

Council Meeting Minutes

7 November 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

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

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

Staff Mario Barone (Chief Executive Officer)
Peter Perilli (General Manager, Urban Services)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Lisa Mara (General Manager, Governance & Civic Affairs)
Teri Hopkins (Manager, Governance & Legal)
Sharon Francis (Manager, Finance)
Simonne Whitlock (Manager, Communications & Community Relations)
Tina Zullo (Administration Assistant, Governance & Civic Affairs)

APOLOGIES Nil

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Carlo Dottore.

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 4 OCTOBER 2022

Cr Whittington moved that the minutes of the Council meeting held on 4 October 2022 be taken as read and confirmed. Seconded by Cr Sims and carried unanimously.

4. MAYOR'S COMMUNICATION

Tuesday, 4 October	<ul style="list-style-type: none">Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Thursday, 6 October	<ul style="list-style-type: none">Participated in the Kensington Residents Association, Kent Town Residents Association and the Norwood Residents Association Meet the Candidates Forum at Bethany Hall, Mary MacKillop Centre, Kensington.
Sunday, 9 October	<ul style="list-style-type: none">Participated in the procession and then attended the Mass for the Madonna delle Grazie di Panduri Feast Day, Our Lady Queen of Peace Church, Payneham.
Wednesday, 19 October	<ul style="list-style-type: none">Participated in the St Peters Residents Association Meet the Candidates Forum at the St Peters Banquet Hall.

Friday, 21 October	<ul style="list-style-type: none">• On-site meeting with resident, Nora Street, Evandale.
Friday, 21 October	<ul style="list-style-type: none">• On-site meeting with Cr Sims, resident and Council staff, Laura Street, Stepney.
Monday, 24 October	<ul style="list-style-type: none">• Attended the Order of Australia Association's (SA Chapter) Reception to Honour the 2022 Queen's Birthday Honours Recipients, Payneham Library & Community Centre Complex, Felixstow.
Monday, 24 October	<ul style="list-style-type: none">• Attended the Audit Committee Meeting, Mayor's Parlour, Norwood Town Hall.
Friday, 29 October	<ul style="list-style-type: none">• Attended the Local Government Association of South Australia Annual General Meeting, Adelaide Oval, Adelaide.
Friday, 29 October	<ul style="list-style-type: none">• Attended the Elected Members' End of Council Term Dinner at the Robin Hood Hotel, Norwood.
Monday, 31 October	<ul style="list-style-type: none">• Attended the Tour & Opening Ceremony of the Re-development of the St Morris Unit, Trinity Gardens School, Trinity Gardens.
Saturday, 5 November	<ul style="list-style-type: none">• Attended the Trinity Gardens School Family Fun Day, Trinity Gardens School, Trinity Gardens.
Sunday, 6 November	<ul style="list-style-type: none">• Attended the Monument Unveiling and Wreath Laying Ceremony for the Associazione Nazionale Carabinieri (ANC) - Italian Unity Day, Payneham Historical Cemetery, followed by lunch at Fogolar Furlan Function Centre, Felixstow.

Mayor Bria welcomed Sharon Francis, Manager, Finance to the meeting.

5. DELEGATES COMMUNICATION

- Cr Whittington advised that on Wednesday 2 November 2022, she and Cr Knoblauch attended the Eastern Health Authority Board meeting.
- Cr Minney advised that on Thursday 3 November 2022, he attended a meeting of ERA Water where direction for the future of ERA Water was discussed.
- Cr Stock advised that on Thursday 3 November 2022, he attended his final meeting of the East Waste Board of Management.

6. QUESTIONS WITHOUT NOTICE

Nil

7. QUESTIONS WITH NOTICE

7.1 QUESTIONS WITH NOTICE – RESIDENTIAL DEVELOPMENT IN CHARACTER AND HISTORIC AREAS - SUBMITTED BY CR EVONNE MOORE

QUESTIONS WITH NOTICE: Residential Development in Character and Historic Areas
SUBMITTED BY: Cr Evonne Moore
FILE REFERENCE: qA1040
ATTACHMENTS: Nil

BACKGROUND

Cr Moore has submitted the following Question with Notice:

Why is our Council approving excessively large and bulky two-storey residential constructions/extensions at the rear of dwellings in Established Neighbourhood Zones (Character Overlay Areas) and in Established Neighbourhood Zones (Historic Overlay Areas) when constructions/extensions are:

- (a) often inconsistent with the character of the predominantly single-storey locality;
- (b) often negatively impact the amenity of nearby neighbours, and
- (c) often appear to have grossly inadequate side set-backs to adjoining properties?



Examples of constructions built in Historic Overlay areas

REASONS IN SUPPORT OF QUESTION

Nil

RESPONSE TO QUESTION

PREPARED BY GENERAL MANAGER, URBAN PLANNING & ENVIRONMENT

Council’s Assessment Panel and Development Assessment staff, are responsible for assessing Development Applications against the relevant provisions of the *Planning and Design Code* (the Code). In many cases, procedural tables contained in the Code prescribe the relevant policies, meaning the assessment cannot take into account any other policies which are not prescribed, even if the Planner undertaking the assessment is of the view the policies could be relevant to the assessment. For any Development Applications lodged prior to March 2021, Development Assessment staff and the Panel, assessed developments against the relevant provisions of the Council’s former Development Plan. Therefore, it’s worth noting that some developments currently under construction were assessed under the former planning system.

Development Assessment staff and the Panel discharge their duties in accordance with the relevant planning legislation and instruments of delegation. Assessments by junior staff are considered by the Council’s Assessment Manager before authorisation is granted and design guidance is provided by the Council’s Heritage Advisor (David Brown) for most developments proposed in the Historic Area Overlay, Local Heritage Place Overlay or the Heritage Adjacency Overlay. This provides a robust “check and balance” to ensure that Development Applications are determined appropriately.

The side and rear setback requirements for residential developments vary across the Established Neighbourhood Zone. In some areas, these requirements are based on policies contained in the former Development Plan but in other areas where the Development Plan did not specify setbacks, standardised Code setbacks have been applied. For areas which are also located in the Historic or Character Area Overlay, additional qualitative policies apply which seek development which is consistent with the character of the area. Maximum building heights also vary across the zone, which have predominantly transitioned from the former Development Plan. Some examples are provided below:

Location	Marlborough Street, College Park
Zone + Overlay	Established Neighbourhood Zone + Historic Area Overlay
Side Setbacks (No quantitative side setbacks in former Development Plan)	<p><u>Established Neighbourhood Zone DPF 8.1</u></p> <p>a) at least 900mm where the wall is up to 3m</p> <p>b) other than for a south facing wall, at least 900mm plus 1/3 of the wall height above 3m</p> <p>c) at least 1.9m plus 1/3 of the wall height above 3m for south facing walls.</p> <p><u>Historic Area Overlay PO 2.4</u></p> <p>Development is consistent with the prevailing front and side boundary setback pattern in the historic area.</p> <p><u>College Park Historic Area Statement (NPSP1)</u></p> <p>Side and rear setbacks providing large separation distances between dwellings.</p>
Rear Setbacks (No quantitative rear setbacks in former Development Plan)	<p><u>Established Neighbourhood Zone DPF 9.1</u></p> <p>a) 4m for the first building level</p> <p>b) 6m for any second building level.</p> <p><u>College Park Historic Area Statement (NPSP1)</u></p> <p>Side and rear setbacks providing large separation distances between dwellings.</p>
Building Height (Consistent with former Development Plan)	<p><u>Established Neighbourhood Zone DPF 4.1</u></p> <p>Maximum building height is 2 levels</p> <p><u>Historic Area Overlay PO 2.2</u></p> <p>Development is consistent with the prevailing building and wall heights in the historic area.</p> <p><u>College Park Historic Area Statement (NPSP1)</u></p> <p>Building Height: Single storey, two storey in some locations.</p>

Location	Hatswell Street, Hackney
Zone + Overlay	Established Neighbourhood Zone + Historic Area Overlay.
Side Setbacks (No quantitative side setbacks in former Development Plan)	<p><u>Established Neighbourhood Zone DPF 8.1</u></p> <p>a) at least 900mm where the wall is up to 3m</p> <p>b) other than for a south facing wall, at least 900mm plus 1/3 of the wall height above 3m</p> <p>c) at least 1.9m plus 1/3 of the wall height above 3m for south facing walls.</p> <p><u>Historic Area Overlay PO 2.4</u></p> <p>Development is consistent with the prevailing front and side boundary setback pattern in the historic area</p> <p><u>Hackney North Historic Area Statement (NPSP2)</u></p> <p>Dwellings built close to street with minimal setbacks and separation distances.</p>
Rear Setbacks (No quantitative rear setbacks in former Development Plan)	<p><u>Established Neighbourhood Zone DPF 9.1</u></p> <p>a) 4m for the first building level</p> <p>b) 6m for any second building level.</p>
Building Height (Consistent with former Development Plan)	<p><u>Established Neighbourhood Zone DPF 4.1</u></p> <p>Maximum building height is 1 level</p> <p><u>Historic Area Overlay PO 2.2</u></p> <p>Development is consistent with the prevailing building and wall heights in the historic area.</p> <p><u>Hackney North Historic Area Statement (NPSP2)</u></p> <p>Building Height: Single storey.</p>
<hr/>	
Location	Ninth Avenue, Joslin
Zone + Overlay	Established Neighbourhood + Character Area Overlay
Side Setbacks (Generally consistent with former Development Plan)	<p><u>Established Neighbourhood Zone DPF 8.1</u></p> <p>Minimum side boundary setback is 1.5m for the first building level; 3m for any second building level or higher.</p> <p><u>Character Area Overlay PO 2.4</u></p> <p>Development is consistent with the prevailing front and side boundary setback pattern in the character area.</p>
Rear Setbacks (Consistent with former Development Plan)	<p><u>Established Neighbourhood Zone DPF 9.1</u></p> <p>a) 4m for the first building level</p> <p>b) 6m for any second building level.</p>
Building Height (Generally consistent with former Development Plan)	<p><u>Established Neighbourhood Zone DPF 4.1</u></p> <p>Maximum building height is 2 levels</p> <p><u>Character Area Overlay PO 2.2</u></p> <p>Development is consistent with the prevailing building and wall heights in the character area.</p> <p><u>St Peters/ Joslin / Royston Park Character Area Statement (NPSP-C4)</u></p> <p>Single storey, with some two storey to the rear of buildings (with single storey appearance to primary street frontage).</p>

Concerns regarding two-storey development often relate to privacy and overshadowing. In this respect, the following Code policies are relevant to these issues:

Location	All Residential Zones
Privacy from upper-level windows (1.7m high screening required in former Development Plan)	Windows screened up to 1.5m above finished floor level.
Privacy from balconies (1.7m high screening required in former Development Plan)	Balconies screened up to 1.5m or 1.7m above finished floor level, depending on proximity to neighbours.
Overshadowing of private open space (Generally consistent with former Development Plan)	Half of neighbouring private open space has 2 hours of sunlight between 9am – 3pm on 21 st June.
Overshadowing of windows (Similar to former Development Plan)	North facing habitable windows receive 3 hours of sunlight between 9am – 3pm on 21 st June.
Overshadowing of solar panels (Former Development Plan required 3 hours access)	Development does not unduly reduce generating capacity of solar energy facilities.

In addition to the above quantitative and qualitative design standards, the assessing planner must also consider the context of the development site, including the prevailing built form and streetscape character. Streetscape fit is especially important for development in the Historic and Character Area Overlays, which generally involves maintaining a single storey streetscape appearance. However, in order for historic and character homes to be adapted to modern day dwelling functionality, the building footprint and mass of dwelling additions behind the main front façade, can be relatively large and some neighbours may consider this problematic.

The current provisions that guide the assessment of residential applications in Character and Historic Overlay Areas are considered reasonable and appropriate as they balance the retention of established streetscape character and rhythm, whilst allowing for contemporary living arrangements and generally maintaining a reasonable degree of privacy and amenity for adjacent neighbours.

It should also be noted that the extent to which a development is considered to include ‘*excessive bulk and scale*’ and or results in a significant detracting of residential amenity, is a highly subjective consideration and there are often differing views regarding new developments. Residential premises within the historic and character areas within the City of Norwood Payneham & St Peters are highly sought after and the Council receives very few complaints regarding new residential forms of development within these areas. This suggests that the current planning policy framework and Development Assessment approach which is taken by the Council and the Panel appear to be in line with community expectations and ensures existing dwelling stocks and high amenity streetscapes are largely retained.

8. **DEPUTATIONS**
Nil

9. **PETITIONS**
Nil

10. **WRITTEN NOTICES OF MOTION**

10.1 LEGAL FEE ACCOUNTING POLICY – SUBMITTED BY CR FAY PATTERSON

NOTICE OF MOTION: Legal Fee Accounting Policy
SUBMITTED BY: Cr Fay Patterson
FILE REFERENCE: qA1039
ATTACHMENTS: Nil

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

NOTICE OF MOTION

That staff prepare a policy regarding the recording of Elected Member legal fees and the subsequent reporting of these, to ensure that balanced and accurate understandings are reached in the event that such fees are later disclosed.

REASONS IN SUPPORT OF MOTION

On 4 July 2022, in response to Questions Without Notice, staff advised that legal fees related to matters for which an Elected Member has been exonerated are recorded against the accused Elected Member's name for what are basically accounting purposes.

These includes legal fees for an investigation that the Elected Member did not initiate, could not prevent and where an independent investigation has exonerated the Elected Member; for matters where the Elected Member has sought advice prior to being exonerated via either a Council or Ombudsman's investigation; and for other matters for which no formal finding indicating Elected Member guilt has been made.

Staff have then used these recorded amounts when reporting an Elected Member's legal fees as being related to that Elected Member's conduct and behaviour – in addition to fees for legal advice sought in accordance with the Elected Member Access to Legal Advice Policy. When queried about the fairness of this practice, staff rejected Elected Member concerns on the basis that the amounts recorded against an Elected Member's name were "correct": these were indeed the amounts recorded.

Disclosure of an Elected Member's legal fees either in a confidential setting or the general public without any context about what these were related to, or ability for the Elected Member to dispute the components listed, has the potential to unfairly damage an Elected Member's reputation.

This Motion seeks the development of a policy to protect Elected Members from unfair reputational damage incurred during the disclosure of legal fees in response to a question put to staff, or as required by a resolution of Council, or as a result of a Freedom of Information request.

This could involve providing in addition to the amount of fees an indication of what they related to in general terms: an allegation about which the Elected Member has been exonerated, a matter for which a finding was made against the Elected Member, the seeking of legal advice in accordance with the Elected Member Access to Legal Advice Policy, and so on. However, a broader question exists about whether the legal fees related to an investigation into a complaint that is unsubstantiated should be recorded against the accused Elected Member at all.

STAFF COMMENT GENERAL MANAGER, GOVERNANCE & CIVIC AFFAIRS

Nil

Cr Patterson moved:

That staff prepare a policy regarding the recording of Elected Member legal fees and the subsequent reporting of these, to ensure that balanced and accurate understandings are reached in the event that such fees are later disclosed.

Seconded by Cr Sims and lost.

Division

Cr Sims called for a division and the decision was set aside.

Those in favour: Cr Patterson, Cr Sims, Cr Moorhouse and Cr Moore.

Those against: Cr Whittington, Cr Knoblauch, Cr Duke, Cr Minney, Cr Dottore, Cr Stock, Cr Granozio, Cr Callisto and Cr Mex.

The Mayor declared the motion lost.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

[No Items listed under this Section]

Section 2 – Corporate & Finance
Reports

11.1 MONTHLY FINANCIAL REPORT – SEPTEMBER 2022

REPORT AUTHOR: Manager, Finance
GENERAL MANAGER: General Manager, Corporate & Community Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA487800
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding its financial performance for the year ended September 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

Not Applicable.

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 \$861,695 for the 2022-2023 Financial Year.

For the period ended September 2022, the Council's Operating Surplus is \$388,000 against a budgeted Operating Surplus of \$126,000, resulting in a favourable variance of \$262,000.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

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

DISCUSSION

For the period ended September 2022, the Council's Operating Surplus is \$388,000 against a budgeted Operating Surplus of \$126,000, resulting in a favourable variance of \$262,000.

User Charges are \$91,000 unfavourable to the adopted budget. At the end of September 2022, as a result of the change in management structure of the Norwood Concert Hall there was a minor delay in the issuing of invoices to hirers, which has been corrected in October. This delay has resulted in an unfavourable income position in the Norwood Concert Hall of \$42,000.

Employee expenses are \$302,000 (7%) favourable to the adopted Budget. The driving factors behind this variance are as follows:

- budgeted staff positions that were vacant at the commencement of the financial year (\$170,000). Some of these positions are now filled and others are currently undergoing recruitment. Where required, activities and functions have been back filled by utilisation of temporary staff or consultants.
- timing variance is related to the Annual Leave being taken as compared to the Budget expectations.
- additional staffing hours worked to backfill staff who have taken Sick Leave due to illness.

There are no individually significant variances to the Budget and are primarily due to expenditure timings compared to actual expenditure which is not uncommon for the beginning of the Financial Year. The Monthly Financial report is contained in **Attachment A**.

OPTIONS

Not Applicable.

CONCLUSION

Not Applicable.

COMMENTS

Not Applicable.

RECOMMENDATION

That the September 2022 Monthly Financial Report be received and noted.

Cr Minney moved:

That the September 2022 Monthly Financial Report be received and noted.

Seconded by Cr Duke and carried unanimously.

11.2 FINANCIAL SUMMARY 2021-2022 ACTUAL RESULTS VERSUS ADOPTED BUDGET

REPORT AUTHOR: Manager, Finance
GENERAL MANAGER: General Manager, Corporate & Community Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA105726 /A506182
ATTACHMENTS: A

PURPOSE OF REPORT

This report provides a summary of the 2021-2022 Audited result and explanations for variations from the 2021-2022 Adopted Budget.

BACKGROUND

Pursuant to Section 127 of the *Local Government Act 1999* (the Act), the Council must prepare Annual Financial Statements in accordance with the *Local Government (Financial Management) Regulations 2011* (the Regulations).

Section 10 of the Regulations, requires the Council to prepare and consider a report, no later than 31 December in each year, showing the audited financial results of the Council for the previous financial year, compared with the estimated financial results set out in the budget presented in a manner consistent with the Model Financial Statements.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The financial information contained in this report is based on the 2021-2022 Annual Financial Statements, the 2021-2022 Adopted Budget and the various policies adopted by the Council as they impact the Councils financial performance (eg. Rating Policy).

FINANCIAL AND BUDGET IMPLICATIONS

The Council concluded the Financial Year with an Operating Surplus of \$2.645 million, compared to the Council's Adopted Operating Budget, which forecast an Operating Surplus of \$0.471 million. Details of the drivers behind the variances from the Adopted Operating Surplus, are contained in the Discussion Section of this report.

After capital items, the Council is reporting a Net Surplus of \$37.1 million against an Adopted Net Surplus of \$8 million, with the favourable variance being driven by revaluation of Infrastructure, Property, Plant & Equipment, which is difficult to predict when setting the Budget.

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

Nil

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

Nil

RISK MANAGEMENT

Nil

CONSULTATION

- **Elected Members**
Elected Members have received regular reports on the Council's financial performance throughout the year.
- **Community**
Not Applicable.
- **Staff**
Responsible Officers, General Managers and Council's External Auditors.
- **Other Agencies**
Not Applicable.

DISCUSSION

The 2021-2022 Annual Financial Statements have been finalised, and a separate report has been included at Agenda Item 11.3 for the Council's consideration.

a) Operating Result

The 2021-2022 Annual Financial Statements have been finalised and will be presented to the Council for adoption at the Council Meeting to be held on 7 November 2022. A separate report has been provided on the 2021-2022 Annual Financial Statements for consideration by the Audit Committee.

Statement of Comprehensive Income

Operating Result

The Council is reporting an Operating Surplus of \$2.645 million, compared to the Council Adopted Operating Budget, which forecasted an Operating Deficit of \$0.471 million, a favourable variance of \$2.174 million. The major variances (over \$50,000 or 5%) from the Adopted Operating Surplus are outlined in Table 1 below:

TABLE1: MAJOR VARIANCES FROM ADOPTED OPERATING SURPLUS

Reasons for the Variance	Amount (\$)
Statutory Charges was \$137,067 favourable to the Adopted Budget driven primarily by: <ul style="list-style-type: none"> • There was a significant increase in the number of Development Applications which were lodged, resulting in higher than anticipated Planning Consent and Building Assessment fees (\$287,993); and • Income from issuing Parking Expiation Notices was slightly higher than anticipated (\$27,309). 	137,067
User Charges was \$349,255 unfavourable to the Adopted Budget driven primarily by: <ul style="list-style-type: none"> • A decrease in income at the St Peters Child Care Centre and Preschool (\$95,633) compared to the budget, due to room closures and child absences due to COVID-19 exposures and the gap fee above the Government Subsidy being waived; and • The hire income of Council facilities was \$152,395 unfavourable due to COVID-19 and social distancing requirements which impacted on demand for large gathering events. 	(349,255)

Reasons for the Variance	Amount (\$)
Grant funding received was \$549,622 favourable to the Adopted Budget driven by the Federal Government advancing 75% of 2022-2023 Financial Assistance Grants.	549,622
Other Income was \$350,081 favourable to the Adopted Budget driven primarily by:	350,081
<ul style="list-style-type: none"> • Insurance re-imbursments for claims made during the year which amounted to \$95,485. This income was offset by expenditure to replace or repair items subject to the insurance claim; • Receipt of Council's share of East Waste 2020-2021 Operating Surplus, which is returned to Constituent Councils as per the Charter (\$77,000); Insurance rebates received relating to 2020-2021 premiums (\$44,882); and • Reimbursement of \$53,107 as part of Australian Apprenticeship Incentive System. 	
Employee expenses were favourable against the adopted budget due to:	1,478,337
<ul style="list-style-type: none"> - Turnover of Depot based staff combined with difficulties in recruiting replacement staff. As a result, to meet operational need, contract staff providers were utilised; - Revaluation down of Annual Leave and Long Service Leave provision due to more leave being taken compared to budget estimate; and - Vacant positions that were budgeted to be filled, combined with the time frame to replace positions which became vacant during the year due to resignations and extremely tight labour market. 	
During the year, the Council completed 26 of the 40 Operating Projects included in the Adopted Budget, resulting in favourable variance of \$211,500. The majority of the savings were delivered across the following projects:	211,500
<ul style="list-style-type: none"> • Tour Down Under (\$99,500) – Due to COVID-19, the event was cancelled. The Council hosted a series of minor bicycle related events during the January 2022 School Holidays; • The Parade & George Street Scramble Crossing (\$82,452) – The Construction works were not undertaken by the Council; • Footpath Defect Rectification Project (\$40,000) – The program was completed with greater utilisation of internal resources as opposed to using external contractors. 	
<p>Fourteen (14) of the planned projects were yet to be completed as at 30 June 2022, with the budget to be carried forward to the 2022-2023 financial year (\$318,000) and 2023-2024 financial year (\$110,970).</p>	
The long term borrowings planned to be drawn down as part of the Adopted Budget were not required, resulting in reduced financing costs.	227,000
Legal fees were unfavourable to the Adopted Budget, mainly due to the legal expenses incurred on the legal proceedings relating to the Scramble Crossing at the intersection of The Parade and George Street Norwood.	(512,500)
Depreciation expense was greater than anticipated due to the full year impact of the 2020-2021 Asset Capitalisation and unit cost revaluation.	(126,000)

b) Non-Operating Income

Non-Operating Income includes grant funding specifically for asset upgrades or renewals and gain/(loss) on asset disposals and assets received free of charge.

For the 2021-2022 Financial year, the Council is reporting Non-operating Loss of \$0.031 million against an Adopted Non-operating Surplus of \$5.566 million, a unfavourable variance of \$5.597 million. The unfavourable variance is set out in Table 2 below.

TABLE 2: MAJOR VARIANCES FROM ADOPTED NON-OPERATING INCOME

Reasons for the Variance	Amount (\$'000)
Loss on the sale and or disposal of the Council's small Plant and Equipment at the end of its operational life, combined with write-off of the carrying values of the Council Civil Infrastructure, upon renewal.	(2,400)
Grant funding budgeted but yet received due to the delay of capital projects as a result of lack of resources:	(3,200)
<ul style="list-style-type: none"> • Payneham Memorial Swimming Centre Upgrade - \$2,800,000 • Linear Park Path Upgrade - \$1,000,000 • St Peters Street Streetscape - \$400,000 	

Non-Operating Income, the Council is reporting a Net Surplus of \$2.6 million against an Adopted Net Surplus of \$6 million.

Other Comprehensive Income

Other Comprehensive Income comprises items of income and expenses that are not recognised in the Net Surplus (Deficit) for the year, as required or permitted by Australian Accounting Standards. Such items include the impact of changes in asset values due to revaluations. The value of Other Comprehensive Income reported in the Statement of Comprehensive Income, is a Surplus of \$37million, which is primarily due to the revaluation of Land Assets.

Balance Sheet

The Net Assets of the Council at 30 June 2022 is \$536 million, against an Adopted Budget of \$497 million, a favourable variance of \$39 million.

Major reasons for the variance in the Net Assets include:

Assets

Cash deposits with the Local Government Financing Authority is favourable by \$10 million, with the variance resulting from the opening cash balance used to develop the 2021-2022 Budget, being less than the actual closing cash balance as at 30 June 2021 and the receipt of the first payment of the Grant funding for the Trinity Valley Stormwater Drainage Project and receipt of an additional quarter of Financial Assistance Grants.

The carrying values of Infrastructure, Property, Plant & Equipment is reporting a variance of \$24 million, resulting from the change in asset value resulting from the current market condition and cost reviews.

Other Non-current assets represent Capital Works-in-Progress. As at 30 June 2022, works on capital project not yet completed amounted to \$4.3 million.

Liabilities

Trade and Other Payables – with the timing of expenditures at the end of financial year the Council had a larger than anticipated value of invoices due that anticipated in the Adopted Budget resulting in the \$7.9 million unfavourable variance.

The long-term borrowings planned to be drawn down as part of the Adopted Budget were not required, resulting in a favourable variance of \$8.1 million

Attachment A contains the 2021-2022 Financial Statements comparing the actual result to the 2021-2022 Adopted Budget as required by Section 10 of the Regulations.

Bad and Doubtful Debts

The Council's accounts receivable balance has been reviewed at the end of the financial year for the recoverability of the outstanding debts. The outstanding amounts which make up the reported Accounts Receivable balance are considered to be recoverable.

With the ongoing impacts of the COVID-19 pandemic a more lenient approach to recovering outstanding amounts was applied which has seen an increase in the value of debts over 150 days. It would be expected that debts will be paid.

OPTIONS

There are no options associated with this issue.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Sims moved:

That the report be received and noted.

Seconded by Cr Dottore and carried unanimously.

11.3 ANNUAL FINANCIAL STATEMENTS FOR YEAR END 30 JUNE 2022

REPORT AUTHOR: Manager, Finance
GENERAL MANAGER: General Manager, Corporate & Community Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA105726/A506001
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the 2021-2022 Financial Statements to the Council for adoption.

BACKGROUND

Pursuant to Section 127 of the *Local Government Act 1999* (the Act), the Council must prepare Annual Financial Statements in accordance with the *Local Government (Financial Management) Regulations 2011* (the Regulations).

Section 13 of the Regulations, requires that the Financial Statements of a Council to be prepared in accordance with the requirements set out in the Model Financial Statements. The City of Norwood, Payneham & St Peters has prepared the Annual Financial Statements in accordance with the Model Financial Statements.

Section 126 (4) (a) of the Act requires that the functions of an Audit Committee to include “*reviewing annual financial statements to ensure that they present fairly the state of affairs of the council*”.

The Council's Audit Committee considered the 2021-2022 Financial Statements, together with a covering report, at its meeting held on 24 October 2022 and resolved to recommend to the Council the following:

- a. *That the Annual Financial Statements for the year ended 30 June 2022, be adopted.*
- b. *That the Annual Financial Statements for the year ended 30 June 2022, be dated 7 November 2022 and be signed on behalf of Elected Members by the Mayor.*
- c. *That the Asset Revaluations as set out in Table 2 of this report be adopted.*

A copy of the Annual Financial Statements is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's long term strategic directions are outlined in the *City Plan 2030 – Shaping our Future*. The 2021-2022 Annual Business Plan and supporting Budget, set out the services and programs and initiatives for the 2021-2022 Financial Year.

The Council highlighted in the 2021-2022 Annual Business Plan, that financial sustainability was a high priority. In adopting the 2021-2022 Budget, the Council forecast an Operating Surplus of \$0.471 million for the 2021-2022 Financial Year.

FINANCIAL AND BUDGET IMPLICATIONS

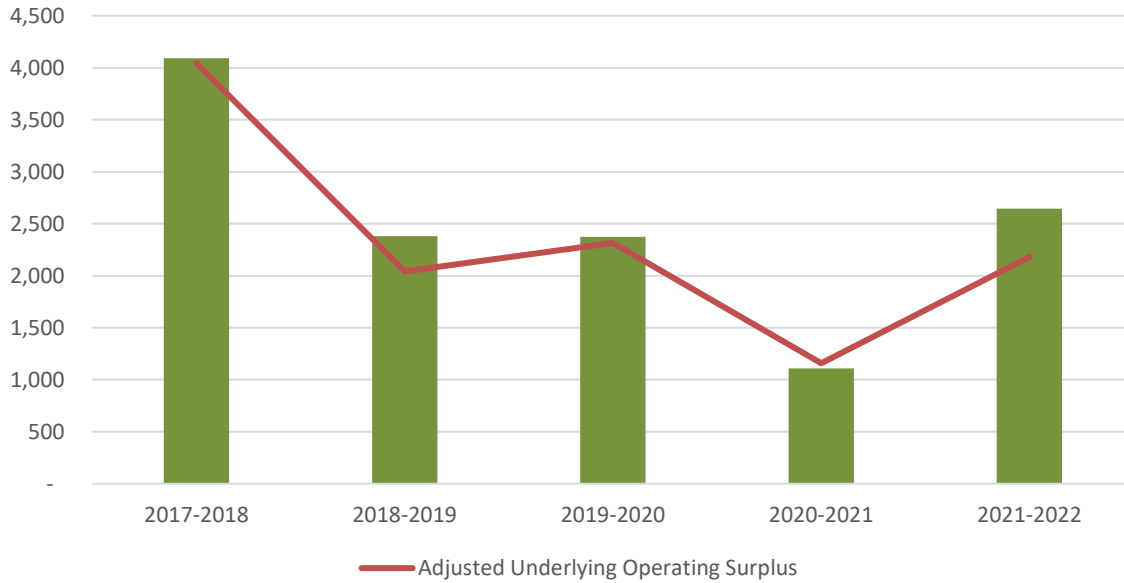
Statement of Comprehensive Income

a. Operating Result

As detailed in Figure 1 below, the Council concluded the financial year with an Operating Surplus of \$2.645 million (2020-2021: \$1.110 million). The increase in the Operating Surplus is due to the increase in the rates revenue and the additional quarter of the 2022-2023 Financial Assistance grant which was advanced during 2021-2022.

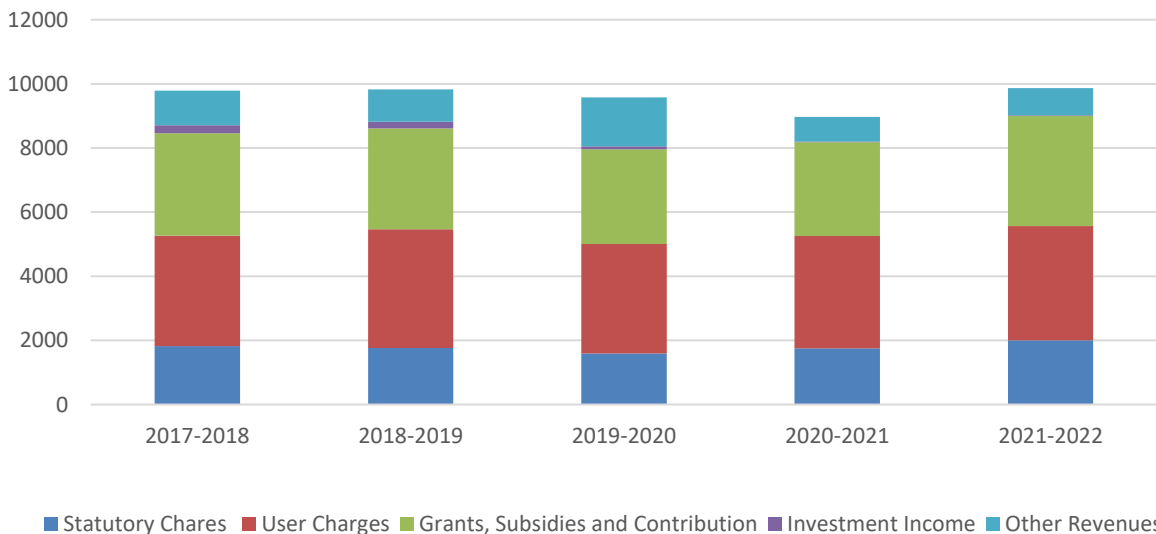
For the last four (4) consecutive years, the Federal Government has made advance payments equal to approximately two quarters of the Financial Assistance Grants. The advance was increased to three quarters for the 2022-2023 financial year. Adjusting for the effect of the advance payments, the underlying Operating Surplus is \$2.182 million for 2021-2022, (2020-2021: \$1.158 million). Figure 1 below, shows the Operating Surplus over the last five years and compares the impacts of the advance payment of Financial Assistance Grants.

FIGURE 1: OPERATING SURPLUS (DEFICIT) - \$'000



As detailed in Figure 2 below, non-rate revenues have increased (10%) compared to the 2020-2021 financial year, which is primarily due to the additional advance of 2022-2023 Financial Assistance Grant (\$464,000). In addition, income from Parking Expiation fees has increased by \$240,000 compared to the 2022-2021 financial year. During the 2020-2021 financial year, to assist the business sector in its recovery from the impacts of COVID-19, the Council relaxed time limited parking within The Parade Precinct and other business precincts.

FIGURE 2: NON-RATE REVENUES - \$'000



The cost to deliver the Council's continuing services (i.e., Recurrent Operating Costs) increased by 2.96% (\$1.273 million) compared to 2020-2021. Primary drivers behind this increase were:

- the depreciation costs have increased by \$800,000 compared to 2020-2021 as a result of \$30.5 million capitalisation of fixed assets during 2020-2021 Financial Year;
- legal costs associated with the scramble crossing between the Parade and George Street (\$420,979); and
- the allowance for doubtful debts increased by \$231,406 in line with the Council's Credit Policy.

Offsetting these cost increases, Employee Costs were \$326,783 lower when compared to the 2020-2021, due to a number of vacant positions not filled during the 2021-2022 Financial Year.

In addition to the continuing services, the Council delivered twenty-six (26) Operating Projects, which encompassed a number of new service initiatives and one-off activities or programs. The net cost of delivering the Operating Projects was \$381,000 (2020-2021: \$463,000). Due to the physical distancing requirements and mass gathering restrictions imposed by the State Government in response to the COVID-19 pandemic, a number of planned events and activities were cancelled. Major Operating Projects which were undertaken during the year included:

- Footpath Defects Works Program;
- Raising the Bar;
- Various Cultural, Youth and Arts Programs and Events;
- additional Street Tree Planting; and
- Assets Condition Audit & Valuation.

Ownership costs, which incorporate interest paid on long term borrowings and depreciation, increased by 6.6% (\$689,000). The increase is attributed to depreciation costs on the major assets which have been capitalised in prior years offset by a reduction in interest paid.

b. Non-Operating Items

A Non-Operating Deficit of \$30,534 is being reported for 2021-2022 (2020-2021 Non-Operating Surplus \$2,158,000). The Non-Operating Deficit comprised of the following, as detailed in Table 1 below:

TABLE 1: NON-OPERATING ITEMS

ITEM	COST
• Loss on Sale and Write-off of Infrastructure Assets renewed as part of the Capital Works program.	(\$2.371 million)
• Grant Funding received or recognised for Capital Projects including:	\$2.312 million
– St Peters Street Streetscape	\$847,049
– Second Creek Outlet Upgrade	\$734,153
– Linear Park Path Upgrade	\$267,500
– Langman Grove Road Reconstruction	\$177,757
– Burchell Reserve Upgrade	\$111,875
– Library Book Acquisition	\$109,973
– Stormwater Drainage Program	\$33,460
– Capital Works Program - Traffic Control	\$30,000

c. Other Comprehensive Income

Other Comprehensive Income comprises items of income and expenses that are not recognised in the Net Surplus (Deficit) for the year, as required or permitted by other Australian Accounting Standards. Such items include the impact of changes in asset values due to revaluations. The value of Other Comprehensive Income reported in the Statement of Comprehensive Income, is a Surplus of \$34.457 million.

The major factor contributing to the Surplus is the indexation of the Councils' Civil Infrastructure, Land and Building Assets. In line with the Councils Asset Revaluation Policy, independent valuations of the major long term asset classes are undertaken on a rolling five (5) year period. For the 2021-2022 financial year, an independent condition assessment for Recreation and Open Space assets commenced, however the valuation was not finalised due to resourcing issues arising from COVID-19.

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

Nil

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

Nil

RISK MANAGEMENT

Nil

COVID-19 IMPLICATIONS

Nil

CONSULTATION

- **Elected Members**
The Council's Audit Committee which comprises Mayor Robert Bria, Councillor John Minney (Presiding Member) and Councillor Mike Stock (and two (2) Independent Members Ms Sandra Di Blasio and Ms Brigid O'Neill), have been presented with the 2021-2022 Financial Statements and considered the Financial Statements at the Audit Committee meeting held on Monday 24 October 2022. The Audit Committee has recommended, as set out in the Audit Committee minutes that the Council adopt the Financial Statements and that the Financial Statements be signed by the Mayor and dated 7 November 2022.
- **Community**
Not Applicable.
- **Staff**
Responsible Officers, General Managers and the Council's External Auditors.
- **Other Agencies**
Nil

DISCUSSION

The 2021-2022 Annual Financial Statements have been prepared in accordance with *Australian Accounting Standards* as they apply to not-for-profit entities, other authoritative pronouncements of the *Australian Accounting Standards Board*, Interpretations and relevant South Australian legislation.

The Council's Audit Committee considered the 2021-2022 Financial Statements, together with a covering staff report at its meeting held on 24 October 2022 (refer to the Minutes of the Audit Committee meeting held on the 24 October 2022). At that meeting, the Audit Committee resolved to recommend to the Council that the Annual Financial Statements for the year ended 30 June 2022, be adopted by the Council and the Mayor be authorised to sign the Statements.

In preparing the Financial Statements, the overriding requirement for all non-current assets, is that these assets be reviewed to determine whether the assets are in excess of their recoverable amount at balance date. The Council's Policy is that all major classes of non-current assets are independently valued every five (5) years. For the 2021-2022 financial year, the independent valuations commenced for Recreation & Open Space assets, however the valuation was not finalised and carried forward to 2022-2023 financial year. For Asset Classes, not subject to an independent valuation, the carrying values of Assets Classes were reviewed and adjusted where appropriate.

The revaluation impact for each asset class is detailed in Table 2.

TABLE 2: IMPACT OF ASSET REVALUATION

Asset Class	Revaluation Increase/ (Decrease) \$million	Comments
Land	23.286	Based on the Valuer-Generals review of property values within the Council area, a 13.5% increase in Fair Value was deemed appropriate.
Buildings and Other Structures	3.437	Represents a 4.7% increase in the Fair value with the indexation based on the annual average movement in value of like assets
Open space Assets	0.257	While pending the finalisation of the condition assessment, represents a 1.4% increase in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting
Road Infrastructure	5.683	Represents a 7% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Kerbing	0.443	Represents a 0.7% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Footpaths	0.010	Represents a 0.3% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Linear Park	0.035	Represents a 3.1% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Storm-water Drainage	1.251	Represents a 3.5% increase in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting.
Off- Roads Carparks	0.041	Represents a 2.4% increase in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting.
Traffic Control Assets	0.020	Represents a 0.8% increase in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting.
Total	34.462	

Overall, the revaluation increase for the 2021-2022 financial year is \$34 million, compared to an increase of \$12 million for the 2020-2021 financial year.

The Audit Committee considered the Asset revaluations as detailed in Table 2 above at its meeting held on 24 October 2022 and recommended to the Council that the valuations be adopted.

Bad and Doubtful Debts

The Council's accounts receivable balance has been reviewed at the end of the financial year for the recoverability of the outstanding debts. The outstanding amounts which make up the reported Accounts Receivable balance are considered to be recoverable.

OPTIONS

Not Applicable.

CONCLUSION

The Council concluded the financial year with an Operating Surplus of \$2.645 million (2020-2021: \$1.110 million).

After Capital Items, which includes the impact of asset revaluations and grant funding specifically for asset upgrades or renewals and asset disposals, the Council is reporting a Net Surplus of \$37.072 million (2020-2021: \$15.320 million).

The Council's Auditor, BDO Advisory (SA) Pty Ltd, have completed the audit of the Council's Financial Statements and have advised that they will sign an unqualified Independent Auditors' Reports in the form prescribed, upon the Presiding Member of the Audit Committee signing the "Council Certificate of Audit Independence".

There were no significant issues raised during the audit of this year's Financial Statements which would prevent the Council from adopting the 2021-2022 Financial Statements.

COMMENTS

Nil

RECOMMENDATION

1. That the following Fair Values as at 30 June 2022, after revaluations, for the year ended 30 June 2022, be adopted:
 - a. Land Assets be reflected in the Financial Statements at the Fair Value of \$195.794 million;
 - b. Building and Other Structures be reflected in the Financial Statements at the written down value of \$77.015 million;
 - c. Open Space Assets be reflected in the Financial Statements at the written down value of \$19.392 million;
 - d. Road Infrastructure Assets be reflected in the Financial Statements at the written down value of \$169.816 million;
 - e. Storm-water Drainage Assets be reflected in the Financial Statements at the written down value of \$68.029 million;
 - f. Off-Road Car Park Assets be reflected in the Financial Statements at a written down value of \$2.235 million;
 - g. Traffic Control Assets be reflected in the Financial Statements at the written down value of \$4.368 million; and
 - h. River Torrens Linear Park Assets be reflected in the Financial Statements at the written down value of \$981,186.

2. That the Annual Financial Statements for the year ended 30 June 2022, as contained in **Attachment A** be adopted.
 3. That the Annual Financial Statements for the year ended 30 June 2022, be dated 7 November 2022 and that Mayor and the Chief Executive Officer, be authorised to sign 2021-2022 Annual Financial Statements on behalf of the Council.
-

Cr Minney moved:

1. *That the following Fair Values as at 30 June 2022, after revaluations, for the year ended 30 June 2022, be adopted:*
 - a. *Land Assets be reflected in the Financial Statements at the Fair Value of \$195.794 million;*
 - b. *Building and Other Structures be reflected in the Financial Statements at the written down value of \$77.015 million;*
 - c. *Open Space Assets be reflected in the Financial Statements at the written down value of \$19.392 million;*
 - d. *Road Infrastructure Assets be reflected in the Financial Statements at the written down value of \$169.816 million;*
 - e. *Storm-water Drainage Assets be reflected in the Financial Statements at the written down value of \$68.029 million;*
 - f. *Off-Road Car Park Assets be reflected in the Financial Statements at a written down value of \$2.235 million;*
 - g. *Traffic Control Assets be reflected in the Financial Statements at the written down value of \$4.368 million; and*
 - h. *River Torrens Linear Park Assets be reflected in the Financial Statements at the written down value of \$981,186.*
2. *That the Annual Financial Statements for the year ended 30 June 2022, as contained in Attachment A be adopted.*
3. *That the Annual Financial Statements for the year ended 30 June 2022, be dated 7 November 2022 and that Mayor and the Chief Executive Officer, be authorised to sign 2021-2022 Annual Financial Statements on behalf of the Council.*

Seconded by Cr Whittington and carried unanimously.

Section 3 – Governance & General Reports

11.4 DRAFT LEASE - 66 NELSON STREET, STEPNEY- NO STRINGS ATTACHED THEATRE OF DISABILITY INCORPORATED

REPORT AUTHOR: Manager, Governance & Legal
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8336 4646
FILE REFERENCE: qA59165
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present the draft Lease between the Council and No Strings Attached Theatre of Disability Incorporated, for the premises located at 66 Nelson Street, Stepney.

BACKGROUND

At the Council meeting held on 6 December 2021, the Council considered the request by the Board of No Strings Attached Theatre Disability Inc. (the Lessee) to extend the Lease at 66 Nelson Street, Stepney (the premises).

The Lessee has occupied the premises since 2008 and during this time, has meet its obligations as a tenant. Following consideration of the request, the Council resolved the following:

1. *That the Council agrees to grant a lease to No Strings Attached Theatre of Disability Incorporated to occupy the premises located at 66 Nelson Street, Stepney for a period of five (5) years.*
2. *That a draft Lease be prepared and presented to the Council for consideration at the February 2022 Council Meeting.*

The process for preparing the draft Lease commenced in April 2022, which included obtaining a market rental valuation of the premises in accordance with the general revaluation of Council owned assets.

Since expiry of the former Lease on 31 December 2021, the Lessee has been holding over the premises while the new Lease was being drafted.

A copy of the draft Lease between the Council and the Lessee is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant goals contained in the CityPlan 2030 are:

Outcome 1: Social Equity

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

Strategy

- 1.1.1 *Establish community hubs that integrate social support, health, recreational and commercial services, in multi-purpose spaces.*

FINANCIAL AND BUDGET IMPLICATIONS

An updated rent valuation has been prepared for the premises in October 2022 in accordance with the general revaluation of Council assets.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable

SOCIAL ISSUES

The Lessee is a not-for-profit community group providing opportunities for persons with disabilities and raises awareness of disability issues within the broader community. The Council promotes and encourages not-for-profit community groups such as the Lessee being active in the community.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

A draft Lease has been prepared by the Council's lawyers to mitigate any risk to the Council and the Lessee.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**
Elected Members previously considered the matter at the Council Meeting on 6 December 2021
- **Community**
The term of the draft Lease is for a period of five (5) years, therefore community consultation is not required under Section 202(3)(a) of *the Local Government Act 1999*.
- **Staff**
General Manager, Governance & Civic Affairs
Manager, City Assets
- **Other Agencies**
Not Applicable.

DISCUSSION

In accordance with the Council's resolution, a draft Lease has been prepared for its consideration. The lease arrangements are similar to the arrangements under the former Lease, however, the Annual Lease Fee has changed as a result of the recent valuation of the premises.

Liquid Asset Consultants undertook a rental market valuation of the premises in October 2022. The Annual Lease Fee for the premises is \$40,000. Based on the Council's Lease Fee Model, the Lessee will now be required to pay an Annual Lease Fee of \$8,000.00. The Annual Lease Fee under the former lease was \$9,328.00.

The reduction in the Lease Fee reflects the condition of the premises, the impacts of the COVID-19 pandemic on businesses and their requirements for workspace and the office market remaining steady.

OPTIONS

Not Applicable.

CONCLUSION

Following the Council's endorsement of the draft Lease, the draft Lease will be forwarded to the Lessee for execution.

COMMENTS

Not Applicable.

RECOMMENDATION

That the Council endorses the draft Lease contained in Attachment A, prepared between the Council and No Strings Attached Theatre of Disability Incorporated for the premises at 66 Nelson Street, Stepney.

Cr Sims moved:

That the Council endorses the draft Lease contained in Attachment A, prepared between the Council and No Strings Attached Theatre of Disability Incorporated for the premises at 66 Nelson Street, Stepney.

Seconded by Cr Whittington and carried unanimously.

11.5 NORWOOD OVAL - NEW LIGHT TOWERS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8336 4646
FILE REFERENCE: qA105548
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the new light towers that are currently being installed by the Norwood Football Club at the Norwood Oval.

BACKGROUND

At its meeting held on 6 December 2021, the Council was advised of the proposal by the Norwood Football Club (the Club), to upgrade the existing light fittings to LED technology in the four (4) current light towers. In addition, the Club was seeking approval to install LED 'ribbon' lighting around the perimeter of the Norwood Oval, and LED screen around the eastern perimeter of the Oval. Following consideration of the matter, the Council resolved the following:

1. *That the Council, as landowner endorse 'in principal' the project to transform the Norwood Oval to a Carbon Natural Stadium, subject to the following conditions:*
 - a. *That the new LED lamp fittings do not emit any lux output that would negatively impact on the amenity of occupants of adjacent residential properties that light spill from the Oval be equal to or less than the light spill from the existing lights; and*
 - b. *That the Club seek and obtain all relevant approvals, including any approvals required under the Planning, Development and Infrastructure Act 2016 and Planning Development & Infrastructure Regulations 2017.*
2. *That the Norwood Football Club provides the Council with detailed drawings and specifications of all the various components of the project, for final approval.*

On 14 July 2022, Mayor Bria and the Chief Executive Officer, met with the Norwood Football Club President, Paul Di Iulio, and Chief Executive Officer, James Fantasia.

At this meeting a number of matters were discussed including the Club's intention to replace the four (4) light towers at Norwood Oval ('the Oval'). The Club advised that it had entered into a sponsorship agreement with VALO, a company specialising in ultra-high performance LED lighting.

At the time the Council considered the matter at its meeting held on 6 December 2021, the Council was advised that the installation of the new light fittings would not require new light towers to be erected.

At the meeting held on 14 July 2022, the Club representatives were advised that the installation may require Development Approval and that as part of the proposal, the issue of light spillage needed to be addressed. That is, the extent of any light spillage would be required to be less than or equal to the existing light spillage.

Development Approval

Following the meeting held on 14 July 2022, the Council's General Manager, Urban Planning & Environment advised the Club that development approval was required to install the new four (4) light towers on the basis that replacement of the light towers constitutes "building work" for the purposes of the *Planning, Development and Infrastructure Act 2016*.

On 8 October 2022, Development Approval was granted to replace the four (4) light towers at the Oval.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The Norwood Football Club has negotiated a sponsorship arrangement with VALO for the replacement of the lights at Norwood Oval.

Based on the information to which has been provided by VALO, the total project value to replace the four (4) light towers and upgrade the existing metal halide fittings to LED's is \$1,730,000, (excluding variations).

VALO and the Norwood Football Club have advised there is no financial or budgetary implications for the Council.

Under the current Norwood Oval lease, the Council is responsible for the structural maintenance of the existing light towers, however considering the Norwood Football's Club sponsorship arrangement with VALO, all associated maintenance costs including the replacement of the light fittings and structural maintenance will be the responsibility of the Norwood Football Club.

EXTERNAL ECONOMIC IMPLICATIONS

The Norwood Oval is a significant component of the economic fabric of The Parade and the City generally. The ability to upgrade the existing light towers to an AFL standard will ensure that Norwood Oval is able to host AFLW games and more SANFL twilight or night games, which in turn will have a positive effect on patrons visiting The Parade cafes and hotels before and after games. In order to continue the Norwood Oval's status as a major component of the City's economic fabric, there is a need to continually update the Oval to ensure that it remains competitive.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The existing towers are made up of a total of 24 metal halide fittings per pole and use approximately 203 kWh at a lighting level of 500 lux, in comparison to the new light towers that are made up of 48 LED fittings per pole and use approximately 112kWh, at the same lighting level, providing a reduction in power of 55%.

An additional environmental benefit in replacing the existing metal halide lighting technology to LED is that the bulbs do not need to be replaced at the same frequency, considering metal halide bulbs need 50% of their bulbs replaced at 12,000 hours of use, in comparison to LED fittings which achieve 90% brightness at 70,000 hours of use, significantly reducing highly toxic and hazardous waste.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The Club submitted a Development Application to replace the four (4) existing light towers under the *Planning, Development and Infrastructure Act 2016*. The application required plans and specifications that were granted along with the development approval. There was a risk assessment undertaken by the Assessment Manager of the Council's Assessment Panel at the time of granting the approval.

In addition, the Council as the 'landowner' has assessed and reviewed the approved documentation to ensure that the replacement of the four (4) existing light towers does not have a detrimental impact to the facilities and assets adjacent the towers within the Norwood Oval nor does it have a negative impact on the amenity of occupants of adjacent properties. The lighting designs incorporated within the approved documentation have been certified, indicating that the light spill of the new towers meet the relevant Australian Standards AS 2560.1 &.2 (Sports Lighting) and more importantly AS4282 (Control of the obtrusive effects of outdoor lighting).

Additionally, a dilapidation report has been undertaken prior to the commencement of the works to ensure any damage caused to existing structures within or surrounding the Norwood Oval as a result of the works is rectified at the cost of the contractor, VALO.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**
Elected Members were advised of the proposed LED upgrade by VALO to the existing four (4) towers at the Council Meeting held on 6 December 2021.
- **Community**
Not Applicable.
- **Staff**
General Manager, Governance & Civic Affairs
Manager, Governance & Legal
Manager, City Assets
Manager, Development Assessment
- **Other Agencies**
Not Applicable.

DISCUSSION

Replacing the four (4) light towers at the Norwood Oval will ensure that the Oval can host AFL/AFLWL standard games. Other than Adelaide Oval, Norwood Oval will be the only suburban ground with AFL standard fixed light towers.

At the time of preparing this report, three (3) of the light towers at the Oval, including the light fittings had been replaced, with the fourth and final pole in the south eastern corner of the Oval to be installed shortly, with all the remaining works anticipated to be completed by 2 December 2022. The four (4) new light towers have been manufactured by GM Poles, the same manufacturer who fabricated the existing light towers which were installed in 2010 by the Council. GM Poles have successfully designed the new poles to utilise the existing footings and comply with the same design installation life of 20 years.

The design of the south eastern light tower is slightly different to the other three (3) towers, as it incorporates a mobile telephone antenna, resulting from a lease arrangement between the Club and Vodafone Network Pty Ltd.

As a result, the additional load created by the antenna equipment has been taken into consideration to confirm whether the existing concrete footings have the relevant capacity to support the new tower and the additional load. At the time of design, it was confirmed the existing concrete footing has the structural capacity to support the additional load, however following removal of the existing tower it was noted the size of a number of the antenna cables were incorrectly documented, resulting in additional load to the tower.

The additional load has been recalculated and it was determined that the pole and the footing are at their design capacity, requiring the design of the tower and the footing to be reassessed.

Following reassessment of the loads, the pole manufacturers engineer confirmed although the additional cable load will not enable the pole and footing to meet a 20-year installation life, considering the current condition of the footing and that the pole is newly fabricated, the engineer confirmed the tower is able to achieve a minimum 2-year installation life. This therefore allows the tower to be installed, however requires the load on the tower to be reassessed within the next 24 months to enable the tower to meet its 20-year installation life, in line with the remaining three (3) light towers.

In discussions with VALO, Vodafone Network Pty Ltd have advised that due to the age and performance of the current mobile telephone antenna equipment, the existing equipment is scheduled to be upgraded within the next 12 months, resulting in the reduction of load to the tower, which will then ensure a 20-year installation life.

To ensure that the Norwood Football Club complies with the engineer's requirements, a condition will be incorporated in the lease arrangements with the Club thereby removing all liability from the Council.

The existing light tower poles and metal halide fittings will be removed as part of the replacement works and recycled accordingly, however the existing cable infrastructure will be reused considering it is in excellent condition and has an extensive remaining life.

As outlined within the Financial and Budget Implications Section of the report, considering the Club has entered into a sponsorship arrangement with VALO, the maintenance obligations of the new light towers will be negotiated in the future lease between the Council and the Club.

OPTIONS

Not Applicable.

CONCLUSION

The installation of four (4) new light towers at Norwood Oval represents a significant asset for the City and Norwood Oval. The new towers will not only provide an increased lighting level, but a significant reduction in power usage.

COMMENTS

Not Applicable.

RECOMMENDATION

That the Council, as the landowner, notes the replacement of the new light towers by the Norwood Football Club at the Norwood Oval.

Cr Patterson declared a perceived conflict of interest in this matter on the basis that she lives near the Norwood Oval and left the meeting at 7.28pm.

Cr Dottore moved:

That the Council, as the landowner, notes the replacement of the new light towers by the Norwood Football Club at the Norwood Oval.

Seconded by Cr Minney and carried unanimously.

Cr Patterson returned to the meeting at 7.34pm.

11.6 CITY OF NORWOOD PAYNEHAM & ST PETERS ANNUAL REPORT 2021-2022

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA78925
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present the draft 2021-2022 Annual Report to the Council for consideration and endorsement.

BACKGROUND

The *Local Government Act 1999*, sets out the legislative requirements for the Council's Annual Report, with one of the key areas being reporting on the Council's performance in achieving the objectives set out in its Strategic Management Plan. The Council's Strategic Management Plan is *CityPlan 2030: Shaping Our Future*.

An Annual Report is also an important tool which is used to communicate with the local and wider community, current and potential employees, other councils and prescribed bodies, about the Council's operations, its services, activities, performance and achievements. Annual Reports are principally documents of accountability and form part of the Council's Governance Framework.

Annual Reports also provide a historical record of the Council's activities and achievements.

A copy of the draft 2021-2022 Annual Report is contained within **Attachment A**.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The costs associated with the preparation, production and distribution are funded from existing Budget lines.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The Annual Report document will be printed in accordance with the Council's environmental standards.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The draft 2021-2022 Annual Report has been prepared in accordance with the provisions of the *Local Government Act 1999*, and in doing so, ensures the Council meets its legislative requirements.

CONSULTATION

- **Elected Members**

Elected Members (with the exception of one (1) Elected Member), have provided their Profiles which are included in the draft Annual Report.

- **Community**

Not Applicable.

- **Staff**

All General Managers have been consulted during the preparation of the 2021-2022 Annual Report.

- **Other Agencies**

Not Applicable.

DISCUSSION

The draft 2021-2022 Annual Report, has been produced in accordance with the relevant statutory requirements.

The draft 2021-2022 Annual Report includes information on a number of new matters which are now required in accordance with the *Local Government Act 1999* (the Act).

The new reporting requirements were identified through the Local Government Reform process, and have subsequently been included in the *Statutes Amendment (Local Government Review) Act 2021 (Review Act)*.

The new reporting requirements include the following:

- Section 131(1a) requires a Council to include in the Annual Report, the amount of legal costs which have been incurred in the relevant financial year;
- a report is required under Section 270(8) of the Act regarding Internal Review of Decisions;
- a summary of the details (including the cost) of any interstate and international travel (excluding prescribed interstate travel) undertaken by Elected Members during the relevant financial year funded in whole or in part by the Council;
- a summary of the details (including the cost) of any interstate and international travel (excluding prescribed interstate travel) undertaken by employees of the Council during the relevant financial year funded in whole or in part by the council;
- a summary of the details (including the cost) of any gifts above the value of \$50 provided to Elected Members during the relevant financial year funded in whole or in part by the Council;
- a summary of the details (including the cost) of any gifts above the value of \$50 provided to employees of the Council during the relevant financial year funded in whole or in part by the Council;
- a statement of the total amount of expenditure incurred using credit cards provided by the Council for use by Elected Members or employees of the Council during the relevant financial year.

Regulation 35 of the Local Government (General) (Annual Reports) Variation Regulations 2021, sets out the following definitions:

- **cost of travel** includes accommodation costs and other costs and expenses associated with the travel;
- **gift** includes hospitality;
- **prescribed interstate travel** means travel by an Elected Member or employee (as the case may be) of a Council the area of which shares a border with another State or a Territory of the Commonwealth if the travel is within that other State or that Territory and is in the course of ordinary business of the Council, or travel of a kind included within the ambit of this definition by the Minister by notice in the Government Gazette.
- for the purposes of the definition of **prescribed interstate travel**, travel is taken not to be in the course of ordinary business of a Council if the travel is for the purposes of an Elected Member or employee of the Council attending a conference or training or development activities in another State or a Territory.

The Annual Report is an important document, as in addition to the required financial reporting, the Report also sets out a summary of the activities undertaken by the Council over the relevant financial year. As such, it is an important communication document for our community and other stakeholders. By implication therefore, from a legislative and completeness perspective, the document contains details regarding all of the activities which have been undertaken by the Council in a consolidated format.

Elected Members may recall that the Council's 2015-2016 Annual Report was awarded a Bronze Award and the 2016-2017 Annual Report was awarded a Silver Award by the Australasian Reporting Awards Association.

The Council's last four (4) Annual Reports, (2017-2018, 2018-2019, 2019-2020 and 2020-2021), have been awarded a Gold Award by the Australasian Reporting Awards Association.

The Awards are administered by Australasian Reporting Awards Limited, an independent not-for-profit organisation run by professionals from the business, government and not-for-profit sectors, with the support of professional bodies concerned with the quality of financial and business reporting.

The Australasian Reporting Awards are open to all organisations in Australia, New Zealand and countries in the Asia-Pacific region, which prepare an annual report (private sector, public sector and the not-for-profit sector).

As part of the Australasian Reporting Awards, comments are provided to organisations to consider elements of the Annual Report which can be improved and/or areas which are no longer considered relevant in terms of current reporting standards. Based on the comments which were provided to staff regarding the Council's previous Annual Reports, the 2021-2022 Annual Report has been structured to align with the comments which have been received and ensure that the Annual Report reflects best practice in terms of reporting.

Following the Council's adoption of the 2021-2022 Annual Report, copies, as required by legislation, will be forwarded to all relevant persons and/or bodies, including the South Australian Grants Commission, the Parliamentary Librarian of SA, the National Library and the State Library of South Australia.

Whilst it is not a legislative requirement, a summary will be included within the December edition of *Look East*.

A copy of the 2021-2022 Annual Report will also be made available on the Council's website.

Printed copies of the Annual Report will be minimal.

The draft Annual Report will undergo some further editorial and formatting amendments prior to printing.

OPTIONS

Not Applicable.

CONCLUSION

The City of Norwood Payneham & St Peters 2021-2022 Annual Report provides a comprehensive review of highlights, activities and achievements during the reporting period.

The Annual Report also complies with the legislative requirements contained in the *Local Government Act 1999*.

COMMENTS

Nil.

RECOMMENDATION

1. That the draft City of Norwood Payneham & St Peters Annual Report for the 2021-2022 financial year be approved.
2. That the Chief Executive Officer be authorised to make any required editorial changes prior to the printing of the City of Norwood Payneham & St Peters 2021-2022 Annual Report.

Cr Mex moved:

- 1. That the draft City of Norwood Payneham & St Peters Annual Report for the 2021-2022 financial year be approved.*
- 2. That the Chief Executive Officer be authorised to make any required editorial changes prior to the printing of the City of Norwood Payneham & St Peters 2021-2022 Annual Report.*

Seconded by Cr Stock and carried unanimously.

11.7 CODE OF CONDUCT MATTER

REPORT AUTHOR: Manager, Governance & Legal
GENERAL MANAGER: General Manager, Governance & Community Affairs
CONTACT NUMBER: 8366 4626
FILE REFERENCE: qA99339
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to inform the Council of Councillor Fay Patterson's (Cr Patterson) failure to comply with resolutions of the Council made in relation to Item 11.8 at the Council Meeting held on 4 October 2022.

BACKGROUND

On 19 October 2022, Elected Members were advised via a memorandum from the Manager, Governance & Legal, that Cr Patterson had failed to take specified action on a number of resolutions made by the Council at the Council meeting held on 4 October 2022.

At the meeting held on 4 October 2022, the Council made a number of resolutions in relation to findings that Cr Patterson had breached Part 2 of the *Code of Conduct for Council Members* (the Code). The resolutions required Cr Patterson to take action within a specified timeframe, and included the following:

4. *That the Council requires Councillor Fay Patterson to remove the Facebook posts and accompanying threads pertaining to a previous Code of Conduct investigation regarding another Elected Member from the City of Norwood Payneham & St Peters Residents Group Facebook page within seven (7) days of the Council meeting.*
5. *That that Council requires Councillor Fay Patterson to remove the Facebook posts and subsequent threads pertaining to her personal explanation on 4 July 2022 from the City of Norwood Payneham & St Peters Residents Group Facebook page and Fay Patterson's Councillor Facebook page within seven (7) days of the Council meeting.*

Cr Patterson has failed to comply with the resolutions set out above by failing to remove the Facebook posts from the *City of Norwood Payneham & St Peters Residents Group Facebook page* and *Fay Patterson's Councillor Facebook page* within seven (7) days of the Council meeting.

DISCUSSION

On 13 October 2022, the Manager, Governance & Legal wrote to Cr Patterson encouraging compliance with the resolutions of the Council. Cr Patterson responded on the same day advising that she was seeking legal advice regarding the investigation, and would not be removing the Facebook posts and accompanying threads from the Facebook pages.

Subsequently, the Manager, Governance & Legal advised that a Council report would be prepared for the Council's consideration at the meeting to be held on 7 November 2022 in that what she did not comply with the Council resolutions.

It is important to note that another resolution of the Council required Cr Patterson to take specified action with a timeframe. That resolution was:

3. *That the Council requires Fay Patterson to apologise formally to the Mayor Robert Bria and the General Manager, Governance & Civic Affairs at the Council prior to the next Council meeting on 7 November 2022.*

At the time of preparing this report Cr Patterson had not complied with this resolution.

Next Steps

The Council is limited in the action it can take given that Cr Patterson is not a candidate for re-election as part of the 2022 Local Government Election.

However, the failure of Cr Patterson to comply with a resolution of Council is serious as it is in the public interest that an Elected Member complies with a resolution of a public authority. In addition, the failure of an Elected Member to comply with a resolution of the Council may amount to 'misconduct' for the purposes of the *Ombudsman Act 1972*. As such, it is important that the Council considers the non-compliance of Cr Patterson in respect to the Council's resolution.

OPTIONS

Not Applicable.

CONCLUSION

Cr Patterson has failed to comply with a resolution of the Council from the Council held meeting on 4 October 2022, in relation to the findings that Cr Patterson breached a number of provisions of Part 2 of the Code of Conduct for Council Members.

COMMENTS

Nil

RECOMMENDATION

That the Council notes Councillor Fay Patterson's failure to comply with Resolutions 4 and 5 of Item 11.8 considered at the Ordinary Council Meeting on 4 October 2022.

Mayor Bria declared an actual conflict of interest in this matter as he is the complainant in this matter and left the meeting at 7.38pm.

Appointment of Acting Mayor

Cr Stock moved:

That Cr John Minney be appointed Acting Mayor.

Seconded by Cr Sims and carried unanimously.

Cr Minney assumed the Chair.

Cr Sims moved:

That the Council notes Councillor Fay Patterson's failure to comply with Resolutions 4 and 5 of Item 11.8 considered at the Ordinary Council Meeting on 4 October 2022.

Seconded by Cr Duke and carried unanimously.

Cr Patterson returned to the meeting at 7.42pm.

Resumption of Chair

Mayor Bria returned to the meeting at 7.43pm and resumed the Chair.

12. ADOPTION OF COMMITTEE MINUTES

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

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 – (24 October 2022)
(A copy of the Minutes of the St Peters Child Care Centre & Pre-School Committee meeting is contained within **Attachment A**)
- Audit Committee – (24 October 2022)
(A copy of the Minutes of the Audit Committee meeting is contained within **Attachment B**)

ADOPTION OF COMMITTEE MINUTES

- St Peters Child Care Centre & Pre-School Committee

Cr Moorhouse moved that the minutes of the meeting of the St Peters Child Care Centre & Pre-School Committee held on 24 October 2022, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Moore and carried.

- Audit Committee

Cr Minney moved:

That the minutes of the meeting of the Audit Committee held on 24 October 2022, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council, with the exception of the following resolution:

Item 6.7

2. *That the Audit Committee notes that the following policies have been reviewed and notes that amendments are recommended:*

- *Expenditure Policy (Attachment A), with the inclusion of an amendment to increase the Chief Executive Officer's delegation from \$250,000 to \$1,000,000;*

which will be presented to the Council for consideration at its meeting to be held on 5 December 2022, following the conclusion of the Local Government Caretaker Period.

Seconded by Cr Stock and carried unanimously.

13. OTHER BUSINESS

13.1 Playing of AFL Matches at Norwood Oval – AFL Magic Round

Cr Duke moved:

That the Norwood Football Club be advised, that the Council will consider any reasonable request by the Club to help facilitate the playing of AFL matches at Norwood Oval, should it be selected as a venue as part of the AFL Magic Round in Adelaide.

Seconded by Cr Stock.

Variation

Cr Duke, as the mover of the motion, with the consent of Cr Stock as the seconder, sought leave of the meeting to vary the motion as follows:

That the Norwood Football Club and SANFL be advised, that the Council will consider any reasonable request by the Club to help facilitate the playing of AFL matches at Norwood Oval, should it be selected as a venue as part of the AFL Magic Round in Adelaide.

Mayor Bria put the request for leave to the meeting.

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

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

Cr Sims left the meeting at 7.54pm.

Cr Sims returned to the meeting at 7.58pm.

14. CONFIDENTIAL REPORTS

14.1 COUNCIL RELATED MATTER

RECOMMENDATION 1

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

- (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; and
 - (ii) would, on balance, be contrary to the public interest;

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, minutes and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12 months).

Cr Duke moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, Manager, Finance, Manager, Governance & Legal, Manager, Communications & Community Relations and Administration Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information; and*
 - (ii) would, on balance, be contrary to the public interest;**

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

Seconded by Cr Knoblauch and carried unanimously.

Cr Minney moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, minutes and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12 months).

Seconded by Cr Stock and carried unanimously.

14.2 STAFF RELATED MATTER

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

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

Cr Dottore moved:

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

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

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

Seconded by Cr Knoblauch and carried.

Cr Callisto left the meeting at 8.21pm.
Cr Callisto returned to the meeting at 8.22pm.

Cr Dottore moved:

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

Seconded by Cr Minney and carried unanimously.

15. 2022 VALEDICTORY STATEMENTS

- **Valedictory Statement – Chief Executive Officer**

It is quite serendipitous that we sit here at the last Council meeting of this Council term, 25 years after the first meeting of the new Council which was held on 10 November 1997.

The last 4 years have been particularly difficult for reasons that I will not go through tonight, as I do not want to dwell on the negatives, but rather I would like to focus on the many positives.

From an operational perspective, much of this term has been particularly affected by the COVID-19 pandemic. For contextual purposes, I want to, again, reiterate that the impacts of COVID-19 on our organisation have been significant and have been very much understated and underestimated. From a staffing perspective, in addition to the anxiety and fear which has been brought about by COVID-19 and as stated in the Annual Report, we lost the equivalent of 8.5 full-time positions during the 2021-2022 financial year, due to absences caused directly by COVID-19. In an organisation which is already running “lean and mean”, the impact of these absences, together with the usual Sick Leave, Annual Leave and Long Service Leave, cannot be understated. Nor can the impacts which post COVID-19 has caused in terms of staff re-evaluating their careers, their lives, their priorities, etc.

Yet despite these obstacles, the Council has delivered much over this term. The achievements are clearly documented in the Annual Report, however, in summary, we achieved record funding from our grant applications and despite 0% rate increases during the COVID-19 period, we returned a surplus through the careful and prudent management of our expenditure and costs, which have gone unnoticed and/or unrecognised.

Importantly, despite the ongoing demands on our day-to-day operations which have resulted from the community’s expectations to do more with less, we have completed and commenced a number of projects which are all aimed at improving our City’s urban form, as well as improving our open spaces, streetscapes, facilities, etc. and importantly our community’s Well-Being.

And yes, whilst we can be critical, if we are really objective about what we have achieved and what our City “looks and feels like”, we have collectively (Elected Members and staff) done a tremendous job and I have no doubt that there are more good things to come. For example, if you take a look at St Peters Street, there can be no denying that this “complete streets” approach to the management of the City’s infrastructure has not only resulted in improvements to infrastructure, it has improved the amenity of one of our City’s boulevards, has added many new street trees and under-storey plantings. Similarly, once completed, the new Payneham Memorial Swimming Centre will provide our City with a contemporary aquatic facility – something which we have achieved without any politics and the consequent impacts on decision-making.

As I said at the last Council meeting last year, many good things can and will be achieved when we all work together. Whilst we have different responsibilities as Elected Members and staff, there is absolutely nothing to be gained when we are working against each other and everything to be gained when we all work together.

Public office is a noble calling, the objective of which should be to serve the public. When this objective is lost or obscured by other agendas, it’s easy to see the results – and ultimately it is the community that suffers. By working together we have much to gain.

For those Elected Members who are not seeking re-election, Cr Fay Patterson, Cr Mike Stock, Cr Carlo Dottore and Cr Evonne Moore, I wish to thank you for your efforts – some over one term and others over many terms. We will be losing a lot of experience and whilst people can be replaced, you cannot replace the individuals and what they bring to the table. For those Elected Members seeking re-election, I sincerely wish you all the very best in your quest to be re-elected for another term.

Election time is always a tense period and I know that one way or another, you all cannot wait for the count that will take place this Saturday.

To Mayor Bria, I wish to personally thank you for your hard work, diligence, leadership and support over the last four years. Again, whilst this term has been difficult, you have remained steadfast as we have worked through the issues together and to this end, I have personally welcomed, appreciated and valued our discussions, your suggestions and wise counsel whilst we have navigated difficult times and delivered our many projects and initiatives.

I also wish to personally thank all of the Norwood Payneham & St Peters' staff for their efforts, their commitment and their loyalty. From a resource perspective, we have entered a period where staff retention and recruitment will present us with many challenges and opportunities. However, I know that we have many committed staff who have and will continue to "rise to the occasion" and will ensure that we continue to deliver our many services and projects. Whilst we have been largely stable from an organisation standpoint, we are not immune from the current labour shortages and the "fight for talent". We have many talented staff who we have "home grown" and who are now being "cherry picked" as ready-made staff by other organisations. This is unfortunate, however, this will pass and we will return to stability.

To my General Managers, I wish to personally thank you for your hard work, your support and for your collective and individual efforts in making sure that the organisation delivers upon its commitments and continues to perform, despite some unfair criticisms at times.

I also wish to thank Skye for her hard work and for her assistance which she has provided in making sure that the Chief Executive's Office is better managed and efficiently run.

Finally, to our partners, the often forgotten people who support us in our roles as public officers. Their roles are also often understated and often go unrecognised. However, we all know that without their unwavering support, patience and love, we could not do what we do.

Cr Sims left the meeting at 8.56pm.

- **Valedictory Statement – Mayor Robert Bria**

Cr Sims returned to the meeting at 8.57pm.

Eleven months ago, to this day, I was with two of my brothers as we watched our mother take her last breath.

Only hours before, the Council met for the last time in 2021 – a meeting I missed for obvious reasons.

Knowing I would not be present, I sent the Chief Executive Officer a text, asking if he could read it out on my behalf, which he did.

As I reflected on the events of December 2021 and thought about what I was going to say tonight, I was continually drawn back to last year's message, which I want to read again:

"We have been through another challenging year and those challenges will continue for some time.

But we also have much to celebrate and be thankful for, with some great projects to begin soon and many others in the pipeline.

We should all be pleased about the sense of momentum and excitement that is building in our community from these projects, combined with major developments in various parts of our City.

As I reflect on the past 12 months, I am reminded of the role that we, as public servants, play in our society.

Whether we are elected representatives or in public administration, our responsibilities and obligations are the same: to act with integrity, act with honesty and to act impartially - without fear or favour - in the service of our community and in a manner that justifies their trust and faith in us.

That trust comes in many forms, one of which is an expectation that we work as a team rather than as individuals.

TEAM: Together everyone achieves more!

No one person can do it all, and no one person knows it all.

Our success is a shared success which will only come with everyone pulling in the same direction.

As we head into an election year, let's commit ourselves to sprint to the finish line rather than run out the clock.

This means no delays, no deferrals and no distractions - just decisions to improve the welfare of the people of our City whom we have the honour to serve."

I am proud that over the last nine months (I do not include the caretaker period), we have done just that – sprint to the finish line.

This includes the major projects as part of the 2022-2023 budget, as well as the adoption of a Tree Strategy and Built Heritage Strategy and much more.

These are significant achievements for any Council, but particularly a Council of our size of 38,000 people.

At the same time, we cannot ignore the behaviours of recent times, which do not align with the values of this Council.

It is not my intention to re-litigate the matters that have come before this chamber, rather, I ask that each of us ask ourselves these questions "Why am I on Council?", "What has drawn me to public service?"

While you ponder these questions, I also ask that you consider the words of President John F. Kennedy in a speech to graduating students in Vanderbilt University in 1963:

"You have responsibilities, in short, to use your talents for the benefit of the society which helped develop those talents. You must decide, as Goethe put it, whether you will be an anvil or a hammer, whether you will give to the world in which you were reared and educated the broadest possible benefits of that education."

Kennedy went on to discuss a career in public office.

"You will find the pressures greater than the pay; you may endure more public attacks than support. But you will have the unequalled satisfaction of knowing that your character and talent are contributing to the direction and success of this free society".

Character and talent.

My interpretation of what Kennedy said is that these two traits are inseparable in public life and partly in public office.

It means nothing if you are smart, but are not civil and do not know when to say sorry.

It is no good always trying to be correct if you cannot be kind.

In my personal opinion, talent is useless without character.

Whoever forms the new Council after next Saturday's election, these two traits will never be more important.

As we end this Council Term for 2018-2022, I wish those of you returning the best in your future endeavours.

To those seeking re-election, I wish you luck on Saturday. Some of us will still be here – some of us won't be.

Whatever the outcome, you can be proud of what we have achieved together against the odds.

My sincere thanks to you all for your hard work and service to our community during the year.

Thank you also to the Executive Leadership Team, led by Mario, and also every other staff member who, every day, display commitment and professionalism to their tasks and wear the values of the organisation on their sleeve.

Your support of the Elected Members is sincerely appreciated and has not gone unnoticed.

We have had our challenges but, I believe our best days are ahead.

The future is ours to shape.

16. CLOSURE

There being no further business, the Mayor declared the meeting closed at 9.01pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)