC represents the greater Adelaide region (ie, metropolitan), based on North, South, East, West groupings of Councils and the City of Adelaide and the South Australian Regional Organisation of Councils (SAROC) is based on the existing regional areas and areas outside the Adelaide metropolitan area.

This Council and the following Councils are members of the GAROC:

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

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

## DISCUSSION

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

An extract from the GAROC Terms of Reference is contained within **Attachment A**.

The Lord Mayor of the City of Adelaide, (or nominee), is a standing member of GAROC.

The Council is a member of the East Regional Grouping and therefore the Council is able to nominate one (1) member for appointment to GAROC from the East Regional Grouping, which comprises the following Councils:

- Adelaide Hills Council;
- City of Burnside;
- Campbelltown City Council;
- City of Norwood Payneham & St Peters;
- City of Prospect;
- City of Unley; and
- Town of Walkerville.

The term of office is for a two (2) year period, commencing at the conclusion of the LGA AGM to be held on 28 October 2022, and concluding at the 2024 AGM.

Whilst a Council may nominate a person from another Council it is important to note that the Nomination Form requires that person to accept the nomination and sign the form. It is therefore incumbent on the Council to ensure that, if it does intend to nominate a person from another Council, the nominee is aware of the proposed nomination and is prepared to accept the nomination.

Nominations are to be received by the Returning Officer, LGA no later than 5.00pm on Friday, 19 August 2022.

All nominations must be forwarded to the LGA via the attached nomination form. A copy of the nomination form is contained within **Attachment A**.

## RECOMMENDATION

That the report be received and noted and the invitation to submit a nomination to the Local Government Association for the Local Government Association Board as a Member representing the Greater Region of Adelaide (GAROC) be declined.

**or**

The Council nominates \_\_\_\_\_ to the Local Government Association for the Local Government Association Board as a Member representing the Greater Region of Adelaide (GAROC).

## **Attachments – Item 11.10**

# Attachment A

## Nominations for Members of the Local Government Association of South Australia Greater Adelaide Region Organisation of Councils (GAROC)

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**



In reply please quote our reference: ECM 778272 TN/SR

4 July 2022

Mario Barone  
Chief Executive Officer  
City of Norwood Payneham & St Peters  
175 The Parade  
NORWOOD SA 5067

Emailed: townhall@npsp.sa.gov.au

Dear Mario

### Call for Nominations for GAROC Members

The terms of the current members of the Greater Adelaide Regional Organisation of Councils (GAROC) expire at the 2022 LGA Annual General Meeting (AGM). The LGA hereby calls for nominations to fill the two (2) positions allocated to each Regional Grouping of Councils on GAROC (eight positions in total) to commence office from the conclusion of the 2022 LGA Annual General Meeting and to remain in office until the conclusion of the 2024 AGM. A nomination form for the position of member of GAROC is attached and must be received by me, **no later than 5pm Friday 19 August 2022**. Late nominations will not be accepted.

At the 2019 LGA AGM, members endorsed the establishment of four (4) GAROC Regional Groupings which took effect from the 2020 GAROC elections, with membership of GAROC to comprise two eligible members elected by a majority vote of the councils within each Regional Grouping, provided that each person elected for that Regional Grouping is from a different member. Additionally, the Lord Mayor of the City of Adelaide will be a standing member of GAROC.

I write to you in your capacity as the Chief Executive Officer of a Member Council in the Metro East to invite one (1) nomination from your council for a position on the Metro East Regional Grouping of GAROC. A list of the GAROC Regional Groupings is attached to this letter.

A nomination may only be made by resolution of the council and using the attached nomination form. The form must be signed by both the candidate nominated by the council to indicate his/her willingness to stand for election, and by you as the Chief Executive Officer of the nominating council. The nomination form must be accompanied by the attached candidate information sheet.

### Voting

The GAROC Terms of Reference (TOR) (extract attached) outlines the process as to how an election will occur. As the Returning Officer I am required to conduct a ballot if the number of nominations for each GAROC Regional Grouping exceeds the number of positions. If a ballot is required, the distribution of ballot papers to councils will include any information provided on the candidate information sheet.

## Timetable

Key (indicative) timings and GAROC TOR provisions are outlined in the following table:

Indicative Timing	Headline	GAROC TOR Provision
	Returning Officer	Returning Officer for all LGA electoral matters is the Chief Executive Officer (Clause 4.4.1)
18 July 2022	Nominations Called	CEO to write to members of GAROC Regional Groupings calling for nomination for position of members of GAROC at least 3 months before AGM (Clause 4.3.2)
19 August 2022	Nominations Close	Nominations must be received by the CEO no later than 5pm on the day specified for the close of nomination, being 24 August 2020 (Clause 4.3.4).
	Nominations equal to vacancies	If the number of nominations received equals the number of vacant positions for the Regional Grouping each candidate is elected and takes office at the conclusion of the AGM (Clause 4.4.3)
5 September 2022	Ballot papers prepared and posted	In the event of an election being required the CEO shall deliver ballot papers to each member of the relevant Regional Grouping at least 6 weeks before AGM GAROC (Clause 4.4.5(a))
17 October 2022	Voting closes	The CEO shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present (Clause 4.4.5(f))
18 October 2022	Counting of votes	The CEO shall nominate the date, time and place for the counting of votes (Clause 4.4.5(f))
28 October 2022	Final declaration of result	CEO shall declare the candidate with the most votes elected at the AGM (Clause 4.4.5(h))
28 October 2022	Takes office	GAROC members take office at the conclusion of the AGM (Clause 4.5)
28 October 2022	Voting for Board Members	GAROC should meet at the conclusion of the AGM to elect 3 of its members (plus its Chair) to the Board of Directors (Clause 6.4.1 and 6.4.2) who's term of office commences after the AGM.

## Timing of LGA Election

The LGA Constitution provides for the election of LGA President, SAROC and GAROC members, and the LGA Board to take effect from the LGA's AGM, every other year. This enables the outgoing President to deliver their annual report and finance statements for the preceding year, before handing over to the incoming President.



It is acknowledged that because of the timing of the AGM, the election of LGA Board and President, and the four yearly cycle of local government general elections; that there is the potential for the President and/or a Board member(s) to not be re-elected in their respective council and thus causing a casual vacancy. It is also noted that if the election of LGA office holders was held, say three to six months after the local government elections to coincide with the LGA's OGM there is still the possibility that a current member of the Board may not be re-elected at the November local government elections, resulting in a casual vacancy to be filled prior to the OGM.

Thus, there is no ideal time to hold elections for office bearers for the LGA when the end of term coincides with the general council elections. However, the general view is that it is preferable for a new Board and President to take office at the AGM and as soon as possible around a general council election to ensure the Board and President can maximise their contribution during the two-year term, rather than be put in a holding pattern until a new Board is elected following council elections.

### LGA Board Appointments

Under the LGA Constitution and the GAROC TOR, once members are elected to GAROC, these members will then elect a Chair and three GAROC members to form the LGA Board of Directors. These GAROC LGA Board Directors will be accompanied by their equivalent from SAROC, as well as the President and Immediate Past President, to form the ten (10) member LGA Board of Directors.

If you have any questions in relation to the election process, please contact me or LGA Program Leader Governance Tami Norman on 8224 2037 or [tami.norman@lga.sa.gov.au](mailto:tami.norman@lga.sa.gov.au).

Yours sincerely



Clinton Jury

**Chief Executive Officer / LGA Returning Officer**

Telephone: (08) 8224 2039

Email: [clinton.jury@lga.sa.gov.au](mailto:clinton.jury@lga.sa.gov.au)

Attachments:

- 1 List of GAROC Regional Groupings
- 2 Extract from LGA GAROC TOR – Section 4
- 3 2022 Nomination Form – GAROC
- 4 Candidate Information Sheet

# Greater Adelaide Regional Organisation of Councils (GAROC)

## Regional Groupings

GAROC Regional Grouping	Members
<b>Adelaide</b>	Adelaide City
<b>North</b>	Gawler Playford Salisbury Tea Tree Gully
<b>West</b>	Charles Sturt Holdfast Bay Port Adelaide Enfield West Torrens
<b>South</b>	Marion Mitcham Onkaparinga
<b>East</b>	Adelaide Hills Burnside Campbelltown Norwood Payneham & St Peters Prospect Unley Walkerville



## Extract – GAROC Terms of Reference

### Clause 4 – GAROC

#### 4.1. Role

The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the GAROC Region.

#### 4.2. Membership

4.2.1. Each Regional Grouping of Members listed in the schedule to these Terms of Reference will elect in accordance with clause 4.3 and 4.4 from the Members of the Regional Grouping of Members, 2 Council Members of Members in the Regional Grouping of Members as members of GAROC provided that each person elected is from a different Member.

4.2.2. In addition to the members of GAROC elected in accordance with clause 4.2.1, the Lord Mayor of the City of Adelaide will be a standing member of GAROC.

#### 4.3. Nominations for election to GAROC

4.3.1. The members of GAROC will be elected biennially.

4.3.2. In the year in which GAROC members will be elected, and at least 3 months before the Annual General Meeting, the Chief Executive shall write to all Members of the GAROC Regional Grouping as listed in the schedule calling for nominations for the membership of GAROC.

4.3.3. Each Member of the GAROC Regional Grouping may nominate a candidate for membership of GAROC, provided that:

- (a) a person nominated as a member of GAROC must be a representative of a member on the relevant Regional Grouping of Members; and
- (b) only a Council Member can be nominated to GAROC.

4.3.4. A nomination of a person as a member of GAROC must be by resolution of the Member received by the Chief Executive not later than 5 pm on the day specified for the closure of nominations (Close of Nominations). A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.

#### 4.4. Election to GAROC

4.4.1. The Chief Executive shall be the returning officer for any election of members to GAROC.

4.4.2. After the Close of Nominations, the Chief Executive will notify Members of each Regional Grouping of Members of the candidates for membership of GAROC nominated by the Regional Grouping of Members.

4.4.3. If the only nominations received from a Regional Grouping of Members by the Close of Nominations match the membership positions described in clause 4.2.1, then the Chief Executive will declare those persons duly elected to those membership positions.

4.4.4. If the number of persons nominated by the Close of Nominations by a Regional Grouping of Members exceeds the number of membership positions described in



clause 4.2.1, then an election for the purpose of clause 4.2.1 must be held in accordance with this clause.

- 4.4.5. In the event of an election being required, the Chief Executive shall conduct the election as follows:
- (a) at least six weeks before the Annual General Meeting, the Chief Executive shall deliver ballot papers to each Member of the Regional Grouping of Members;
  - (b) the ballot papers shall:
    - (i) list the candidates for election;
    - (ii) specify the day of closure of the election;
    - (iii) be accompanied by an envelope marked "Ballot Paper" and a second envelope marked "Returning Officer";
  - (c) each Member shall determine by resolution the candidate or candidates (as relevant) it wishes to elect;
  - (d) the chair of the meeting for that Member shall mark the ballot paper with an "X" next to the candidate or candidates (as relevant) that the Member wishes elected and seal the ballot paper in the envelope marked "Ballot Paper" inside the envelope marked "Returning Officer". Before sealing the second envelope the chair must indicate the Member's name on the inside flap of the envelope. The envelope may then be sealed and delivered to the Returning Officer;
  - (e) on receipt of the envelopes the Chief Executive must:
    - (i) open the outer envelope addressed to the "Returning Officer" and record the name of the Member which appears on the inside flap of the envelope on the roll of Member's eligible to vote; and
    - (ii) place the envelope marked "Ballot Paper" unopened into the ballot box;
  - (f) the Chief Executive shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present;
  - (g) at the counting of the votes the Chief Executive shall produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes received by each candidate;
  - (h) in respect of an election for the purposes of clause 4.2.1, the 2 candidates from a Regional Grouping of Members with the most votes shall be deemed elected in respect of that Regional Grouping of Members and the Chief Executive shall declare the candidates elected at the Annual General Meeting; and
  - (i) in the case of candidates for membership positions described in clause 4.2.1 from a Regional Grouping of Members receiving the same number of votes, the Chief Executive shall draw lots at the counting of the votes to determine which candidate is elected.
- 4.4.6. The Chief Executive may, in his or her discretion, appoint a deputy returning officer and delegate any of his or her powers, functions or duties to that person who shall act accordingly.
- 4.4.7. The Chief Executive may, in his or her discretion, delegate any of his or her powers, functions or duties to an Executive Officer of a Regional Grouping of Members who shall act accordingly for the conduct of elections for the purpose of clause 4.2.1 in respect of the Regional Grouping of Members relevant to that Executive Officer.

## Greater Adelaide Regional Organisation of Councils (GAROC) 2022 Nomination Form

<b>Nominee's Council</b>	<i>(insert name of council)</i>
<b>Nominee's Name</b> (full name)	<i>(insert title, first name and surname)</i>
<b>Regional Grouping</b>	<i>(Select one)</i>  <input type="checkbox"/> North  <input type="checkbox"/> West  <input type="checkbox"/> South  <input type="checkbox"/> East
<b>Declaration and signature of nominee</b>	I hereby accept such nomination. Signature: .....
<b>Signature and name of Nominating Council's CEO</b>	Signature: ..... <i>(insert name)</i>
<b>Dated</b>	<i>(insert date)</i>

**This form is to be sent to the LGA Returning Officer  
Close of nominations 5:00pm Friday 19 August 2022**



# Greater Adelaide Regional Organisation of Councils (GAROC)

## 2022 Candidate Information Sheet

(word limit is strictly 1,000 words)

Name:	<i>(insert title, first name and surname)</i>
Council:	<i>(insert council name)</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"> <li><i>(insert)</i></li> </ul>
Local Government Policy Views & Interests	<ul style="list-style-type: none"> <li><i>(insert)</i></li> </ul>
Other information	<ul style="list-style-type: none"> <li><i>(insert details of leadership, board, corporate governance experience etc)</i></li> </ul>

**This form must accompany the Nomination Form**

## Greater Adelaide Regional Organisation of Councils (GAROC) 2022 Nomination Form

<b>Nominee's Council</b>	<i>(insert name of council)</i>
<b>Nominee's Name</b> (full name)	<i>(insert title, first name and surname)</i>
<b>Regional Grouping</b>	<p><i>(Select one)</i></p> <p><input type="checkbox"/> North</p> <p><input type="checkbox"/> West</p> <p><input type="checkbox"/> South</p> <p><input type="checkbox"/> East</p>
<b>Declaration and signature of nominee</b>	<p>I hereby accept such nomination.</p> <p>Signature:</p> <p>.....</p>
<b>Signature and name of Nominating Council's CEO</b>	<p>Signature:</p> <p>.....</p> <p><i>(insert name)</i></p>
<b>Dated</b>	<i>(insert date)</i>

**This form is to be sent to the LGA Returning Officer**  
**Close of nominations 5:00pm Friday 19 August 2022**

# Greater Adelaide Regional Organisation of Councils (GAROC) 2022 Candidate Information Sheet

(word limit is strictly 1,000 words)

Name:	<i>(insert title, first name and surname)</i>
Council:	<i>(insert council name)</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"><li><i>(insert)</i></li></ul>
Local Government Policy Views & Interests	<ul style="list-style-type: none"><li><i>(insert)</i></li></ul>
Other information	<ul style="list-style-type: none"><li><i>(insert details of leadership, board, corporate governance experience etc)</i></li></ul>

**This form must accompany the Nomination Form**

## 11.11 LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA ANNUAL GENERAL MEETING

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

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### PURPOSE OF REPORT

The purpose of the report is to advise the Council that the Local Government Finance Authority of South Australia, is holding its Annual General Meeting on Friday, 28 October 2022.

### BACKGROUND

The Annual General Meeting of the Local Government Finance Authority of South Australia (LGFA), will be held on Friday, 28 October 2022, at the Adelaide Oval. This meeting will again coincide with the Local Government Association of South Australia Annual General Meeting. The commencement time of the LGFA AGM is yet to be advised.

The LGFA requires that a number of procedural matters must be attended to in order to ensure compliance with the LGFA Rules.

### DISCUSSION

#### Appointment of Council Representative

Section 15 (1) of the *Local Government Finance Authority of South Australia Act 1983* (the Act), provides that:-

*“Every Council is entitled to appoint a person to represent it at a general meeting of the Authority.”*

Traditionally, the Mayor has been appointed as the Council Representative.

The LGFA will be notified of the City of Norwood Payneham & St Peters representative, via the appropriate documentation (**Attachment A**), by 19 August 2022, in accordance with the prescribed timeframes.

#### Notices of Motion

The Rules of the LGFA in relation to the Annual General Meeting procedures, require that a Notice of Motion specifying the resolution which is to be proposed must be given to the Chief Executive Officer not less than forty two days prior to the meeting. To comply with this rule, it is necessary for any Notices of Motion to be submitted to the LGFA no later than Friday, 19 August 2022.

Notices of Motion must be lodged stating the following:

- the Notice of Motion;
- the reason for the Notice of Motion; and
- the suggested action.

Any Notices of Motion submitted by the Council, will be forwarded to the LGFA via the appropriate documentation (**Attachment B**).

### OPTIONS

The Council is entitled to appoint a person to represent it at the LGFA AGM.

It is at the discretion of the Council as to whether or not it forwards a Notice of Motion/s to be considered at the Annual General Meeting.

## **CONCLUSION**

All relevant information must be forwarded to the Local Government Finance Authority for inclusion with the Agenda for the LGFA AGM, by Friday, 19 August 2022.

## **COMMENTS**

Nil.

## **RECOMMENDATION 1**

### **Appointment of Council Representative**

1. The Council appoints Mayor Bria as the City of Norwood Payneham & St Peters Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2022.
2. The Council appoints \_\_\_\_\_ as the City of Norwood Payneham & St Peters Proxy Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2022.

## **RECOMMENDATION 2**

### **Notices of Motion**

1. The Council notes the report and declines the invitation to submit a Notice of Motion to the Local Government Finance Authority Annual General Meeting.

**or**

2. The Council forwards a Notice of Motion to the Local Government Finance Authority Annual General Meeting in relation to the following item:

## **Attachments – Item 11.11**

# Attachment A

## Local Government Finance Authority of South Australia Annual General Meeting

---

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**





Local Government  
Finance Authority

**APPOINTMENT OF COUNCIL REPRESENTATIVE**

**LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA**

**2022 ANNUAL GENERAL MEETING**

I advise that Mayor / Councillor / Officer / or any other person  
is appointed council representative to the Local Government Finance Authority of South Australia.

<b>Council Name</b>	
<b>Council Delegate (Full Name)</b>	Mayor / Councillor / Officer
<b>Delegate Home Address</b>	
<b>Delegate Email Address</b>	
<b>Name of Chief Executive Officer</b>	
<b>CEO Email Address</b>	
<b>Signature of Chief Executive Officer</b>	

Please return completed Appointment of Council Representative Form to [admin@lgfa.com.au](mailto:admin@lgfa.com.au)  
by CLOSING DATE: **Friday 19 August 2022**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

# Attachment B

## Local Government Finance Authority of South Australia Annual General Meeting

---

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**

NOTICE OF MOTION  
LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA  
2022 ANNUAL GENERAL MEETING

NAME OF COUNCIL: .....

NOTICE OF MOTION:  
.....

REASON:  
.....  
.....  
.....  
.....

SUGGESTED ACTION:  
.....  
.....  
.....  
.....

Please return completed Notice of Motion Form to [admin@lgfa.com.au](mailto:admin@lgfa.com.au)  
by CLOSING DATE: Friday 19 August 2022

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

## 11.12 NOMINATIONS TO THE LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA BOARD

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

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### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Finance Authority (LGFA), for election to the Local Government Finance Authority Board (the Board) and invite the Council to submit a nomination.

### Local Government Finance Authority Board

The LGFA is seeking nominations for the Local Government Finance Authority Board to replace two (2) current Members, whose term of office expires on 31 December 2022. The two (2) positions are currently held by Ms Annette Martin, City of Charles Sturt and Mr Michael Sedgman, The Rural City of Murray Bridge.

The LGFA of South Australia was established in January 1984, under the Local Government Finance Authority Act 1983, and is managed and administered by a Board of Trustees. The Authority is a statutory authority established for the benefit of Councils and other prescribed Local Government bodies within the State.

The role of the Board is to develop and implement investment and borrowing programs for the benefit of Councils and prescribed Local Government bodies and to engage in such other financial activities as are determined by the Minister for Local Government, after consultation with the Local Government Association of South Australia, to be in the interests of Local government.

The term of office is for a two (2) year period, commencing on 1 January 2023 to 31 December 2024.

Nominations for the Local Government Finance Authority Board must be forwarded by Friday, 19 August 2022, via a Nomination and Resume form.

In accordance with the Rules of the LGFA, if more than two (2) persons are nominated an election for the two (2) representative members will be determined by postal ballot.

The successful candidates will be declared elected at the LGFA AGM on Friday, 28 October 2022.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### RECOMMENDATION

Council notes the report and declines the invitation to submit a nomination to the Local Government Finance Authority of South Australia for the Local Government Finance Authority of South Australia Board.

or

Council nominates \_\_\_\_\_ to the Local Government Finance Authority of South Australia for the Local Government Finance Authority of South Australia Board.

## 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:

- St Peters Child Care Centre & Pre-School Committee – (25 July 2022)  
(A copy of the Minutes of the St Peters Child Care Centre & Pre-School Committee meeting is contained within **Attachment A**)
- Audit Committee – (25 July 2022)  
(A copy of the Minutes of the Audit Committee meeting is contained within **Attachment B**)
- Norwood Parade Precinct Committee – (26 July 2022)  
(A copy of the Minutes of the Norwood Parade Precinct Committee meeting is contained within **Attachment C**)

### ADOPTION OF COMMITTEE MINUTES

- **St Peters Child Care Centre & Pre-School Committee**

That the minutes of the meeting of the St Peters Child Care Centre & Pre-School Committee held on 25 July 2022, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

- **Audit Committee**

That the minutes of the meeting of the Audit Committee held on 25 July 2022, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

- **Norwood Parade Precinct Committee**

That the minutes of the meeting of the Norwood Parade Precinct Committee held on 26 July 2022, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

# Attachment A

## Adoption of Committee Minutes

### St Peters Child Care Centre & Pre-School Committee

---

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

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*City of*  
**Norwood  
Payneham  
& St Peters**

# St Peters Child Care Centre & Pre-School Committee **Minutes**

**25 July 2022**

## **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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Payneham  
& St Peters



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**VENUE** Staff Room, St Peters Child Care Centre & Pre-school

**HOUR** 5.30pm

**PRESENT**

**Committee Members** Cr Evonne Moore (Presiding Member)  
Cr Kester Moorhouse  
Ms Simone Munn (entered the meeting at 5.35pm)  
Ms Christina Belperio  
Ms Georgia Brodribb

**Staff** Sharon Perkins (General Manager, Corporate Services)  
Alice Parsons (Director, St Peters Child Care Centre & Pre-School)

**APOLOGIES** Nil

**ABSENT** Nil

**TERMS OF REFERENCE:**

*The St Peters Child Care Centre & Pre-School Committee is established to fulfil the following functions:*

- *to provide feedback on the St Peters Child Care & Pre-School Centre's Strategic Plan and Business Plan;*
- *to undertake general oversight of issues related to child welfare, programming and safety of the Centre; and*
- *to execute such powers as the Council may lawfully delegate to it.*

**1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE ST PETERS CHILD CARE CENTRE & PRE-SCHOOL COMMITTEE HELD ON 23 MAY 2022**

*Cr Moorhouse moved that the minutes of the meeting of the St Peters Child Care Centre & Pre-School Committee held on 23 May 2022 be taken as read and confirmed. Seconded by Ms Christina Belperio and carried unanimously.*

**2. PRESIDING MEMBER'S COMMUNICATION**  
Nil

**3. QUESTIONS WITHOUT NOTICE**  
Nil

**4. QUESTIONS WITH NOTICE**  
Nil

**5. WRITTEN NOTICES OF MOTION**  
Nil

Ms Simone Munn entered the meeting at 5.35pm.

**6. STAFF REPORTS**

## 6.1 DIRECTORS QUARTERLY ACTIVITY REPORT – JUNE 2022

---

**REPORT AUTHOR:** Director, St Peters Child Care Centre & Preschool  
**GENERAL MANAGER:** General Manager, Corporate Services  
**CONTACT NUMBER:** 8362 1843  
**FILE REFERENCE:** qA61019/A442714  
**ATTACHMENTS:** A

---

### PURPOSE OF REPORT

The purpose of this Quarterly Report is to provide information to the Committee, in respect to the following:

- commentary on the Centre's Strategic Plan and Business Plan prepared by Centre Management for the Child Care Centre;
- undertake, under the direction of Council and on behalf of Council, the general oversight of issues related to child welfare, programming and safety of the Centre;
- to execute such powers as the Council may lawfully delegate to it; and
- to do anything necessary, expedient or incidental to performing or discharging the functions of the Committee as listed in the terms of Reference or to achieving its objectives.

This report provides the Committee with a status report on the activities of the St Peters Child Care Centre & Preschool to 30 June 2022.

### BACKGROUND

The Centre has been in operation since 1977. The Centre is licenced to accommodate 105 children per day, however to ensure the high quality of care the Centre is known for is maintained, the number of available places has been capped at an average of 94 places per day. The Centre provides care for babies from six (6) weeks old through to children aged up to and including five (5) years of age.

The key activities completed during the Quarter ended 30 June 2022, together with actions completed in previous Quarters, as required by the Centre's Strategic and Business Plans, are included in the Discussion Section of this report.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

This report informs the Council on the St Peters Child Care Centre & Preschool activities and supports Council attaining:

Outcome 1: Social Equity: An inclusive, connected, accessible and friendly community

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

Strategy 1.2: *Maximise access to services, facilities, information and activities.*

Strategy 1.3: *Design and provide safe, high-quality facilities and spaces for all people.*

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

Strategy 4.2: *Encourage and provide opportunities for lifelong learning.*

Strategy 4.3: *Encourage the use of spaces and facilities for people to meet, share knowledge and connect with each other.*

The operations of Childcare Centres and Preschools are governed by the National Quality Framework. The Centre's policies and procedures are reviewed and updated over a twelve (12) month to two (2) year period, in line with National Quality Standards and the Centre's Continuous Review Policy.

## **FINANCIAL AND BUDGET IMPLICATIONS**

Not Applicable.

## **EXTERNAL ECONOMIC IMPLICATIONS**

Nil

## **SOCIAL ISSUES**

The Centre actively promotes inclusion for all children and their families.

The information provided in the report has no direct social issues which need to be considered.

## **CULTURAL ISSUES**

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

Not Applicable.

## **RISK MANAGEMENT**

Not Applicable.

## **COVID-19 IMPLICATIONS**

In response to the easing of the COVID-19 restrictions, operations at the Centre are continually being reviewed to ensure compliance with the latest health advice. To minimise the risk of COVID-19 and to ensure that staff and families are continuing to adhere to the public health advice, the following requirements are in place:

- requesting all families, both adults and children, undertake hand hygiene by either washing their hand or using hand sanitiser upon entry and exit of the Centre;
- maintaining physical distancing requirements of 1.5 metres;
- while not required, as the Centre was not required to close, the Centre has prepared a COVID Safe Plan and have communicated this to the families and carers.

## **CONSULTATION**

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

## DISCUSSION

### Child Numbers

The Centre is licensed for a maximum of 105 children daily however, to ensure a high quality of care, the daily attendance numbers are capped at an average of 94 long day care places per day. Based on current staffing levels, the Centre has capacity for up to 28 under two (2) year old, up to 30 two (2) to three (3) year old and up to 36 over three (3) year old. The mix of the numbers per age group may change on as needs basis. The average number of children for which services were provided for the June 2022 Quarter is detailed in Table 1 below.

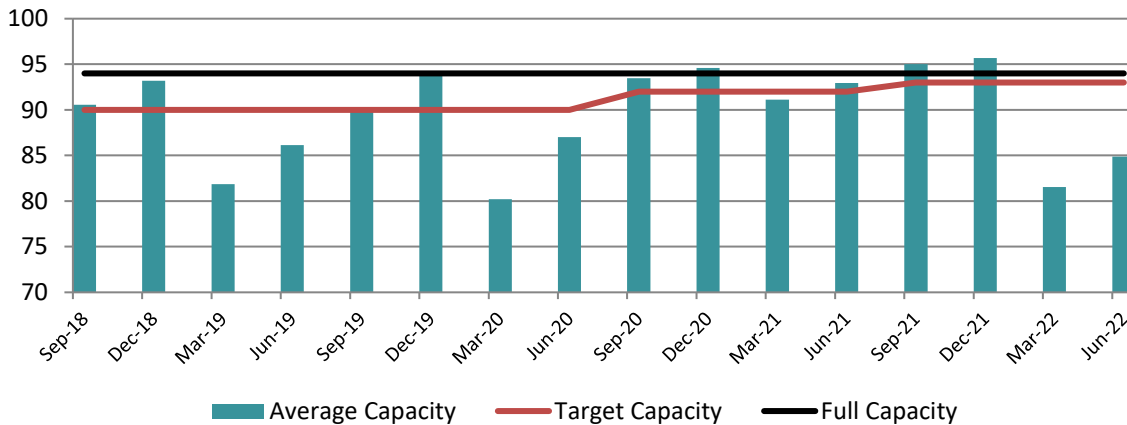
**TABLE 1: CHILD NUMBERS**

Age of Child	Staffing Ratio	Number Allowed at the Centre (maximum)	Number of Children - Average for the Quarter	
			This Year	Last Year
<b>Under Twos (2)</b> <i>(6 weeks - 24 months)</i>				
Emerald Room	1:4	12	10.61	11.93
Ruby Room	1:4	16	14.00	15.89
<b>Over Twos (2)</b> <i>(2 years to 3 years)</i>				
Aquamarine Room	1:5	15	12.66	14.96
Diamond Room	1:5	15	13.67	14.70
<b>Over Threes (3)</b> <i>(3 years to 4 years)</i>				
Amethyst Room	1:10	18	16.69	18.44
Preschool <i>(4 years to 5 years)</i>	1:10	18	17.24	18.81
<b>Total</b>		94	84.87	94.73
<b>Budget</b>		-	<b>93.00</b>	<b>93.00</b>
<b>Number of sessions where 93 children attended for the quarter, June 2022</b>			<b>10 days out of a total of 63 days</b>	
<b>Average attendance – Year to Date</b>				<b>83.20</b>

As detailed in Table 1 above, for the June 2022 Quarter, the Centre is below capacity. While below capacity, with the exception on the June 2021 Quarter, the attendance levels and enrolments are in line with the traditional trends. Attendance numbers and enrolments are anticipated to increase, over the coming months. It should be noted, with the reduced attendances, the Centre has been in the position to maintain Educator to Child ratios while Educators have had to isolate due to COVID-19 requirements.

As detailed in Figure 1 below, the attendance numbers for the second half of the 2021-2022 financial year are well below the budgeted capacity, which has been set at an average of 93 daily attendances places. While low attendance numbers are within the traditional trend for the March and June Quarters, the continued and increasing presence of COVID-19 within in the community is continuing to impact enrolments and attendances, as families are either deferring the start date for care or seeking alternative care arrangements with family members, to limit the number of days their children are in childcare and their potential exposure to the COVID-19 virus. Low attendance and enrolment numbers are being felt across the Childcare sector.

**FIGURE 1: CHILD NUMBERS**



**Educator to Child Ratios**

The Centre is required by the National Quality Standards to maintain a minimum Educator to Child Ratio at all times. Educator to Child Ratios are calculated across the whole service, not by individual rooms. This provides flexibility to respond to attendance numbers to ensure Educators are allocated appropriately based on the age and needs of children in the service.

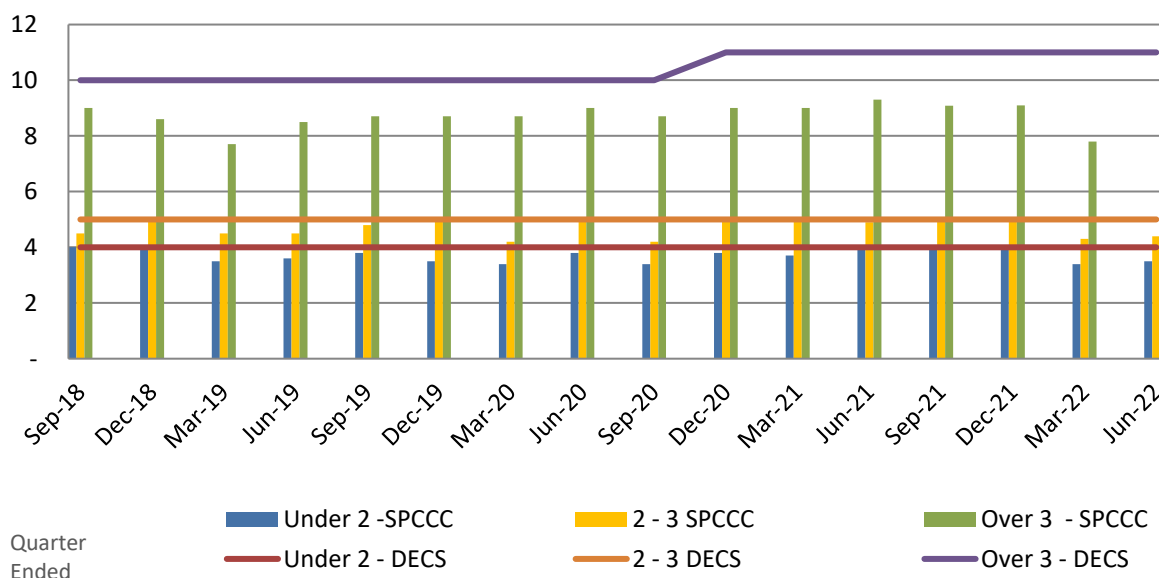
The minimum Educator to Child ratios are detailed in Table 2.

**TABLE 2: MINIMUM EDUCATOR TO CHILD RATIOS**

Age Grouping	Educator to Child Ratio
0 to 24 months	1:4
Over 24 months to less than 36 months	1:5
36 months to School age	1:11

As illustrated in Figure 2 below, the Centre has exceeded the minimum child to staff ratios for the June 2022 Quarter, in all age groups, due to the low attendance numbers.

**FIGURE 2: STAFF TO CHILD RATIO**



**Staffing**

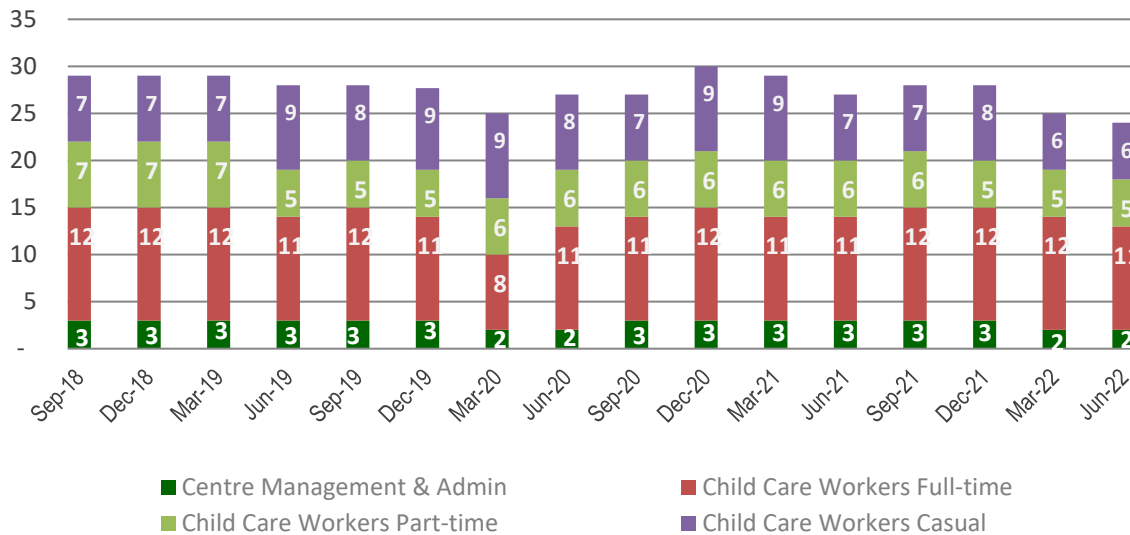
To ensure that the Centre meets the required staff to child ratios, the following Full-time Equivalent Educator positions are required:

- Under 2's 5.00 FTE
- 2 -3 years 5.00 FTE
- Over 3's 3.00 FTE

To ensure the ongoing continuity of care, during periods of staff absences, permanent staff are supported by a pool of Casual Educators who back fill planned and unplanned absences, vacancies and short shift cover for lunch breaks and Centre open and closes. Not only does this ensure that children are cared for by familiar Educators when their primary care givers are absent from the Centre, it ensures that operational costs are maintained, as there is less reliance on engaging temporary contract staff through temporary contract labour hire agencies to cover absences.

Based on the Centres capacity of 94 children per day, twelve (13) Full-time Educators, six (6) Part-time Educators and the equivalent of ten (10) Casual Educators are budgeted for. A recruitment process is currently being undertaken to increase the number of Educators within the casual pool and replace the full-time vacancies. The Part-time Educator vacancy, which is a result of extended leave is being backfilled for a fixed term by existing casual staff.

**FIGURE 3: STAFF NUMBERS BY EMPLOYMENT CATEGORY**



**Universal Access to Early Childhood Education**

Funding can be claimed for every four (4) year old child who remains at the Centre in the twelve (12) months prior to full-time schooling and has access to fifteen (15) hours of preschool services, providing the child is not accessing a preschool service from another external service, such as a Department of Education Preschool or Kindergarten.

For the year-to-date period to June 2022, the Centre has received \$8,125 under the Universal Access Scheme for the children utilising the Centre for the pre-school service. Pleasingly, the number of families that have been utilising the service for pre-school services is five (5). The funding has been used to offset the salary costs of the Early Childhood Teachers.



## National Quality Standard

Staff practices, policies and procedures are continually reviewed in line with the new National Quality Standards and a Quality Improvement Plan has been completed. The Centre has undergone a round of Rating and Assessment. The Centre received an overall rating of 'Meeting' under the revised framework.

The seven (7) areas identified under the National Quality Standard are:

- Educational program and practice
- Children's health and safety
- Physical environment
- Staffing arrangements (including the number of staff looking after children)
- Relationships with children
- Collaborative partnerships with families and communities
- Leadership and service management

The Centre has been rated as 'Meeting' the standards set under the revised The National Quality Framework which came into effect on 1 February 2018, having met all of the forty (40) of the elements.

While under the National Quality Standards, the Centre is to be regularly assessed, the details of the timing of the next review are unknown.

## Strategic Plan

The Centre's Strategic and Business Plans have been approved by the Committee and the Council. The Centre's Business Plan established Key Result Areas/Targets. The achievement of the outcomes up to June 2022, are contained in **Attachment A**.

## OPTIONS

Not Applicable.

## CONCLUSION

The St Peters Child Care Centre & Pre-school is recognised as a leader in the provision of high-quality child care. It is expected that this will continue, with the coming year looking promising with occupancy and educational experiences. The Centre on average for the June 2022 Quarter had 84.9 children accessing the service on a daily basis. While attendances are below budget, the attendances are traditionally low for the second half of the financial year however COVID-19 has continued to impact attendances.

## COMMENTS

Nil

## RECOMMENDATION

That the report be received and noted.

---

*Ms Simonne Munn moved:*

*That the report be received and noted.*

*Seconded by Ms Georgia Brodribb and carried unanimously.*

**7. OTHER BUSINESS**

Nil

**8. NEXT MEETING**

Monday 24 October 2022

**9. CLOSURE**

There being no further business the Presiding Member declared the meeting closed at 5.59pm.

---

**Cr Evonne Moore**  
**PRESIDING MEMBER****Minutes Confirmed on** \_\_\_\_\_  
(date)

# Attachment B

## Adoption of Committee Minutes

### Audit Committee

---

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

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*City of*  
**Norwood  
Payneham  
& St Peters**

# Audit Committee Minutes

**25 July 2022**

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---

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**VENUE** Mayors Parlour, Norwood Town Hall

**HOUR** 7.01pm

**PRESENT**

**Committee Members** Cr John Minney (Presiding Member)  
Cr Mike Stock  
Ms Brigid O'Neill (Independent Member)

**Staff** Mario Barone (Chief Executive Officer)  
Sharon Perkins (General Manager, Corporate Services)

**APOLOGIES** Mayor Robert Bria  
Ms Sandra Di Blasio (Independent Member)

**ABSENT** Nil

**TERMS OF REFERENCE:**

*The Audit Committee is responsible to facilitate:*

- the enhancement of the credibility and objectivity of internal and external financial reporting;
- propose and provide information relevant to a review of the Council's Strategic Management Plans and Annual Business Plan;
- the review and reporting on any matter relating to financial management or the efficiency and economy with which the Council manages its resources;
- effective management of financial and other risks and the protection of the Council's assets;
- compliance with laws and regulations related to financial and risk management as well as use of best practice guidelines;
- the provision of an effective means of communication between the external auditor, management and the Council;
- proposing and reviewing the exercise of powers under Section 130A of the Local Government Act 1999;
- review Annual Financial Statements to ensure that they present fairly the state of affairs of the Council;
- liaising with the Council's Auditor; and
- reviewing the adequacy of accounting, internal control reporting and other financial management systems and practices of the Council on a regular basis.

**1. CONFIRMATION OF MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 23 MAY 2022**

*Cr Stock moved that the minutes of the Audit Committee meeting held on 23 May 2022 be taken as read and confirmed. Seconded by Ms Brigid O'Neill and carried.*

**2. PRESIDING MEMBER'S COMMUNICATION**

Nil

**3. QUESTIONS WITHOUT NOTICE**

Nil

**4. QUESTIONS WITH NOTICE**

Nil

**5. WRITTEN NOTICES OF MOTION**

Nil

**6. STAFF REPORTS**

---

**6.1 DRAFT ANNUAL REPORT TO COUNCIL**

---

**REPORT AUTHOR:** General Manager, Corporate Services  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4585  
**FILE REFERENCE:** qA98586/A439835  
**ATTACHMENTS:** A - C

---

**PURPOSE OF REPORT**

The purpose of this report is to endorse, the draft Annual Report, which details the activities undertaken by the Audit Committee for the year ended 30 June 2022.

**BACKGROUND**

The Audit Committee's 2021-2022 Work Program, requires an Annual Report to be provided to the Council which addresses the following:

- *outputs relative to the Audit Committee's Work Program and the results of a self-assessment of performance for the preceding period, including whether it believes any changes to its Terms of Reference are appropriate;*
- *any identified training needs;*
- *advising future work program proposals; and*
- *invite comment from the Council on all of the above.*

**RELEVANT POLICIES & STRATEGIC DIRECTIONS**

Not Applicable.

**FINANCIAL IMPLICATIONS**

Nil

**SOCIAL ISSUES**

Nil

**CULTURAL ISSUES**

Nil

**ENVIRONMENTAL ISSUES**

Nil

**RESOURCE ISSUES**

Nil

**RISK MANAGEMENT**

Nil



## CONSULTATION

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

## DISCUSSION

The Audit Committee's 2021-2022 Work Program has been updated to include all of the activities which have been completed. A copy of the updated Program is contained in **Attachment A**.

A copy of the Draft 2021-2022 Audit Committee Annual Report (the Report) to the Council is contained in **Attachment B**. The Committee is requested to review the Report, discuss any amendments which it wishes to make to the Report and endorse the Report.

The Annual Report to the Council also requires the Audit Committee to determine whether its Terms of Reference remain appropriate. The *Statutes Amendment (Local Government Review) Act 2021* (the Act) includes a number of changes to the operations of Audit Committees and as a consequence the Committees *Terms of Reference*. The new provisions, which relate to the operations of the Audit Committees are due to come into effect by November 2023. Notwithstanding this, the Council may elect to implement the changes prior to this date.

As Committee Members are aware, staff have undertaken a review of the existing *Terms of Reference* against the new provisions relating to the operation of Audit and Risk Committees (as it will now to be referred to) and have advised that the Audit Committee's existing *Terms of Reference* and Annual Work Program, includes a number of the reform provisions and as such the impact on the Audit Committee is considered minimal, with the exception of the membership of the Committee, which will require the majority of independent members who are not members of any Council. Given that the relevant provisions of the Act are yet to come into effect and that the term of the current Audit Committee expires on 31 October 2022, there are no changes recommended to the *Terms of Reference*. A copy of the *Terms of Reference* is contained in **Attachment C**.

A report on the establishment of the new Audit and Risk Committee will be provided to the Council for consideration following the Local Government Elections in November 2022.

## OPTIONS

Not Applicable.

## CONCLUSION

Nil

## COMMENTS

Nil

## RECOMMENDATION

1. That the draft 2021-2022 Audit Committee Annual Report as contained in **Attachment B**, be endorsed and submitted to the Council.
  2. That the Audit Committee Terms of Reference as contained in **Attachment C**, be recommended to the Council for adoption.
- 

*Cr Stock moved:*

1. *That the draft 2021-2022 Audit Committee Annual Report as contained in **Attachment B**, be endorsed and submitted to the Council.*
2. *That the Audit Committee Terms of Reference as contained in **Attachment C**, be recommended to the Council for adoption.*
3. *That the draft Terms of Reference which reflect the new provisions of the Statutes Amendment (Local Government Review) Act 2021, as they relate to the future operations of the Audit Committee, be presented for consideration at the Audit Committee meeting scheduled for 24 October 2022.*

*Seconded by Ms Brigid O'Neill and carried unanimously.*

---

**6.2 DRAFT 2022-2023 AUDIT COMMITTEE WORK PROGRAM**

---

**REPORT AUTHOR:** General Manager, Corporate Services  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4585  
**FILE REFERENCE:** qA98586/A439843  
**ATTACHMENTS:** A

---

**PURPOSE OF REPORT**

The purpose of the report is to provide the Audit Committee with the Draft Work Program for the year ending 30 June 2023.

**BACKGROUND**

Pursuant to Section 126 of the *Local Government Act 1999* and as detailed in the Audit Committee's Terms of Reference, the Audit Committee is responsible for facilitating:

- the enhancement of the credibility and objectivity of internal and external financial reporting;
- provision of information relevant to a review of the Council's Strategic Management Plans and Annual Business Plan;
- the review and reporting on any matter relating to financial management or the efficiency and economy with which the Council manages its resources;
- effective management of financial and other risks and the protection of the Council's assets;
- compliance with laws and regulations related to financial and risk management as well as use of best practice guidelines;
- the provision of an effective means of communication between the external auditor, management and the Council;
- the review of the exercise of powers under Section 130A of the *Local Government Act 1999*.
- review of the Annual Financial Statements to ensure that they present fairly the state of affairs of the Council;
- liaising with the Council's Auditor; and
- reviewing the adequacy of accounting, internal control reporting and other financial management systems and practices of the Council on a regular basis.

**RELEVANT POLICIES & STRATEGIC DIRECTIONS**

Not Applicable.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this issue.

**SOCIAL ISSUES**

Nil

**CULTURAL ISSUES**

Nil

**ENVIRONMENTAL ISSUES**

Nil

**RESOURCE ISSUES**

Nil

## RISK MANAGEMENT

The Audit Committee must ensure that the Work Program addresses the statutory obligations and focuses on the adequacy of the Councils' systems and practices with respect to risk management, financial reporting, the internal control environment and other financial management systems.

The Draft 2022-2023 Work Program contained in **Attachment A** reflects the requirements to the Audit Committee's Terms of References and meets the Council's statutory requirements.

## CONSULTATION

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

## DISCUSSION

To ensure that the requirements of the *Local Government Act 1999* and the Terms of Reference are fulfilled, the Audit Committee is required to develop a Work Program each year.

A draft Work Program, based on prior years is contained in **Attachment A**.

## OPTIONS

The Committee can either endorse the Work Program (contained in **Attachment A**) or amend the document as appropriate.

## CONCLUSION

Nil

## COMMENTS

Nil

## RECOMMENDATION

That the Draft 2022-2023 Audit Committee Work Program as contained in **Attachment A** be adopted.

---

*Ms Brigid O'Neill moved:*

*That the Draft 2022-2023 Audit Committee Work Program as contained in **Attachment A** be adopted.*

*Seconded by Cr Stock and carried unanimously.*

---

**6.3 2022-2023 ANNUAL BUSINESS PLAN AND BUDGET**

---

**REPORT AUTHOR:** Financial Services Manager  
**GENERAL MANAGER:** General Manager, Corporate Services  
**CONTACT NUMBER:** 83664585  
**FILE REFERENCE:** qA83739/A425583  
**ATTACHMENTS:** A

---

**PURPOSE OF REPORT**

The purpose of this report is to present to the Audit Committee, the 2022-2023 Annual Business Plan and Budget as adopted by the Council.

**BACKGROUND**

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

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

At its meeting held on 4 July 2022, the Council adopted the 2022-2023 Annual Business Plan and Budget and declared the Rates for the 2022-2023 Financial Year.

**RELEVANT STRATEGIC DIRECTIONS & POLICIES**

The Council’s Long Term Strategic directions are outlined in the Councils Strategic Management Plan, *City Plan 2030 – Shaping our Future*. The 2022-2023 Annual Business Plan and Budget, sets out the proposed services and programs and initiatives for the 2022-2023 Financial Year and explains how the Council intends to finance its continuing services, programs and initiatives which are to be undertaken during the year.

The Council’s Rating Policy sets the Council’s approach to determining and collecting rates from the community.

**FINANCIAL AND BUDGET IMPLICATIONS**

The Budget has been prepared in line within the Council’s Budget Guidelines that were endorsed by the Council on 17 January 2022 and incorporates the decisions which have been made by the Council at its meetings held on 13 April 2022, 9 May 2022 and 21 June 2022.

The adopted Budget, is based on a Rate Revenue increase of 6.0%. With valuation growth, the Rate-in-the-Dollar has **decreased** 15.3%. Revenue attributed to new development growth (combined new assessments and improvements) is 0.99% or \$369,000.

Since the last Committee meeting held on 23 May 2022, the Council considered the Draft Budget on two occasions and endorsed the following adjustments:

- **Inclusion of the Council’s share of the operating result of Highbury Landfill Authority**

The Council endorsed the Highbury Landfill Authority Draft 2022-2023 Budget on 6 June 2022. As a Constituent Council of the Highbury Landfill Authority, the Council is required to include in its Budget, the Council’s ownership share of the Highbury Landfill Authority operating result. The Council’s ownership share is 40.4%.

The Council’s share of the Net Gain - Joint Ventures & Associates, as set out on the Statement of Comprehensive Income has increased to \$ 20,900, an increase of \$5,250 due to the recognition of the budgeted Operating Surplus from the Highbury Landfill Authority.

- **Amendment to the Council's share of the Operating result of ERA Water**

The Council endorsed the ERA Water Draft 2022-2023 Budget on 13 April 2022. ERA Water subsequently amended its draft budget, which the Council considered and endorsed on 6 June 2022. As a Constituent Council of the ERA Water, the Council is required to include in its Budget, the Council's ownership share of the ERA Water operating result. The Council's ownership share is 33.3%.

The impact of the ERA Water Revised Draft Budget is an increase in the Councils share of the Net Loss - Joint Ventures & Associates to \$ 283,700, an increase of \$108,000 due the increase in the ERA Water budgeted Operating Deficit to \$803,000, an increase of \$324,000 on the draft ERA Water Budget.

- **Increase in the Council's contribution to Cats Assistance to Sterilisation (CATS) Inc.**

CATS Inc has been managing cats within the City of Norwood Payneham & St Peters for over 30 years, with the organisation dedicated to reducing cat numbers and cat related issues.

A part of the Council's public consultation process in respect to the draft 2022-2023 Annual Business Plan, the Council received a submission from CATS Inc requesting an increase in the annual funding contribution which the Council provides to CATS Inc from \$3,000 to \$6,000. The additional funds will be used to increase the number of cats desexed. The Council endorsed the increased contribution at its meeting held on 4 July 2022.

- **Increase in Waste Management Budget**

The Council was advised on 24 June 2022, of the potential increase in disposal costs associated with the Council's kerbside recyclables. As Committee Members are aware, in developing the Draft 2022-2023 Budget, the Council's Waste Management Budget was based on the existing contract between East Waste and NAWMA (which expired on 30 June 2022, as East Waste did not exercise the three (3) year extension clause). The disposal fee under the contract was in the order of \$90 per tonne. At its meeting held on 6 June 2022, given the increase in the number of MRF's, the Council approved East Waste's request to approach the market for a one-year contract. This process was however, not completed and East Waste has re-commenced negotiations with NAWMA. East Waste has subsequently advised that subject to the approval by the NAWMA Board, an "in principle" agreement has been negotiated with NAWMA to receive and process recyclable material volumes for the next 3-month period from 1 July 2022 to 30 September 2022, at a flat fee (including transport) of \$139 per tonne. East Waste has advised that it is working to secure a longer-term proposal with NAWMA, however it is not in a position to advise on the disposal cost post 30 September 2022. The full year impact on the Council's budget of the fee increase at \$139 per tonne is \$172,000. As East Waste only has approval to enter into a one-year contract, it is considered unlikely that East Waste will be in a position to negotiate a more favourable outcome for the remainder of the 2022-2023 Financial year and as such, the Council's Waste Management Budget, is based on the assumption that the recyclables disposal cost will be \$139 per tonne for the full year.

As a result, the Council's adopted Budget is forecasting an Operating Surplus of \$862,000, which is a \$278,000 reduction of the draft Operating Surplus of \$1.140 million included in the Draft 2022-2023 Annual Business Plan and Budget considered by the Audit Committee at its meeting held on 23 May 2022 and released for public consultation.

## **EXTERNAL ECONOMIC IMPLICATIONS**

Nil

## **SOCIAL ISSUES**

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

**CULTURAL ISSUES**

Nil

**ENVIRONMENTAL ISSUES**

Nil

**RESOURCE ISSUES**

Nil

**RISK MANAGEMENT**

The Draft Budget was prepared in absence of the 2022-2023 State Budget, which was released on 2 June 2022.

A number of components of the Councils Draft Budget are impacted upon by decisions which are made by the State Government. A number of assumptions have been made with respect to those components of the Councils Draft Budget which are influenced by the decisions of the State Government.

Following consideration of the 2022-2023 State Budget, the assumptions and other decisions upon which the Draft Budget is based, have not been materially impacted by the State Budget.

As Elected Members are aware, the Federal Government advanced 75% of the 2022-2023 Financial Assistances Grants to the Council in April 2022. The cash advance is aimed at providing Councils immediate access to funds to help manage the cumulative impacts of floods and the COVID-19 pandemic. While this decision implies that the Council will only receive one (1) quarter of the Financial Assistance Grant in 2022-2023, past practice indicates that advance payments will continue, as such the Draft Budget has been prepared on the assumption that the equivalent of four (4) quarterly payments will be received.

If the Federal Government does not advance Financial Assistance Grants payments from the 2023-2024 funding allocation, the Operating Surplus will be reduced by \$1.071 million, with a corresponding decrease in the cash surplus. Since the commencement of advancing Financial Assistance Grant Funding in 2008 (in response Global Financial Crisis), with the exception of the 2015-2016 financial year, the Federal Government has made advance payments, however it is considered unlikely that the advance of three (3) quarters will continue and that the advance payments will return to two (2) quarters, which if this does eventuate, the Operating Surplus and cash surplus will be reduced by \$435,000.

On 24 June 2022, East Waste advised that it is anticipating further increases in fuel prices, which will impact on the operational costs of East Waste. The East Waste Budget, endorsed by the Council at its meeting held on 2 May 2022 and which the Council's Waste Management Budget is based, estimated an average fuel price of \$1.55 per litre across the 2022-2023 Financial year. East Waste has since advised that it anticipates fuel prices to increase to \$2.50 per litre. If this does eventuate it will add in order of \$1 million to the East Waste operational costs, with this Council's share being estimated at \$180,000. East Waste has advised that given it is susceptible to fuel price movements, there will be a need to re-forecast their budget and potentially increase the collection charges, however, given that Constituent Councils have or are near to adopting their respective budgets, any requests for an increase in the collection charge this will be addressed through the budget review process.

Given that the impact fuel prices (which could be higher or lower) are likely to become clearer as the year progresses, coupled with the past practice of East Waste refunding collection costs which are paid by the Constituent Councils (based on the actual cost incurred), the Council's 2022-2023 Budget was not updated to reflect the potential increase in the collection charge (due to increased fuel prices), as estimated by East Waste. If fuel price increase as East Waste is anticipating and is sustained at \$2.50 cents per litre for the 2022-2023 Financial year and collection charge is increased as a consequence, the Operating Surplus, without alternative savings, will be reduced by \$180,000, with a corresponding decrease in the cash surplus.



## COVID-19 IMPLICATIONS

The focus in developing the Draft 2022-2023 Annual Business Plan and Budget, has been on ensuring that the Council maintains the service standards for its existing range of services which are aimed at supporting the delivery of the Strategic Objectives outlined in the Councils' Strategic Management Plan *CityPlan 2030*.

As such, the Budget is based on the premise that the programs, services and activities that were suspended or cancelled over the last two (2) years will be delivered and does not provide for the continuation of COVID-19 financial relief, as provided in the previous two (2) financial years. The Council's *Financial Hardship Policy* provides options for ratepayers with respect to the payment of rates.

## CONSULTATION

- **Elected Members**

Elected Members have been involved throughout the preparation of the 2022-2023 Annual Business Plan and Budget process and have considered the various components of the Draft 2022-2023 Annual Business Plan and Budget at meetings held on 13 April 2022, 9 May 2022 and 21 June 2022 and made "*in principle*" decisions as appropriate to arrive at the 2022-2023 Annual Business Plan and Budget.

- **Audit Committee**

The Audit Committee considered the Draft Budget at its Special Meeting held on 28 March 2022. Mayor Bria, Councillor Minney and Councillor Stock are members of the Audit Committee.

- **Community**

In line with the requirements of the Act, public submissions on the Draft 2022-2023 Annual Business Plan were sought. Fourteen (14) written submissions were received and considered by Council at its meeting held on 21 June 2022.

- **Staff**

The review of Operating Expenditure and Special Projects and the Draft Annual Business Plan process, has been completed with the involvement of the Chief Executive Officer, General Managers and the various Responsible Officers.

- **Other Agencies**

Not Applicable.

## DISCUSSION

As detailed in Table 1 below, based on 6.0% increase in Rate Revenue, the Operating Surplus is \$862,000, which is based on a Recurrent Operating Surplus of \$2.025 million and an Operating Deficit relating to Operating Projects of \$1.163 million. It should be noted that the Draft Operating Surplus includes \$363,000 from the Federal Governments' *Roads-to-Recovery Grant Program*, the Council's share of the Net loss from its Regional Subsidiaries (\$263,000) and carry forward expenditure (\$213,000) relating to projects approved in prior financial years which have yet to be completed. Adjusting for the Carry Forward expenditure and the Net Loss from Regional Subsidiaries, the underlying Draft Operating Surplus for the provision of continuing services and programs and new initiatives, is projected to be \$1.338 million.

The adopted Budget will deliver a Cash Surplus of \$814,000, after principal loan repayments of \$945,000. The closing cash balance at the 30 June 2023 is projected to be \$6.912 million.

**TABLE 1: 2022-2023 BUDGETED STATEMENT OF COMPREHENSIVE INCOME**

	Recurrent Operating 2022-2023 \$	Operating Projects 2022-2023 \$	Capital 2022-2023 \$	Proposed 2022-2023 \$
<b>INCOME</b>				
Rates	39,920,982	-	-	39,920,982
Statutory charges	2,006,750	-	-	2,006,750
User charges	3,737,711	-	-	3,737,711
Grants, subsidies and contributions	2,515,869	492,298	-	3,008,167
Investment income	45,500	-	-	45,500
Other income	517,740	-	-	517,740
Net Gain- Joint Ventures & Associates	20,694	-	-	20,694
<b>Total Income</b>	<b>48,765,246</b>	<b>492,298</b>	<b>-</b>	<b>49,257,544</b>
<b>EXPENSES</b>				
Employee costs	15,974,750	108,000	-	16,082,750
Materials, contracts & other expenses	18,451,188	1,547,394	-	19,998,582
Finance costs	515,000	-	357,424	872,424
Depreciation, amortisation & impairment	11,158,733	-	-	11,158,733
Net Loss- Joint Ventures & Associates	283,360	-	-	283,360
<b>Total Expenses</b>	<b>46,383,031</b>	<b>1,655,394</b>	<b>357,424</b>	<b>48,395,849</b>
<b>OPERATING SURPLUS / (DEFICIT)</b>	<b>2,382,215</b>	<b>(1,163,096)</b>	<b>(357,424)</b>	<b>861,695</b>
Net gain (loss) on disposal or revaluation of assets	-	-	25,000	25,000
Amounts specifically for new or upgraded assets	-	-	10,024,823	10,024,823
<b>NET SURPLUS (DEFICIT)</b>	<b>2,382,215</b>	<b>(1,163,096)</b>	<b>9,692,399</b>	<b>10,911,518</b>

**BORROWINGS**

Proposed capital expenditure of \$49.641 million (inclusive of 2022-2023 carry forward projects) is proposed to be funded as follows:

- Use of depreciation recovered through rate revenue \$11.159 million.
- Grant Funding \$10.025 million.
- Long Term Borrowings \$28.457 million

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

Given the nature of the major projects, which in some cases will be delivered over a number of financial years, to minimise the interest costs and debt servicing needs, it is recommended that the Council utilise the Cash Advance Facilities in place to fund the cashflow required during the construction phases as opposed to the utilisation of the standard fixed period debenture loans.

As detailed in the Budgeted Cash Flow Statement in the Annual Business Plan and Budget, the closing cash balance is projected to be \$6.912 million at the end of the financial year, after the loan principal repayments of \$945,000.

As Committee Members are aware, the financial goal is to be a Council which delivers on its Strategic Outcomes by managing its financial resources in a sustainable and equitable manner. To ensure the Council delivers on its financial goal, the Council has committed to achieving a number of financial outcomes and targets.

The Table 2 below sets out how these are being met in the 2022–2023 Budget.

**TABLE 2: FINANCIAL PERFORMANCE INDICATORS**

Outcome	Indicator	LTFP Target	2022-2023 Budget	Target Met
A Balanced Budget	Operating Ratio	Between 0% and 10%	1.8%	✓
Rate Stability	Annual Rate Revenue Increase	Between 3% and 6%	6%	✓
Infrastructure & Asset Management	Asset Sustainability Ratio	Between 90% and 110% on a rolling three-year average	96.6%	✓
Debt Management	Net Financial Liabilities Ratio	Less than 75%	80.4%	✗
	Debt Servicing Ratio	Less than 15%	4.7%	✓

### RATING STRATEGY

The Council, having considered the 2022-2023 Annual Business Plan and Budget, declared differential general rates, based on the Capital Value of rateable land and a Rate Revenue increase of 6.0%. Impact of the Rating Strategy adopted is detailed in Table 3.

**TABLE 3: RATING STRATEGY**

	2022-2023
<b>Proposed Rate Revenue Increases</b>	<b>6.0%</b>
	<b>\$'000</b>
Gross General Rate Revenue	\$39,574
Increase on Previous Year	\$2,231
<b>Operating Surplus/(Deficit) after rate revenue increases</b>	<b>862</b>
<b>Residential Rate</b>	
<b>Rate Payable per Average Residential Property</b>	<b>\$1,671</b>
Average Rate Difference	\$108
Increase from previous year	6.9%
<b>Rate-in-the-Dollar</b>	<b>0.001929</b>
Increase/(Decrease) from previous year	(15.3%)
<b>Commercial Rate</b>	
<b>Rate payable per Average Commercial Property</b>	<b>\$2,525</b>
Average Rate Difference	(\$124)
Increase/(Decrease) from previous year	(4.7%)
<b>Rate-in-the-Dollar</b>	<b>0.002315</b>
Increase/(Decrease) from previous year	(15.3%)
<b>Minimum Rate</b>	<b>\$1,132</b>
<b>Percentage of Assessment on Minimum Rate</b>	<b>33.8%</b>

Pursuant to Regulation 6 (ec.) of the *Local Government (Financial Management Regulations) 2011*, the Council is now required to express the increase in rate revenue for each land use, as the average change in the expected rates for the financial year (expressed as a whole number of dollars) for each land use category declared, compared to the expected rates for each category for the previous financial year. This is expressed as the Average Rate and is calculated by dividing the rate revenue by the number of assessments. Table 4 below details the Average Rate and the change for each land use category compared to the 2021-2022 financial year.

**TABLE 4: AVERAGE RATE BY LAND USE** (as per *Local Government (Financial Management) Regulations 2011*)

Land Use	Average Rate	Increase (Decrease)	% change
Residential	\$1,812	\$135	8.1%
Commercial	\$2,635	(\$94)	(3.4%)
Industrial	\$2,253	(\$103)	(4.4%)
Primary Production	\$1,670	(\$89)	(5.0%)
Vacant Land	\$1,631	(\$73)	(4.3%)
Other	\$3,623	\$59	1.7%
	<b>\$1,912</b>	<b>\$104</b>	<b>5.8%</b>

## OPTIONS

Nil

## CONCLUSION

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

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

## COMMENTS

If Committee Members have any questions or require clarification in relation to specific budget items, and/or any issues raised in this report, do not hesitate to contact the General Manager, Corporate Services, Sharon Perkins on 8366 4585, prior to the meeting.

## RECOMMENDATION

That the report be received and noted.

*Ms Brigid O'Neill moved:*

*That the report be received and noted.*

*Seconded by Cr Stock and carried unanimously.*

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**6.4 2022-2023 INSURANCE COVERAGE AND 2021-2022 INSURANCE CLAIMS**

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**REPORT AUTHOR:** Management Accountant  
**GENERAL MANAGER:** General Manager, Corporate Services  
**CONTACT NUMBER:** 8366 4541  
**FILE REFERENCE:** qA98586/A440830  
**ATTACHMENTS:** A - B

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**PURPOSE OF REPORT**

The purpose of this report is to provide the Audit Committee with information regarding the Council's 2022-2023 Insurance Coverage and details of the insurance claims which have been made against the Council for the 2021-2022 Financial Year.

**BACKGROUND**

The Council's Insurance Coverage is placed with Local Government Risk Services (LGRS). LGRS was established to manage and service the unique insurance and risk management needs of Local Government in South Australia. LGRS comprises of number of self-managed funds, namely the Asset Mutual Fund, Mutual Liability Scheme and Workers compensation scheme.

Claims which are made against the Council, are assessed by the Council's Insurers, Local Government Risk Services, under one of the following insurance policies;

- Public Liability (Mutual Liability Scheme); or
- Asset Mutual Fund (includes Motor Vehicle Claims).

Both the Local Government Mutual Liability Scheme (Mutual Liability) and the Local Government Asset Mutual Fund (Asset Mutual Fund), are self-insured funds managed and operated by Local Government Risk Services. The Mutual Liability Scheme is an indemnity scheme that has been established pursuant to Schedule 1, Part 1 2(1) (a) of the *Local Government Act 1999* and provides unlimited civil liability. The Asset Mutual Fund has been established pursuant to Schedule 1, Part 1 2(1) (c) of the *Local Government Act 1999*.

It should be noted that the Mutual Liability Scheme is not a commercial insurance policy, but rather provides civil liability cover to Councils based on negligence, not merely as to whether damage or injury has occurred.

**RELEVANT STRATEGIC DIRECTIONS & POLICIES**

Not Applicable.

**FINANCIAL AND BUDGET IMPLICATIONS****Insurance Coverage**

For the 2022-2023 Financial year, the value of insurance premiums is \$1,689,565. The breakdown of premiums for each policy is set out in Table 1 below:

**TABLE 1: INSURANCE PREMIUMS**

<b>Policy</b>	<b>Premium \$</b>
Workers Compensation Scheme (Workers Compensation)	640,750
Mutual Liability Scheme (Public Liability Insurance)	419,537
Asset Mutual Fund (Asset Insurance)	382,996
Income Protection Fund	221,710
Journey Insurance	12,355
General & Products Liability	10,547
Personal Accident	1,670
<b>Total</b>	<b>1,689,565</b>

Both the Workers Compensation Scheme and Mutual Liability Scheme provide performance rebates based on prior year's performance of the Council's claims performance and audits and the overall performance of the funds. The performance bonuses received for the 2022-2023 financial year are \$190,304 from Workers Compensation Scheme and \$123,356 from the Mutual Liability Fund. Net of performance bonuses, the 2022-2023 insurance cost is \$1.376 million.

#### **Insurance Claims**

For the 2021-2022 financial year, the Council paid insurance excess payments of \$18,750 on claims which were finalised during the year. The excess payments relate to twelve (12) Motor Vehicle claims, one (1) Public Liability claims and nine (9) Asset claims.

#### **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

#### **SOCIAL ISSUES**

Not Applicable.

#### **CULTURAL ISSUES**

Not Applicable.

#### **ENVIRONMENTAL ISSUES**

Not Applicable.

#### **RESOURCE ISSUES**

Nil

## RISK MANAGEMENT

Having in place appropriate insurance policies is a key element of the Council's Risk Management framework. Pursuant to Section 142 (1) of the *Local Government Act 1999*, the Council must take out and maintain insurances to cover civil liabilities.

The Council is a member of the Local Government Association Mutual Liability Scheme, which constitutes insurance for the purposes of Section 142 of the Act.

The Council insures other risks with Local Government Risk Services.

## CONSULTATION

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

## DISCUSSION

### 2022-2023 Insurance Coverage

The Council has in place the following insurance policies, which have been renewed for the 2022-2023 Financial year.

### LGA Asset Mutual Fund

The Asset Mutual Fund provides coverage for Council owned properties including but not limited to, Buildings, Structures, Plant, Machinery, Contents of every description, Motor Vehicles and Mobile Plant. Cover for the Council's property and contents under the Asset Mutual Fund, are required to be at replacement value of the respective assets in a condition and construction in an "as new state".

Under the current policy, damage to roads, footpaths and kerbing infrastructure is not covered by the Asset Insurance Policy. No Council in the South Australia purchases insurance for their respective Civil Infrastructure Network. The basis for this decision is that due to the significant value of the Civil Infrastructure Network which Local Government is responsible for, the increase in premium cost would significantly outweigh the likely cost of any claim and therefore is uneconomical to cover.

The LGA Asset Mutual Fund (LGAAMF) has been providing 'Fidelity Guarantee' protection to its members since 2002, which also includes 'Computer Crime' protection, under property cover at no additional cost to Members. For 2022/2023, the LGAAMF no longer provides 'Fidelity Guarantee' and 'Computer Crime', via property cover. To ensure that the Councils are protected adequately, the LGAAMF has provided a 'Crime' policy for 2022-2023. The new Policy combines the 'Fidelity Guarantee' and 'Computer Crime' components into one coverage. Given the increasing occurrence of computer crime, the Council has elected to take out the 'Crime' cover. It should be noted that the deduction for the Crime Policy is \$25,000.

### Income Protection Fund

The Income Protection Fund provides Income Protection and Capital benefits coverage to the City of Norwood, Payneham & St Peters for and on behalf of staff. The scope of the cover under this Policy includes;

- Capital Benefits for Death and Permanent Total Disablement (Accidents other than Journey claims); and
- weekly benefits for All Illness or Injury (not covered by the Workers Compensation Scheme).

## General and Products Liability

The General & Products Policy provides coverage to the City of Norwood, Payneham & St Peters on behalf of:

- all uninsured *ad hoc* or occasional hirers of Norwood Concert Hall and *other* Council owned or controlled facilities;
- all regular user groups (as declared) of Council owned or controlled facilities; and
- skip bins placed on Council land;

for Death or Personal Injury and Loss or Damage to Property happening during the Period of Insurance and caused by an occurrence in connection with the hire of the Council facility.

It should be noted that the General and Products Liability for ad-hoc hirers and declared regular hirers, is only available to hirers who would not otherwise have liability insurance, (i.e. small community groups, private hires such as family gatherings).

Additional cover is also provided to the Staff Social Club, participants of the Norwood Christmas Pageant and buskers who are permitted to operate within the City and who would not otherwise have liability insurance.

## Personal Accident

Personal Accident Insurance provides coverage for Death and Total or Partial Disablement for the Insured Parties listed below, whilst engaged in any activity directly or indirectly connected with or on behalf of the City of Norwood, Payneham & St Peters (i.e. undertaking official duties) including travel to and/or from any such activity. Persons covered by the Policy are:

- a. Elected Members and their accompanying Partners/Spouses.
- b. Employees and their accompanying Partners/Spouses, (excluding claims where the employee is entitled to benefits under any Workers Compensation legislation)
- c. Volunteers whilst engaged in any voluntary work directly or indirectly connected with or on behalf of the Council, including individual members of any Trust or Committee formed by the Council.
- d. Persons whilst engaged in any Government Labour Market, Training or Job Creation Projects.
- e. Members of the Council's Development Assessment Panel and Audit Committee.

## Journey Injury

Journey Injury Insurance provides coverage for Bodily Injury to Employees whilst engaged in a journey to and from their place of residence and place of work and between a place of training and place of work. The cover has been extended to provide coverage for Bodily Injury to Employees for private travel, whilst they are driving or riding as a passenger in a registered motor vehicle or motorcycle, bicycle or wheelchair on a public thoroughfare; or riding as a fare paying passenger in any form of public transport including but not limited to trains, trams, buses and taxis or any properly licensed aircraft travelling over recognised air routes.

A summary of each insurance policy is contained in **Attachment A**.

## Public Liability

The Council is a member of the Local Government Mutual Liability Fund. This covers the Council's risk associated with people tripping on footpaths, falling trees, etc. This cover is unlimited and the policy is an all Civil Liability cover and takes into account public liability, professional indemnity, director and officer indemnity and any other action in which the Council may be sued. The Local Government Association Mutual Liability Scheme (LGAMLS) is not a commercial insurance policy, but provides civil liability cover to Councils based on negligence, not merely as to whether damage or injury has occurred.

## Workers Compensation

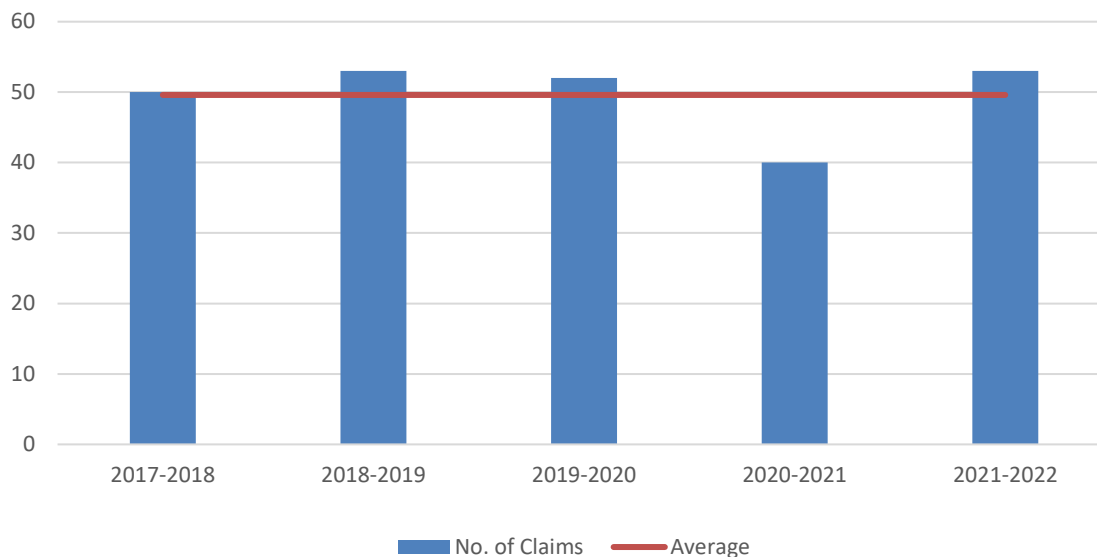
The Council is a member of the Local Government Workers Compensation Scheme. This is a self-funded Scheme which provides cover for employees injured in a work related accident.



## 2021-2022 Insurance Claims

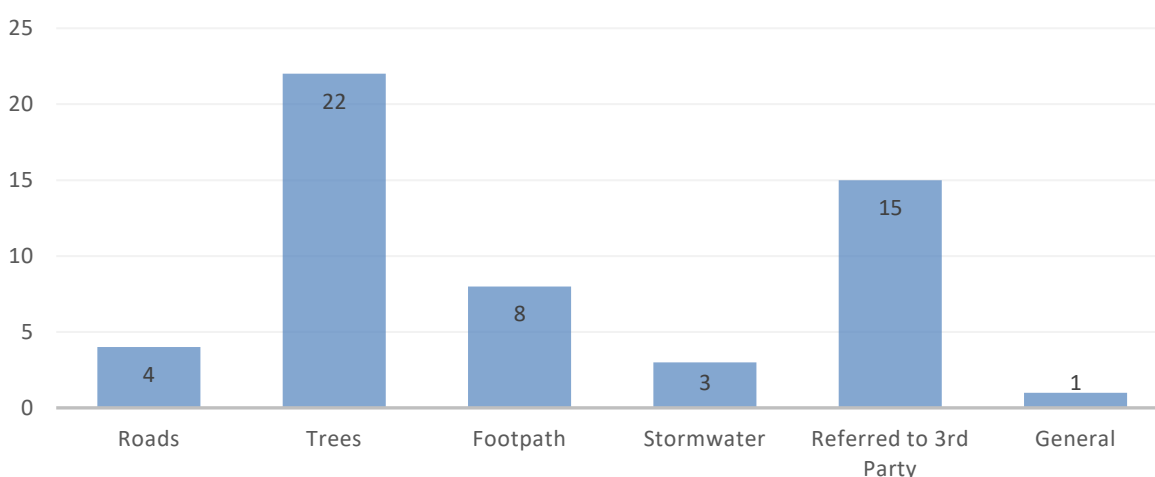
For the 2021-2022 financial year, fifty-three (53) claims were lodged against the Council under the Mutual Liability Scheme. As illustrated in Figure 1 below, the number of claims lodged in 2021-2022 is slightly more than the five (5) year average of 50 claims.

**FIGURE 1: NUMBER OF PUBLIC LIABILITY CLAIMS**



The nature of the claims, is illustrated in Figure 2 below. For the 2021-2022 Financial year, the increase in the number of claims has been driven by claims which were referred to third parties (ie. individuals or organisations, other than the Council) and falls and damage which is alleged to have been caused by street trees.

**FIGURE 2: NATURE OF CLAIMS FOR 2021-2022**



It should be noted, that Councils are afforded immunity from civil liability under the *Civil Liability Act 1936*. Pursuant to Section 42 of the *Civil Liability Act 1936*, a road authority is not liable in tort for failure to maintain, repair, or renew a road or to take action to avoid or reduce the risk of harm that results from the failure to maintain, repair or renew a road. The definition of a road also includes bridges, alleys, laneways, carparks, footpaths and any structure associated with a road. In this instance, Local Government can claim immunity for public liability claims that are associated with the Council's roads, footpaths and kerbs. Unless the loss is a result of negligence on the Council's behalf, the Council will claim the immunity which is afforded by the Act.

In addition, the *Local Government Act 1999*, provides Councils with immunity from liability for damage and loss to property caused by street trees (or trees on reserves). Pursuant to Section 245 of the *Local Government Act 1999*, the Council is not liable for damage which results from planting a tree in a road or the existence of a tree growing in the road. Having said that, if the Council has been made aware of a risk of damage that a street may pose and the Council fails to take reasonable action, the Council may be liable for damage and or loss.

Of the claims which have been lodged during 2021-2022, thirty-three (33) claims were denied, with twenty-one (21) being denied through the application of Section 245 of the *Local Government Act 1999* and eleven (11) denied under Section 42 of the *Civil Liability Act 1936*. Of the remaining twenty-one (21) claims, fifteen (15) claims were referred to third parties as the claim either related to damage or loss that occurred on non-Council owned property, or was caused by persons other than the Council, (i.e. contractors engaged by the Council), one (1) was denied through the application of Australian Road Rules for line marking. One (1) claim was settled for a damage to property resulting from a stormwater drain.

Four (4) claims are still in the process of being investigated and assessed.

Details of the claims are contained in **Attachment B**.

With respect to claims under the Asset Mutual Fund, twenty-eight (28) claims have been made. The breakdown of the claims is detailed in Table 2 below;

**TABLE 2: ASSET MUTAL FUND CLAIMS**

Nature of Claim	Number of Claims
Damage or loss to Council owned Property	8
Motor Vehicle Claims	
Collided with Stationary Object (i.e. pole, gate etc.)	3
Sideswiped by third party vehicle	2
Collision with third party vehicle	7
General	8

#### **OPTIONS**

Not Applicable.

#### **CONCLUSION**

Nil

#### **COMMENTS**

Nil

#### **RECOMMENDATION**

That the report be received and noted.

---

*Ms Brigid O'Neill moved:*

*That the report be received and noted.*

*Seconded by Cr Stock and carried unanimously.*

---

## 6.5 FINANCE POLICIES

---

**REPORT AUTHOR:** Accountant  
**GENERAL MANAGER:** General Manager, Corporate Services  
**CONTACT NUMBER:** 8366 4585  
**FILE REFERENCE:** fA16462/A397771  
**ATTACHMENTS:** A - H

---

### PURPOSE OF REPORT

The purpose of this report is to present finance related policies which have been reviewed to the Audit Committee, for consideration and endorsement prior to being presented to the Council for adoption.

### BACKGROUND

Pursuant to Section 125 of the *Local Government Act 1999*, the Council must ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.

The 2021-2022 Audit Committee Work Program requires the Audit Committee to review the appropriateness of the range and content of the Council's financial policies and practices.

### 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

Documentation of policies relating to the Council's financial transactions improves transparency and ensures consistent treatment over subsequent reporting periods unless Accounting Standards or legislation changes.

**CONSULTATION**

- **Committee Members**  
Not Applicable.
- **Community**  
Not Applicable.
- **Staff**  
Nil
- **Other Agencies**  
Not Applicable.

**DISCUSSION**

In accordance with the Finance Policy Timetable, a review a number of policies, as contained in **Attachment A to C**, has been undertaken. Following the review, the amendments to the policies, as detailed in Table 1 below, are presented to the Committee for consideration and recommendation to the Council for adoption, subject to any amendment which may be considered appropriate by the Audit Committee.

**TABLE 1: PROPOSED POLICY AMMENDMENTS**

<b>Policy</b>	<b>Details of Proposed Amendment</b>
Rate Rebates on Council Land Leased or Licenced <b>(Attachment A)</b>	No changes recommended.
Rate Rebate Policy <b>(Attachment B)</b>	No changes recommended
Asset Capitalisation and Depreciation Policy and Policy Guidelines <b>(Attachment C)</b>	No changes recommended.
Fringe Benefits Tax Policy <b>(Attachment D)</b>	Minor administrative changes to reflect change in position titles
Petty Cash Policy <b>(Attachment E)</b>	Minor administrative changes to reflect change in position titles
Bank Accounts Policy <b>(Attachment F)</b>	Minor administrative changes to reflect change in position titles
Prudential Management Policy <b>(Attachment G)</b>	Update the project value for which a Prudential Management Report is required from \$4.7 million to \$5.1 million.
Procurement Policy & Guidelines <b>(Attachment H)</b>	Update to Policy Guidelines to include reference to additional electronic submission options for Select Tenders.

**OPTIONS**

The Policies can be recommended to the Council for adoption with or without amendment.

**CONCLUSION**

To ensure compliance with Section 125 of the Act, the Council must have in place appropriate policies, practices and procedures which assist the Council to carry out its activities in an efficient and orderly manner. It is important to ensure that the policies adopted by the Council are regularly reviewed to ensure that they reflect the current operating environment and continue to meet the Council's overall objectives.

**COMMENTS**

Nil

**RECOMMENDATION**

1. That the Audit Committee notes that the following policies have been reviewed and notes that no amendments are recommended:
  - Rate Rebates on Council Land Leased or Licenced (**Attachment A**);
  - Rate Rebate Policy (**Attachment B**); and
  - Asset Capitalisation and Depreciation Policy and Policy Guidelines (**Attachment C**).
2. That the Audit Committee notes that the following policies have been reviewed and notes that minor amendments are recommended:
  - Fringe Benefits Tax Policy (**Attachment D**);
  - Petty Cash Policy (**Attachment E**);
  - Bank Accounts Policy (**Attachment F**);
  - Prudential Management Policy (**Attachment G**); and
  - Procurement Policy & Guidelines (**Attachment H**).
3. That the Audit Committee recommends to the Council that the following policies be adopted:
  - Rate Rebates on Council Land Leased or Licenced (**Attachment A**);
  - Rate Rebate Policy (**Attachment B**);
  - Asset Capitalisation and Depreciation Policy and Policy Guidelines (**Attachment C**);
  - Fringe Benefits Tax Policy (Attachment D);
  - Petty Cash Policy (**Attachment E**);
  - Bank Accounts Policy (**Attachment F**);
  - Prudential Management Policy (**Attachment G**); and
  - Procurement Policy & Guidelines (**Attachment H**).

---

*Cr Stock moved:*

1. *That the Audit Committee notes that the following policies have been reviewed and notes that no amendments are recommended:*
  - *Rate Rebates on Council Land Leased or Licenced (**Attachment A**);*
  - *Rate Rebate Policy (**Attachment B**); and*
  - *Asset Capitalisation and Depreciation Policy and Policy Guidelines (**Attachment C**).*
2. *That the Audit Committee notes that the following policies have been reviewed and notes that minor amendments are recommended:*
  - *Fringe Benefits Tax Policy (**Attachment D**);*
  - *Petty Cash Policy (**Attachment E**);*
  - *Bank Accounts Policy (**Attachment F**);*
  - *Prudential Management Policy (**Attachment G**); and*
  - *Procurement Policy & Guidelines (**Attachment H**).*
3. *That the Audit Committee recommends to the Council that the following policies be adopted:*
  - *Rate Rebates on Council Land Leased or Licenced (**Attachment A**);*
  - *Rate Rebate Policy (**Attachment B**);*
  - *Asset Capitalisation and Depreciation Policy and Policy Guidelines (**Attachment C**);*
  - *Fringe Benefits Tax Policy (Attachment D);*
  - *Petty Cash Policy (**Attachment E**);*
  - *Bank Accounts Policy (**Attachment F**);*
  - *Prudential Management Policy (**Attachment G**); and*
  - *Procurement Policy & Guidelines (**Attachment H**).*

*Seconded by Ms Brigid O'Neill and carried unanimously.*

7. **CONFIDENTIAL REPORTS**  
Nil

8. **OTHER BUSINESS**  
Nil

9. **NEXT MEETING**  
Monday 24 October 2022

10. **CLOSURE**  
There being no further business the Presiding Member declared the meeting closed at 8.12pm.

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**Cr John Minney**  
**PRESIDING MEMBER**

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

# Attachment C

## Adoption of Committee Minutes Norwood Parade Precinct Committee

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

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*City of*  
**Norwood  
Payneham  
& St Peters**

# Norwood Parade Precinct Committee Minutes

**26 July 2022**

## **Our Vision**

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

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

---

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

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City of  
Norwood  
Payneham  
& St Peters



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**VENUE** Mayors Parlour, Norwood Town Hall

**HOUR** 6.19pm

**PRESENT**

**Committee Members** Cr John Callisto (Acting Presiding Member)  
Cr Sue Whittington  
Mr Joshua Baldwin  
Mr Ross Dillon  
Mr Rimu Good  
Mr Hao Wu

**Staff** Lisa Mara (General Manager, Governance & Community Affairs)  
Stacey Evreniadis (Economic Development Co-ordinator)  
Tyson McLean (Economic Development Officer)

**APOLOGIES** Mayor Robert Bria (Presiding Member)  
Cr Fay Patterson  
Mr Terry Dalkos

**ABSENT** Cr Carlo Dottore

**TERMS OF REFERENCE:**

*The Norwood Parade Precinct Committee is established to fulfil the following functions:*

- *To develop and recommend to the Council in each financial year, an Annual Business Plan and Budget for The Parade Precinct.*
- *The Budget developed by the Norwood Parade Precinct Committee must be considered in conjunction with the Annual Business Plan. The amount recommended to the Council, to be approved by the Council, should meet the objectives set out in the Annual Business Plan.*
- *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.*

**1. APPOINTMENT OF ACTING PRESIDING MEMBER**

*Mr Joshua Baldwin moved that Cr John Callisto be appointed Acting Presiding Member for this meeting. Seconded by Cr Whittington and carried unanimously.*

**2. CONFIRMATION OF MINUTES OF THE NORWOOD PARADE PRECINCT COMMITTEE MEETING HELD ON 15 FEBRUARY 2022**

*Cr Whittington moved that the minutes of the Norwood Parade Precinct Committee meeting held on 15 February 2022 be taken as read and confirmed. Seconded by Mr Ross Dillon and carried unanimously.*

**3. PRESIDING MEMBER'S COMMUNICATION**

Nil

**4. NORWOOD PARADE PRECINCT NEWS**

Committee Members reported on news from the Precinct.

**5. STAFF REPORTS**

---

## 5.1 SUMMARY OF EXPENDITURE & FINAL REPORT ON THE IMPLEMENTATION OF THE 2021-2022 ANNUAL BUSINESS PLAN

---

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

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### PURPOSE OF REPORT

The purpose of this report is to provide the Norwood Parade Precinct Committee, with a summary of expenditure and final report on the implementation of the *2021-2022 Norwood Parade Precinct Annual Business Plan*.

### BACKGROUND

At its meeting held on 4 May 2021, the Committee endorsed the *2021-2022 Annual Business Plan* and the *Continuation of The Parade Separate Rate* for the Parade Precinct and resolved to forward it to the Council for its endorsement. Subsequently, the Council endorsed the Annual Business Plan and the Continuation of the Separate Rate as being suitable at its meeting held on 7 June 2021.

This report provides an update of the key strategies and deliverables that have been progressed by staff since its meeting scheduled 10 May 2022. A summary of the overall budget and expenditure as at June 2022, is contained in **Attachment A**. A separate document outlining the initiatives that have been delivered for the 2021-2022 financial year is contained in **Attachment B**.

For the 2021-2022 financial year, the value of the Separate Rate on the Parade Precinct is \$215,000. The unspent funds will be presented to the Committee in the discussion section of this report with the opportunity to reallocate the carry forward funds for the 2022-2023 financial year.

### DISCUSSION

#### **1. STRATEGY: MARKETING & COMMUNICATIONS**

##### **1.1 TASTE THE PARADE HOSPITALITY VOUCHER PROGRAM**

At its meeting held on Tuesday, 15 February 2022, the Committee resolved the following in relation to The Parade Hospitality Voucher Program:

1. *That the Norwood Parade Precinct Committee endorses The Parade Hospitality Voucher Program and allocate a budget of \$12,500 (500 vouchers valued at \$25 each).*
2. *That Council Staff proceed with the development of all marketing and communications for The Parade Hospitality Voucher Program, including the administrative requirements and timeframes to implement the initiative.*
3. *That Council Staff report back to the Norwood Parade Precinct Committee regarding the implementation of The Parade Hospitality Voucher Program at the next meeting.*

In accordance with the Committee's resolution, Staff proceeded to develop the 'Taste of The Parade' hospitality voucher program, which included campaign branding and the development of a new module on The Parade website.

The Council engaged and liaised with local web design company, Karmabunny to develop this module, which included creating the following:

- a registration form which would assign a unique code to each individual person;
- somewhere to store data from those that registered;
- an email that could be sent to the voucher recipients, which would automatically include the registrants name, the business they selected, the voucher expiry date and their unique QR code;
- the webpage that would appear when the QR code was scanned, including the 'Redeem' button; and
- tracking of who had redeemed their voucher and when.

Registrations to receive a voucher opened on Thursday 10 March 2022 and closed on Thursday 24 March 2022. A total of 4,309 registrations were received, noting that this figure does include some ineligible registrations that have not been filtered out (i.e. people registering more than once). All of those that registered gave permission to be added to the Council's *HeadEast* eNewsletter database list and now receive further communications from the Council regarding events and initiatives being delivered in the City.

The first 500 eligible registrants received their \$25 voucher on Monday 28 March 2022 and had until Sunday 1 May 2022 to redeem their voucher at their selected hospitality business. The number of vouchers that were not redeemed as part of Round 1 of the program were then reallocated to those next in the registration queue on Friday 6 May 2022. These people then had until Sunday 12 June 2022 to redeem their voucher at their selected hospitality business.

Overall statistics from the program were as follows:

- 372 out of the 500 vouchers were redeemed, resulting in a redemption rate of 72.9%;
- 269 out of 500 vouchers were redeemed as part of Round 1 (53.8%);
- 103 out of 241 vouchers were redeemed as part of Round 2 (42.7%), with an additional 10 vouchers allocated as part of this round due to a number of other factors;
- Inclusive of the contribution from the Council to cover each \$25 voucher, the program resulted in an approximate expenditure of \$26,877.17 at hospitality businesses along The Parade; and
- 50 out of a possible 56 hospitality businesses within The Parade Precinct were nominated for at least one (1) voucher.

The five (5) most popular businesses to have been nominated for a voucher were:

- 400 Gradi (82);
- Argo on The Parade (44);
- Betty's Burgers (44);
- 30 Acres (40); and
- Danny's Thai (39).

However, the top five (5) businesses that had vouchers redeemed as a percentage of vouchers allocated (businesses with over 10 vouchers redeemed) were:

- Bravo Norwood (76.5% or 13 out of 17);
- Hanamura Norwood (76.5% or 13 out of 17);
- European Café (75% or 15 out of 20);
- Eastern Garden Chinese Restaurant (69.2% or 18 out of 26); and
- 30 Acres (65% or 26 out of 40).

The top five (5) suburbs of where people reside who were allocated a voucher were:

- Norwood (102);
- St Peters (51);
- Kensington (50);
- Burnside (45); and
- Payneham (44).

The gender composition of those that were allocated a voucher was as follows:

- Female (463 or 62.5%);
- Male (276 or 37.2%); and
- Other (2 or 0.3%).

The age bracket composition of those that were allocated a voucher was as follows:

- 0-20 (14 or 1.9%);
- 20-30 (106 or 14.3%);
- 30-40 (132 or 17.8%);
- 40-50 (162 or 21.9%);
- 50-60 (155 or 20.9%); and
- 600-100 (172 or 23.2%).

Overall, the voucher program was successful, based upon the overall voucher redemption rate of 72.9% and an approximate expenditure of \$26,877.17 into The Parade Precinct hospitality businesses, one of the hardest hit sectors by the COVID-19 Pandemic. The twelve (12) week period, which included the two (2) rounds of the voucher program, contained a significant number of reminders that were sent to both those that had received a voucher and not yet redeemed it, as well as to businesses reminding them to submit their collected receipts so that they could receive reimbursement. At the time of this report, thirteen (13) businesses have not yet completed all of their requirements to receive reimbursement, despite the numerous reminders and in-store visits. Due to this, the total expenditure into The Parade Precinct is higher, but at this stage, unrecorded.

*Spendmapp* data indicates that the largest expenditure day in the 'Dining & Entertainment' sector in Norwood during the time of the voucher program (excluding June as the data is not yet available) was Saturday, 7 May 2022, which was day 2 of the second round of voucher allocations.

In summary, the *Taste of The Parade* voucher program achieved its intended goal by providing short-term relief to the hospitality sector along The Parade Precinct and encouraging people to go out. With *Spendmapp* data indicating that from October 2021 through until January 2022, this sector in Norwood suffered a significant expenditure decline, the data is now indicating a resurgence in this industry, with every month since January 2022 representing growth and a return to pre-pandemic levels of expenditure.

## **2. STRATEGY: IDENTITY & BRAND**

### **2.1 EASTSIDE | DESIGN FOR LIVING PUBLICATION**

The City of Norwood Payneham & St Peters is perfectly placed for those wanting to refresh, remodel or reinvent their home's interior. From inspiring art, international design concepts, unique homewares and custom-made furnishings, the businesses in the City have attained a well-earned reputation for creative flair, exceptional service and a sharpened knowledge of market and design trends.

Located throughout the City of Norwood Payneham & St Peters, these establishments – from small and family owned to those recognised internationally - have a strong emphasis on inspiring and exploring individual tastes, with the ultimate aim of enhancing the beauty and style of every home. Whether customers are a discerning design aficionado looking to completely refurbish – or simply seeking an eye-catching one-off statement piece, the publication is designed to encourage people to take the time to explore all that is on offer and let the expert staff and consultants guide and inspire.

The *Eastside | Design for Living* publication is designed to promote 47 homeware and furniture businesses in the retail sector located within the Council area. It aims to inspire potential customers to shop in the City. With many new housing developments being undertaken across the City, including major projects such as Norwood Green, COMO on The Parade and Otto Townhomes to name a few, there is a buyer's market and the opportunity to heavily promote 'shop local'.

This publication was released to the public following the *Eastside | Design for Living* Launch event, which was held at Art Images Gallery on The Parade, Norwood on Wednesday 15 June 2022 from 6.00pm – 8.00pm. Invitees to the event included participating businesses, developers of local projects, media outlets and Elected Members.

The publication has been delivered to participating businesses and available for collection within their stores, at Display Centres, local real estate companies and the Norwood Town Hall and Libraries, with the opportunity for wider distribution.

The launch of the publication has been supported by a marketing campaign, which includes print and digital advertising, website and social media, and a range of paid advertising across SA LIFE and South Australian Style. Participating business have been encouraged to support and leverage this publication, benefitting the sector within the City.

The City of Norwood Payneham & St Peters *Eastside | Design for Living* publication can be accessed via the Council website or at one of the pick-up locations.

This project is an initiative of the Council and therefore no funds from the 2021-2022 Norwood Parade Precinct Budget were allocated to deliver this publication.

## 2.2 THE PARADE, NORWOOD GIFT CARDS

At its meeting held 15 February 2022, the Committee discussed the idea of producing branded gift cards for The Parade Precinct, with some of the benefits of introducing gift cards for The Parade Precinct being:

- an additional mechanism to promote The Parade;
- the public can purchase one as a gift for a friend or family member;
- it encourages spend within The Parade Precinct;
- point of different from other mainstreets in South Australia;
- to deliver a product that is most commonly associated with well-known and major shopping centres;
- providing winners of Parade competitions (if the prize is a dollar amount) the opportunity to shop at any business within the Precinct, not just those that offer their own gift cards;
- opportunity for other Council Units to purchase gift cards as a gift or reward i.e., Volunteers; and
- great gift or giveaway idea from the Council i.e. a prize for an Instagram competition.

Following the Committee meeting, staff investigated and arranged meetings with three (3) suppliers. Through these conversations, staff gained an understanding of each of the supplier's offering, costs and support services, and made an informed decision on the most suitable supplier to deliver this initiative, which is Cards4All.

A budget of \$3,400 has been allocated from the Identity & Brand Budget to setup this initiative. The costs include:

- the purchase of 1,000 Parade branded gift cards;
- custom card carrier card; and
- setup and establishment fee.

The gift cards are single-load and funds can be loaded via three (3) methods. Using an eftpos terminal, internet banking services and bulk loading. All three (3) methods will be utilised, depending on how the gift card is intended to be used. (i.e. gift card purchased by the general public, Council issued card, prize for competition). Gift cards will be able to be purchased from the Council's Customer Service Centre only in the first instance.

The minimum amount that is able to be loaded to a gift card is \$10 and the maximum is \$1,000. All gift cards are valid from three (3) years from the date the gift card is activated.

The Parade, Norwood gift cards will be available to the public to purchase from September 2022, following a six (6) week trial period, which will be conducted by Council Staff. This trial period has been put in place to ensure that all Customer Service Staff are familiar and comfortable with the purchase process, that the Finance Department can identify and confirm the appropriate procedures, as well as to minimise any risks before promoting the product to the market.

Once the trial period concludes, a marketing campaign to promote the launch of The Parade gift cards will commence.

A copy of the poster promoting The Parade gift cards is contained in **Attachment C**.

### **3. STRATEGY: BUSINESS DEVELOPMENT**

#### **3.1 THE PARADE PRECINCT BUSINESS BOOST PROGRAM**

The Council offered a series of business training workshops, which provide advice and mentoring to local businesses over a series of interactive workshops. To complement the business workshops, a Business Boost Program was developed to provide eligible businesses with a one-off \$250 voucher, to put towards one of the following services:

- business advisory (business planning, budget and forecasting, bookkeeping);
- marketing and communications (advertising, direct marketing, PR);
- content creation (video / photo for website and social media); and
- health and wellbeing (wellness workshop / team building).

The program is structured around an expression of interest method and was promoted to all businesses with the Precinct. A total of twenty (20) vouchers were available with sixteen (16) applications were received and approved during the application period.

Whilst the program was primarily designed to directly benefit businesses within The Parade Precinct, there was also the opportunity for businesses outside of The Parade Precinct to benefit by applying to become a 'service supplier' and deliver one (1) of the four (4) services included in the program. A total of seven (7) applications were received and approved to service businesses within the City.

Some of the benefits of this program structure is that it is targeted, it is assisting businesses that are seeking one-on-one help and have the drive and commitment to participate, whilst also providing them with a reputable contact that they may continue to work with in the future. It facilitates connection between local businesses, resulting in more money circling within the local economy.

The most popular service that was selected by business participants was content creation, specifically for social media and one (1) business involved their staff, by selecting the health and wellbeing service.

In summary, the businesses that participated in the Parade Precinct Business Boost program found it beneficial and were grateful for the opportunity to receive on-one expert advice from a local business that understood their brand and the local market.

#### **3.2 MID-YEAR BUSINESS NETWORKING EVENT**

On Tuesday 28 June 2022, the Council hosted the Mid-Year Networking Event for the business community at Fine & Fettle, located on Magill Road, Stepney.

The event attracted over 80 business owners and employees from businesses located within the Council area. There were several new faces to the event, which is a great indication of new business engagement between the Council and the business community.

Business owners and employees thoroughly enjoy these networking events as it gives them the opportunity to meet other business owners in the Council area and to discuss future collaboration opportunities.

The *Mayor's Business Commendation Awards* were presented at the event, to the qualifying businesses who have reached the following milestones in the City of Norwood Payneham & St Peters:

- 10+ years Bronze Commendation;
- 25+ years Silver Commendation;
- 50+ years Gold Commendation; and
- 3+ generations Generational Family Business Commendation.

The three (3) business that received a Mayor's Business Commendation Award are:

- James Thredgold Jeweller – received 25+ Years;
- DeConno & Blanco Insurance Brokers – received 25+ Years; and
- Send a Gourmet Basket – received 10+ Years.

Of the three (3) businesses that received an award, one (1) is located within The Parade Precinct.

A selection of photos of the event are contained in **Attachment D**.

#### **4. 2021-2022 SUMMARY OF EXPENDITURE AND ALLOCATION OF FUNDS FOR THE 2022-2023 BUDGET**

As at 30 June 2022, \$42,369 remains unspent in the 2021-2022 Norwood Parade Precinct Committee Budget. This amount will be carried forward to the 2022-2023 financial year with \$6,050 and \$2,000 allocated to Taste of The Parade voucher reimbursements and sponsorship of the U14 Norwood Basketball Club for the National Championships, respectively. Therefore, the total amount available for reallocation is \$34,319.

It is proposed that \$34,319 be allocated to the advertising budget in the 2022-2023 Annual Business Plan, as outlined in Table 1. A \$34,319 increase in the advertising budget will allow for greater flexibility in promoting various events and activities that take place throughout the 2022-2023 financial year.

As outlined above, the allocation of \$6,050 to advertising and \$2,000 to sponsorship will allow for the payment of the outstanding invoices associated with the Taste of The Parade vouchers and sponsorship of the U14 Norwood Basketball Club for the National Championships, respectively.

**TABLE 1: DISTRIBUTION OF CARRY FORWARD BUDGET**

<b>STRATEGIES</b>	<b>2022-2023 ENDORSED BUDGET</b>	<b>PROPOSED CARRY FORWARD</b>	<b>TOTAL</b>
<b>Events &amp; Activations</b>			
<i>Events &amp; Activations</i>	\$40,000		\$40,000
<b>Marketing &amp; Communication</b>			
<i>Website</i>	\$4,000		\$4,000
<i>Social Media</i>	\$5,000		\$5,000
<i>Advertising</i>	\$50,000	\$40,369	90,369
<b>Identity &amp; Brand</b>			
<i>Sponsorship</i>	\$7,500	\$2,000	\$9,500
<i>Signage &amp; Street Decorations</i>	\$50,000		\$50,000
<i>Merchandise</i>	\$1,000		\$1,000
<i>Competitions &amp; Promotions</i>	\$50,000		\$50,000
<b>Business Development</b>			
<i>Networking</i>	\$3,000		\$3,000
<i>Business Training &amp; Workshops</i>	\$3,000		\$3,000
<b>Administration</b>			
<i>Catering</i>	\$1,000		\$1,000
<i>Print, Post &amp; Distribution</i>	\$500		\$500
<b>Total</b>	<b>\$215,000</b>	<b>\$42,369</b>	<b>\$257,369</b>



## OPTIONS

The Committee can amend the proposed allocation of the carry forward budget (with the exception of the \$6,050 and the \$2,000 which are committed) or can resolve to approve the allocations as set out in Table 1 above.

## RECOMMENDATION

1. That the report be received and noted.
2. That the allocation of the \$42,369 carry forward amount from the 2021-2022 financial year as outlined in Table 2 below, be endorsed and that the Committee notes that the total available budget for the 2022-2023 financial year is \$257,369.

**TABLE 2: FINAL 2022-2023 BUDGET**

<b>STRATEGIES</b>	<b>BUDGET</b>
<b>Events &amp; Activations</b>	
<i>Events &amp; Activations</i>	\$40,000
	<b>\$40,000</b>
<b>Marketing &amp; Communication</b>	
<i>Website</i>	\$4,000
<i>Social Media</i>	\$5,000
<i>Advertising</i>	90,369
	<b>\$99,369</b>
<b>Identity &amp; Brand</b>	
<i>Sponsorship</i>	\$9,500
<i>Signage &amp; Street Decorations</i>	\$50,000
<i>Merchandise</i>	\$1,000
<i>Competitions &amp; Promotions</i>	\$50,000
	<b>\$110,500</b>
<b>Business Development</b>	
<i>Networking</i>	\$3,000
<i>Business Training &amp; Workshops</i>	\$3,000
	<b>\$6,000</b>
<b>Administration</b>	
<i>Catering</i>	\$1,000
<i>Print, Post &amp; Distribution</i>	\$500
	<b>\$1,500</b>
<b>TOTAL</b>	<b>\$257,369</b>

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Mr Joshua Baldwin moved:

1. That the report be received and noted.
2. That the allocation of the \$42,369 carry forward amount from the 2021-2022 financial year as outlined in Table 2 below, be endorsed and that the Committee notes that the total available budget for the 2022-2023 financial year is \$257,369.

**TABLE 2: FINAL 2022-2023 BUDGET**

<b>STRATEGIES</b>	<b>BUDGET</b>
<b>Events &amp; Activations</b>	
Events & Activations	\$40,000
	<b>\$40,000</b>
<b>Marketing &amp; Communication</b>	
Website	\$4,000
Social Media	\$5,000
Advertising	90,369
	<b>\$99,369</b>
<b>Identity &amp; Brand</b>	
Sponsorship	\$9,500
Signage & Street Decorations	\$50,000
Merchandise	\$1,000
Competitions & Promotions	\$50,000
	<b>\$110,500</b>
<b>Business Development</b>	
Networking	\$3,000
Business Training & Workshops	\$3,000
	<b>\$6,000</b>
<b>Administration</b>	
Catering	\$1,000
Print, Post & Distribution	\$500
	<b>\$1,500</b>
<b>TOTAL</b>	<b>\$257,369</b>

Seconded by Mr Rimu Good and carried unanimously.

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## 5.2 PROGRESS ON THE IMPLEMENTATION OF THE 2022-2023 ANNUAL BUSINESS PLAN

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**REPORT AUTHOR:** Economic Development Coordinator  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4616  
**FILE REFERENCE:** qA85811  
**ATTACHMENTS:** A – B

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### PURPOSE OF REPORT

The purpose of this report is to provide the Norwood Parade Precinct Committee, with a progress report on the implementation of the *2022-2023 Norwood Parade Precinct Annual Business Plan*.

### BACKGROUND

At its meeting held on 15 February 2022, the Committee considered and endorsed the *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan* for The Parade Precinct and resolved to forward it to the Council for its endorsement and approval to be released for consultation with The Parade Precinct business community for a period of twenty-one (21) days.

The report setting out the results of the consultation was prepared and included in the Norwood Parade Precinct Committee Agenda for the meeting scheduled for Tuesday 10 May 2022. Due to a lack of quorum the meeting was cancelled. The Norwood Parade Precinct Committee meeting was then re-scheduled for Tuesday 17 May 2022. This meeting also received a number of apologies, which again resulted in a lack of quorum for the second time and was also subsequently cancelled.

Given that only one (1) submission was lodged, which did not impact directly on the contents within the draft Annual Business Plan, or the proposed distribution of the budget and that the Annual Business Plan is used to inform the Council's Budget, a decision was made to present the final *Draft 2022-2023 Norwood Parade Precinct Annual Business Plan* directly to the Council for its endorsement. The Council endorsed the Annual Business Plan as being suitable at its meeting held on 6 June 2022.

For the 2022-2023 financial year, the value of the Separate Rate on The Parade Precinct traders is \$215,000 and the carry forward amount is \$42,369, totally \$257,369.

### DISCUSSION

#### 1. STRATEGY: EVENTS & ACTIVATIONS

##### 1.1 RAISING THE BAR ADELAIDE 2022

The Raising the Bar Adelaide event has cemented its spot on the City of Norwood Payneham & St Peters' events calendar and will be held in the City for its fifth year, on Tuesday 9 August 2022. For one night only, the City will be transformed into a campus where top academics, industry experts and thought leaders will gather in some of the best local pubs for a one-of-a-kind, knowledge-driven events. The Council continues to be the only destination in South Australia that is granted a license to deliver this unique event. The event will follow the same structure, with twenty (20) insightful talks on one night; across ten (10) different venues in the City. Each venue will host two (2) sessions, the first at 6.30pm, and the second at 8.30pm.

Table 1 below lists the speakers and their topics that form the *Raising the Bar Adelaide 2022* event.

**TABLE 1: RAISING THE BAR ADELAIDE PROGRAM**

<b>Speakers</b>	<b>Topic</b>	<b>Time &amp; Location</b>
Sean Fewster & Daniel Panozzo	The reality of crime – the impact, influence and empathy beyond “true crime”	6.30pm Alma Tavern
Derrick McManus	Functional resilience, aspirational resilience and durability – how I survived being shot 14 times	8.30pm Alma Tavern
Lauren Jones	Exploring the gut, our second brain	6.30pm Britannia Hotel
Nick Lee	Bowel cancer – how to protect yourself from this preventable disease	8.30pm Britannia Hotel
Rick Sarre	What’s law got to do with religion (and vice-versa)?	6.30pm Lambrook Wines
Paul Tucker	Murder in the colony – reported murders in South Australia in the late 1800s	8.30pm Lambrook Wines
Kerrie Dougherty	From South Australia to the stars!	6.30pm Little Bang Brewery
Victoria Fielding	What is media’s role in democracy and the impact on quality journalism	8.30pm Little Bang Brewery
Teresa Janowski	Empowering youth to explore the possibilities of STEM careers	6.30pm The Maid
Sarah Moulds	How we can work together to secure dignity and empowerment for our communities	8.30pm The Maid
Simon Dawson	Body language – what it means and how you can read it	6.30pm Maylands Hotel
Carmel Williams	The wellbeing economy: is it the solution?	8.30pm Maylands Hotel
Malissa Fedele	Get it girl – nutrition and self-love	6.30pm Norwood Hotel
Cristina Tridente	An Adelaide icon’s fashion journey	8.30pm Norwood Hotel
Luke Morton	Learn how to be smarter and more energy efficient	6.30pm Reform Distilling
Elizabeth Williamson	Dealing with difficult and demanding people – it’s counter-intuitive!	8.30pm Reform Distilling
Dr. Lurve	Maximise your relationships	6.30pm Republic
Troye Wallett	Protecting your asset – you!	8.30pm Republic
Evangeline Mantzioris	Superfoods and supplements – fad, fact or fiction?	6.30pm Robin Hood
Susan Knapp	What we in Australia can learn from children living in the slums in Kenya	8.30pm Robin Hood

The full program including speakers, lecture descriptions and to book free tickets to the event, visit is available on the official Raising the Bar website at <https://www.rtbevent.com/adelaide-2022>

Marketing and promotions of the event launched on Monday 11 July and tickets have been made available. The event is free however bookings are essential. The event is being promoted across a wide variety of channels including but not limited to, print, digital, outdoor, radio, social media and via the speaker’s and venue’s communication channels.

For the first year, talks will also be held in Eastside Wine & Ale Trail (EWAT) business members, Lambrook Wines and Reform Distilling. This will provide the opportunity for cross promoting initiatives that are being delivered to support businesses in the hospitality sector.

A copy of the *Raising the Bar Adelaide 2022* postcard is contained in **Attachment A**.

## 1.2 A DAY OF FASHION 2022

Each year during the month of October, the Council hosts a fashion event on The Parade, to support the range of businesses in the fashion retail sector. Fashion events over the past ten (10) years have seen the road closed for fashion parades, store discounts, hair and beauty stalls, 'meet the designer' talks and a clothing donation station, to name a few.

As Committee Members are aware, the fashion landscape has changed over the past ten (10) years and particularly in the last two (2) years since the COVID-19 pandemic swept across the world. For the fashion industry, the pandemic has disrupted retailers, forcing some to close their brick-and-mortar stores and focus on digitizing their business to keep up with the rise in online shopping. Meanwhile, people working from home, the absence of social life, and economic uncertainty has meant that clothing sales have fallen in the last two (2) years. At the same time, more and more consumers are voicing their concerns about the industry's impact on the planet and are expecting that businesses and government bodies to embrace the concept of 'circularity' – making sure resources and products stay in use for as long as possible before being regenerated into new products.

Consumer shopping habits and people's views on moving towards a circular economy have changed in the last two (2) years and continue to, which challenges Council Staff to reimagine what a fashion event that is run by the Council looks like in 2022.

The objective of the event is to encourage visitors to come to The Parade, Norwood and experience what The Parade has to offer through one or more of the events and activities held as a part of *A Day of Fashion* on The Parade. The event will be held on Saturday 15 October 2022. Backed by desktop research and with careful consideration of today's consumer, the following events and activities will form part of the *A Day of Fashion* program.

### **Business offers and in-store experiences**

Whilst the days of cyclical seasonal discounts are gone, the Council will provide businesses the opportunity to submit an offer, discount or in-store experience for the day. Details of the businesses and their offering will be published on The Parade website for customers to view.

### **Entertainment at various locations along The Parade**

Artists will be positioned at various locations along the street to create atmosphere for visitors on the day. Potential locations include: Aqua Boutique, The Parade crossing, Outdoors on Parade.

### **In Conversation with... Event**

The fashion industry is one of the most significant industries in the global economy, it's also the second largest polluter worldwide. Instead of reusing and recycling our clothes, we dispose of them and they end up in landfills, where they take around 200 years to break down.

University of South Australia PhD psychology student Erin Skinner has recently led a study regarding Australian's knowledge of fast and slow fashion and aims to spread awareness of more sustainable options. Council Staff has reached out to Erin and are working in collaboration with the University of South Australia to deliver a panel style event, talking about all things fashion, community, circularity, and sustainability.

### **Sip & Swap Event with The Clothing Exchange**

The Clothing Exchange was established in Melbourne in 2004, in response to the need to address Australia's problem of wasteful textile consumption, which continues to soar every year. The Clothing Exchange enlivens and excites people to amplify the simple, sustainable practice of sharing within the community. While people attend the event seeking a free wardrobe update, they often find themselves equally elated by the prospect of seeing their unwanted clothes getting a new lease on life and feel-good taking part in a collective action for sustainable development.

For its first year, the Council in partnership with *The Clothing Exchange* will bring the *Sip & Swap* event to the City. The event invites people to bring six (6) well looked after clothing garments or accessories that they value but no longer wear, to exchange for those that they will. The event is scheduled to be held in the Don Pyatt Hall, inviting attendees to check-in their garments to be assessed and hung between 1.00pm – 2.00pm. Once garments have been checked-in, guests will be treated with a glass of sparkling water or wine to be enjoyed before the clothing swap commences at 2.00pm. The clothing swap will run for an hour duration.

Each attendee receives six (6) tokens at check-in and then these tokens are used as currency to purchase six (6) new items. Attendees will be encouraged to use all six (6) tokens, however if any items are left at the end of the event, they will be donated to one (1) or more of the Op Shops located on The Parade.

The partnership fee is \$2,000 (excl GST), which includes but is not limited to *The Clothing Exchange* providing four (4) experienced members to setup and run the event, uniformed coat hangers for all garments to be displayed, address attendees and answer any queries in relation to the event and promote the event across *The Clothing Exchange* social media accounts prior and during the event.

Event capacity is 100 people. The event is free and booking are essential via the Council website.

### **Movie Night at Hoyts Cinema Norwood**

To culminate *A Day of Fashion* and activate the night-time economy on The Parade, a movie screening of *House of Gucci* will be held at Hoyts cinema. The movie *House of Gucci* was chosen due to being the most recent fashion-related movie that has been released and it is also not currently available on streaming services, which creates desire for attendees.

The film follows Patrizia Reggiani and Maurizio Gucci, as their romance transforms into a fight for control of the Italian fashion brand Gucci. The movie night will be a ticketed event with a \$10 fee, and all proceeds will be donated to a fashion group / association / organisation of the Committee's choice.

*A Day of Fashion* will run from 9.00am – 9.30pm and invites all to shop, dine and have an enjoyable experience on The Parade.

### **1.3 BEHIND THE BUSINESS PODCAST SERIES 2022**

In 2020, the Council, together with *BIEcreative* delivered a successful Behind the Business Podcast Series, hosted by Nick Keukenmeester, owner of local Eastside Wine & Ale Trail (EWAT) business, Heartland Wines. The first series included five (5) episodes, featuring thirteen (13) local business owners and employees. The five (5) themes for the podcasts included iconic businesses, the City's best kept secrets, new businesses to the City, businesses likely to visit and game changers.

The Council received some great feedback from businesses that participated in the first series. Based on the success of the first Series, Staff released an expression of interest to all businesses within the City to participate in this year's series. Several businesses from across the City expressed their interest and a number were targeted by Council Staff due to being unique, new to the Council area or that they have an interesting story to tell.

Five (5) podcasts have been recorded as a part of the 2022 series, featuring three (3) business people per episode, as well as the podcast facilitator, Nick Keukenmeester of Heartland Wines. Each episode runs for approximately 20-25 minutes. The podcasts were filmed at Reform Distilling, and Beyond Bouldering in Kent Town, in late June 2022.

The five (5) themes for the Series 2 podcasts include Building a Brand, Need Support, Something Different, The Parade, and Magill Road.

The following four (4) Parade businesses participated in the Podcase Series:

- Dr Derek McNair – The Parade Norwood Veterinary Clinic;
- Gabriella Cavuoto – European Café;
- Darren Johnson – Exurbia; and
- Sophia Breust – Muscle Sense.

Following the editing process, the episodes will be released fortnightly, resulting in a two (2) month campaign. The podcasts will be available to view and listen to via the Council website and also on Anchor, Spotify, Google Podcasts and Pocket Casts streaming platforms.

### **3. STRATEGY: IDENTITY & BRAND**

#### **3.1 MERCHANDISE**

Custom branded merchandise is one way of increasing brand awareness, promote products or services and improves brand perception, therefore it is imperative that the items chosen for The Parade, align with the brand and the businesses on The Parade's offering.

Over the past five (5) years, a variety of merchandise items have been purchased and The Parade, Norwood branded merchandise that is currently in stock, is listed below:

- notebooks;
- selfie ring lights;
- black shopping bags;
- eco-friendly cutlery sets;
- double wine cooler bags;
- large magnetic clips; and
- face masks.

A budget of \$1,000 has been allocated in the *2022-2023 Norwood Parade Precinct Annual Business Plan* for merchandise.

Council staff have investigated merchandise items and propose one (1) of the following two (2) branded merchandise options listed below:

- seventy (70) Orbit Wireless Charger; or
- seventy (70) Impulse Power Bank.

A copy of the Orbit Wireless Charger and Impulse Power Bank is contained in **Attachment B**.

The Parade, Norwood branded merchandise items are distributed to The Parade retailers, events run within The Parade Precinct and used at relevant Council-run events all-year round.

#### **3.2 CHRISTMAS DECORATIONS ALONG THE PARADE**

As Committee Members are aware, on 3 September 2021, Parkade Pty Ltd, Australasian Property Developments and the Department for Transport (DIT), commenced work at The Parade and George Street, Norwood intersection. The works included alterations to the intersection, including dedicated right-hand turn lanes on The Parade to head north or south into George Street. As a result of these works, the three (3) large illuminated Christmas trees were not able to be installed in the median strip on The Parade, outside the Norwood Town Hall for the 2021 Christmas season.

Council staff have investigated new locations on The Parade for the three (3) large illuminated Christmas trees to be installed. The entire length of The Parade Precinct was scoped out with consideration to the below:

- ease of access to services;
- flat road surface;
- sufficient space for all three (3) large illuminated Christmas trees;
- minimal impact on median strip planting;
- high-traffic and high impact areas; and
- The Parade Masterplan.

Taking the above into consideration, two (2) options have been investigated, namely the section of the median strip on The Parade, between Church Avenue and Osmond Terrace and Osmond Terrace itself and a cost estimate has been obtained for both the electrical works and the associated civil works. Taking all the factors into consideration the preferred location for the three (3) trees is The Parade, as this location will provide an entry statement to the heart of The Parade.

The cost to excavate, form and pour three (3) concrete footings to support the bases of the trees is \$11,900 (excl GST) and the cost to install a weather proof GPO to power the lights to the Christmas trees is likely to be in excess of \$30,000 (excl GST), which is due to the fact that there is no existing power source within The Parade median. Unfortunately, at this stage no funds have been allocated to install the new infrastructure to relocate the three (3) large illuminated Christmas trees and therefore the three (3) trees will not be installed for the 2022 Christmas season. Consideration on how the infrastructure can be funded will be determined prior to the 2023 Christmas season.

In addition, Chas Clarkson has advised that the bauble decorations on these trees are discoloured, fragile, with many cracked, broken or missing and will cost \$15,000 (excl GST) per tree to refurbish. The Committee has the option to allocate \$45,000 (excl GST) from the 2022-2023 Budget to refurbish the three (3) trees, which will remain in storage until a decision on how the infrastructure can be funded is made.

The 3-metre illuminated 3D LED Star, twenty (20) light pole decorations and twenty-eight (28) Christmas branded banners will be installed along The Parade, as well as the hanging decorations in the windows of the Norwood Town Hall and the three (3) street trees that surround the Norwood Town Hall. The decorations will be on display for the community to enjoy for a period of six (6) weeks.

It is proposed that the Committee allocates \$25,000 from the Identity and Brand Budget for the installation of the Christmas decorations on The Parade.

## **RECOMMENDATION**

1. That the report be received and noted.
2. That the allocation of \$25,000 from the Identity & Brand Budget to install the Christmas decorations, be endorsed.

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*Cr Whittington moved:*

1. *That the report be received and noted.*
2. *That the allocation of \$25,000 from the Identity & Brand Budget to install the Christmas decorations, be endorsed.*
3. *That the installation of the Christmas trees be deferred for 2022 and that further investigations be undertaken regarding the locations and potential refurbishment of the trees for the 2023 Christmas period.*
4. *That the Orbit Wireless Charger be endorsed for branding as part of The Parade merchandise.*

*Seconded by Mr Ross Dillon and carried unanimously.*



**6. STAFF PRESENTATION**

A presentation was provided to the Committee on various initiatives to be investigated by staff and presented to the new Committee for consideration in 2023.

**7. OTHER BUSINESS**

The Acting Presiding Member thanked Committee Members and staff for their hard work and commitment during the term of this Committee.

**8. NEXT MEETING**

To be advised.

**9. CLOSURE**

There being no further business, the Acting Presiding Member declared the meeting closed at 8.01pm.

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**Mayor Robert Bria**  
**PRESIDING MEMBER**

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

**13. OTHER BUSINESS**  
(Of an urgent nature only)

**14. CONFIDENTIAL REPORTS**

## 14.1 COUNCIL RELATED MATTER

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### RECOMMENDATION 1

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

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

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

### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until this matter has been finalised.

## 14.2 STAFF RELATED MATTER

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### RECOMMENDATION 1

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

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

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

### RECOMMENDATION 2

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

**15. CLOSURE**