

Council Meeting Minutes

6 November 2023

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

1.	KAURNA ACKNOWLEDGEMENT	1
2.	OPENING PRAYER	1
3.	CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 9 OCTOBER 2023	1
4.	MAYOR'S COMMUNICATION.....	2
5.	DELEGATES COMMUNICATION	3
6.	QUESTIONS WITHOUT NOTICE.....	3
7.	QUESTIONS WITH NOTICE	3
	7.1 QUESTIONS WITH NOTICE – UPGRADING OF THE SECOND CREEK GROSS POLLUTANT TRAP - SUBMITTED BY CR KESTER MOORHOUSE	4
8.	DEPUTATIONS	5
9.	PETITIONS.....	5
10.	WRITTEN NOTICES OF MOTION	5
	10.1 WRITTEN NOTICES OF MOTION – CONFIDENTIAL ITEM - COUNCIL RELATED MATTER	6
11.	STAFF REPORTS	7
	Section 1 – Strategy & Policy.....	8
11.1	KENSINGTON AND PORTRUSH ROAD NORWOOD COMMUNITY FACILITIES CODE AMENDMENT ..	9
11.2	GREATER ADELAIDE REGIONAL PLAN DISCUSSION PAPER SUBMISSION	23
11.3	BETTER LIVING BETTER HEALTH 2020-2025 REGIONAL PUBLIC HEALTH PLAN PROGRESS REPORT.....	31
	Section 2 – Corporate & Finance.....	38
11.4	ANNUAL FINANCIAL STATEMENTS FOR YEAR END 30 JUNE 2023	39
11.5	FINANCIAL SUMMARY 2022-2023 ACTUAL RESULTS V ADOPTED BUDGET.....	47
	Section 3 – Governance & General.....	52
11.6	LAND MANAGEMENT AGREEMENT WAIVER - 81 OSMOND TERRACE, NORWOOD	53
11.7	SCHEDULE OF COUNCIL MEETINGS FOR 2024	59
12.	ADOPTION OF COMMITTEE MINUTES.....	61
13.	OTHER BUSINESS	62
14.	CONFIDENTIAL REPORTS	62
	14.1 WRITTEN NOTICES OF MOTION – CONFIDENTIAL ITEM – COUNCIL RELATED MATTER	63
	14.2 COUNCIL RELATED MATTER	64
	14.3 EASTERN WASTE MANAGEMENT AUTHORITY INCORPORATED BOARD (EAST WASTE) - APPOINTMENT OF INDEPENDENT CHAIRPERSON	65
	14.4 STAFF RELATED MATTER	66
	14.5 COUNCIL RELATED MATTER	67
	14.6 COUNCIL RELATED MATTER	68
15.	CLOSURE.....	69

VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

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

Staff Lisa Mara (Acting Chief Executive Officer)
Derek Langman (General Manager, Infrastructure & Major Projects)
Geoff Parsons (Manager, Development Assessment)
Teri Hopkins (Manager, Governance & Legal)
Simonne Whitlock (Manager, Communications & Community Relations)
Rosanna Busolin (Manager, Community Services)
Eleanor Walters (Manager, Urban Planning & Sustainability)
Jim Allen (Senior Urban Planner, Urban Planning & Sustainability)
James Greenfield (Procurement Specialist)
Lucinda Knight (Executive Assistant, Chief Executive's Office)
Tina Zullo (Administration Assistant, Governance & Civic Affairs)

APOLOGIES Cr Scott Sims

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Connie Granozio.

3. CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 9 OCTOBER 2023

Cr Robinson moved that the Minutes of the Special Council meeting held on 9 October 2023 be taken as read and confirmed. Seconded by Cr McFarlane and carried unanimously.

4. MAYOR'S COMMUNICATION

Tuesday, 3 October	<ul style="list-style-type: none">• Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Friday, 6 October	<ul style="list-style-type: none">• Attended the Eastern Region Alliance (ERA) Mayor's monthly breakfast, Luigi Delicatessen, Adelaide.
Monday, 9 October	<ul style="list-style-type: none">• Attended an Information Session: 2023-2028 Norwood Payneham & St Peters' Volunteer Strategy, Mayor's Parlour, Norwood Town Hall.
Monday, 9 October	<ul style="list-style-type: none">• Presided over a Special Council meeting, Council Chamber, Norwood Town Hall.
Thursday, 12 October	<ul style="list-style-type: none">• Attended a meeting with Cr Clutterham, Adelaide.
Sunday, 15 October	<ul style="list-style-type: none">• Attended the Madonna della Grazie di Panduri Feast Day Mass, Our Lady Queen of Peace church, Payneham.
Thursday, 19 October	<ul style="list-style-type: none">• Attended the Eastern Region Alliance (ERA) Mayor's and Chief Executive Officers meeting, Campbelltown City Council offices, Rostrevor.
Monday, 23 October	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer and General Manager, Governance & Civic Affairs, Mayor's Office, Norwood Town Hall.
Tuesday, 24 October	<ul style="list-style-type: none">• Presided over a meeting of the Norwood Parade Precinct Committee, Mayor's Parlour, Norwood Town Hall.
Wednesday, 25 October	<ul style="list-style-type: none">• Attended an Information Session: 2023 Community Survey, Mayor's Parlour, Norwood Town Hall.
Thursday, 26 October	<ul style="list-style-type: none">• Attended the Local Government Association of South Australia (LGASAFSA) Financial Authority Annual General Meeting and the Local Government Association of South Australia (LGASA) Annual General Meeting, National Wine Centre, Adelaide.
Monday, 30 October	<ul style="list-style-type: none">• Presided over a Citizenship Ceremony, Norwood Concert Hall.
Monday, 30 October	<ul style="list-style-type: none">• Attended a presentation: Local Government Association of South Australia Mutual Liability Scheme, Mayor's Parlour, Norwood Town Hall.
Monday, 30 October	<ul style="list-style-type: none">• Attended a workshop: <i>CityPlan 2030</i>, Mayor's Parlour, Norwood Town Hall.
Wednesday, 1 November	<ul style="list-style-type: none">• Presided over an Audit & Risk Committee meeting, Mayor's Parlour, Norwood Town Hall.
Thursday, 2 November	<ul style="list-style-type: none">• Presented prizes to winners of the 2023 Mayor's Christmas Card competition, Mayor's Parlour, Norwood Town Hall.
Sunday, 5 November	<ul style="list-style-type: none">• Attended the service for the All Souls Patronal Festival to celebrate 140 years of Anglican presence in St Peters (1883-2023), All Souls Church, St Peters.

- Mayor Bria provided the Council with a summary of the resolutions regarding the motions the Greater Adelaide Region of Councils (GAROC) recommended to the Local Government Association of South Australia for consideration at its Annual General Meeting held on 26 October 2023.

5. DELEGATES COMMUNICATION

- Cr Whittington advised that on Wednesday 1 November 2023, she and Cr Moorhouse attended the Eastern Health Authority Board meeting.
- Cr Knoblauch advised that on Sunday 29 October 2023, he attended on behalf of Mayor Bria, the Worship Service of the new Pastor Richard Fox, at the Glynde Lutheran Church.
- Cr Mex advised that on Tuesday 17 October 2023, she attended on behalf of Mayor Bria, the Commemoration Ceremony for William Herbert Edmunds at the Chapel of the Resurrection, North Road Cemetery.

6. QUESTIONS WITHOUT NOTICE

Nil

7. QUESTIONS WITH NOTICE

7.1 QUESTIONS WITH NOTICE – UPGRADING OF THE SECOND CREEK GROSS POLLUTANT TRAP - SUBMITTED BY CR KESTER MOORHOUSE

QUESTION WITH NOTICE: Upgrading of the Second Creek Gross Pollutant Trap
SUBMITTED BY: Cr Kester Moorhouse
FILE REFERENCE: qA1040
ATTACHMENTS: Nil

BACKGROUND

Cr Moorhouse has submitted the following Question with Notice:

Can staff please provide an update on the upgrading of the Second Creek Gross Pollutant Trap and ongoing works and maintenance to improve its effectiveness?

REASONS IN SUPPORT OF QUESTION

Nil

**RESPONSE TO QUESTION
PREPARED BY GENERAL MANAGER, INFRASTRUCTURE & MAJOR PROJECTS**

The Second Creek Gross Pollutant Trap (GPT) has improved trash collection volumes overall, however it is limited in its ability to retain debris in extreme weather events. There has also been ongoing maintenance requirements and operational issues since its installation.

Staff have met with representatives from the Department for Environment & Water (DEW) and Green Adelaide to resolve the issues. Staff are currently working with Green Adelaide and the Design Engineer to modify certain design elements to improve the effectiveness of the GPT in terms of the collection of debris, which in turn will ensure improved environmental benefits downstream and generally improve the local amenity.

At this stage, once the final modifications to the design have been agreed to by staff, work will commence to rectify the issues.

It is estimated that work to the GPT will be undertaken over summer.

8. DEPUTATIONS
Nil

9. PETITIONS
Nil

10. WRITTEN NOTICES OF MOTION

10.1 WRITTEN NOTICES OF MOTION – CONFIDENTIAL ITEM - COUNCIL RELATED MATTER

Refer to Confidential Item 14.1 of this Agenda.

This Item was withdrawn from the Agenda prior to this Council meeting.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 KENSINGTON AND PORTRUSH ROAD NORWOOD COMMUNITY FACILITIES CODE AMENDMENT

REPORT AUTHOR: Senior Urban Planner
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4561
FILE REFERENCE: f16546A
ATTACHMENTS: A - E

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a private Code Amendment, which proposes to rezone land at the corner of Kensington and Portrush Roads, Norwood and to seek Council endorsement of a draft submission on the proposed rezoning.

BACKGROUND

A private proponent (*Nicalnat Group of Companies*) has released the draft *Kensington and Portrush Road, Norwood Community Facilities Code Amendment* for consultation.

The draft Code Amendment is attached (**Attachment A**) together with an accompanying Fact Sheet and Engagement Plan prepared by the proponent's consultant Ekistics (**Attachments B & C**).

The land proposed to be rezoned by the Code Amendment, consists of approximately 6,450m² of land across five allotments within the Established Neighbourhood Zone (of the *Planning & Design Code*). The current zoning provides for low density residential dwellings as the preferred development outcome for this property.

The area affected is located on the north-west corner of Kensington Road and Portrush Road and is primarily used for medical consulting rooms and offices in existing former residences. Aside from a detached dwelling at 137 Portrush Road (corner of Donegal Street), the property, on a prominent busy intersection, has not been utilised for residential purposes for many decades. The surrounding locality contains a mix of uses, including a hotel and offices, Loreto Convent School, as well as dwellings, and like the site, has frontages to two busy road corridors as well as a minor residential street (Donegal Street).

The *Planning Development and Infrastructure Act 2016*, enables a person who has an interest in land, to propose an amendment to the *Planning & Design Code*. For the purposes of this process, an 'interest' is taken to be a financial or legal interest, such as a property owner. As the *Planning & Design Code* is a State-wide document, there are limitations in respect to the extent of change which can be proposed by a private proponent, such that a landowner, can only propose to change from one form of zone to an alternative zone, but not change any of the generic policy wording because this could affect thousands of other properties across the State.

The proponent seeks to rezone the land occupied by their business, together with the surrounding sites to a Community Facilities Zone.

Community engagement collateral that has been provided by the Proponent states in part:

"The rezoning would enable a purpose-built, multi-level, mixed use 'medical and allied health hub' (including retention of the Local Heritage listed building on the site) which would improve local health services and capitalise on the land's strategic location close to the Burnside Hospital. A future medical and allied health building in the order of 2 to 5 storeys is anticipated. The inclusion of a Neighbourhood Subzone enables the opportunity for low to medium rise residential development fronting Donegal Street to transition with the existing residential character to the west.

This rezoning will implement key targets of the 30-Year Plan for Greater Adelaide by providing opportunity for employment lands in close proximity to established residential areas, enhanced local health services and the protection and adaptive reuse of a place with heritage value."

Initiation of the Code Amendment (the first formal approval step in the process) was approved by the Minister for Planning on 2 June 2023, with the following conditions:

- Scope does not include the creation of new planning rules and is limited to the spatial application of policy.
- Further investigation of the interface with residential properties to the west and whether a more nuanced approach to building heights via Technical and Numeric Variations (TNVs) may be appropriate in managing any potential interface issues.
- Conduct a search of the Register of Aboriginal Site and Objects to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.
- Investigation of possible heritage values including assessment against section 67 (1) of the Act of the single storey bungalow at 141 Kensington Road, Norwood.

The report of the latter investigation by DASH Architects can be viewed at the following web link:

https://plan.sa.gov.au/_data/assets/pdf_file/0005/1273487/Kensington-and-Portrush-Road,-Norwood-Community-Facilities-CA-H-Heritage-Review.PDF

Though academic now, because the dwelling (which has never been a Local Heritage Place) has since been demolished, the report stated that there is no basis for designating the bungalow at 141 Kensington Road as a Local Heritage Place because:

“...it is not representative of the historic themes of importance to the local area (as established by the 1995 Heritage Survey), nor is it particularly “beyond the ordinary” for a dwelling of this period”.

As a precursor to the Minister considering whether to approve a Proposal to Initiate a Code Amendment, the proponent must demonstrate that it has discussed the proposal with the relevant Council.

On 3 June 2022, the Chief Executive Officer responded in writing to a request, made on behalf of the proponent, for comment, indicating that:

“The Council reserves the right to provide further comments and form a position of support or otherwise on a proposed rezoning when the draft Code Amendment is available for review”,

and providing preliminary comments covering heritage, interface between land uses, traffic impact, flood management and opportunity for a concept plan – refer **Attachment D**.

The proponent undertaking a Code Amendment (rezoning) determines how the consultation process will be conducted, in accordance with the State Planning Commission's *Community Engagement Charter*. Through this consultation process, the Council has an opportunity to provide a submission on the proposed rezoning (the purpose of this report).

Ekistics provided a briefing for Elected Members on 20 September 2023. The six-week public consultation period concludes on 8 November 2023.

As the property adjoins the Local Government boundary, the City of Burnside was also consulted prior to the start of the formal public consultation.

The Proponent's Engagement Plan includes the following:

- Display of Code Amendment on Plan SA Website and at the Council office.
- Fact sheet.
- Direct letters to traditional custodians, nearby owners and occupiers, government agencies, Council's, utility providers, Local Members of Parliament.
- Two Drop-in sessions for members of the public, held on 14 and 19 September 2023.

A copy of the Engagement Plan is contained in **Attachment C**.

The scope of investigations undertaken by the Proponent included:

- Review against State Planning Policies, Regional Plan and other key strategic policy documents.
- Aboriginal sites and objects.
- Growth and land supply analysis.
- Zoning selection.
- Context and massing opportunity study.
- Built heritage analysis.
- Tree assessment analysis.
- Infrastructure and utility services analysis, including stormwater and flooding.
- Interface management analysis.
- Transport and access analysis.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 1: Social Equity

An inclusive, connected, accessible and friendly community

Objective:

Convenient and accessible services, information and facilities

Outcome 2: Cultural Vitality

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

Objective:

2.4 Pleasant, well designed, and sustainable urban environments

Outcome 3: Economic Prosperity

A dynamic and thriving centre for business and services

Objective:

3.1 A diverse range of businesses and services.

3.2 Cosmopolitan business precincts contributing to the prosperity of the City.

3.5 A local economy supporting and supported by its community.

FINANCIAL AND BUDGET IMPLICATIONS

Nil.

EXTERNAL ECONOMIC IMPLICATIONS

If approved, the Code Amendment is likely to have economic implications relating to the value of land and economic returns on development. If development opportunities are realised, the potential impacts include increased employment opportunities.

SOCIAL ISSUES

The Code Amendment seeks to facilitate additional and upgraded health services, plus additional dwellings in proximity to various services in the Norwood area, including public transport to and from the CBD. There is also some potential for impacts on the amenity of the local area, including through increased traffic generation, due to an intensification of use of the site which would be facilitated by the Code Amendment.

CULTURAL ISSUES

The site contained three (3) buildings (former dwellings) recommended for designation as Local Heritage Places in the 1995 *Kensington and Norwood Heritage Review* by Mark Butcher Architects. Only one of these buildings was ultimately listed as Local Heritage Place. The two-storey bluestone former dwelling at 139 Kensington Road, the only one of the three former dwellings nominated by the Council and designated as a Local Heritage Place, is proposed to remain a Local Heritage Place.

A report by DASH Architects which accompanies the Code Amendment contests the 1995 (Mark Butcher Architects) local heritage listing recommendation for the bungalow at 141 Kensington Road. This bungalow, located close to Portrush Road, was demolished during September 2023. DASH Architects in the summary of its report, dated 22 August 2023, stated as follows:

“While the Dwelling is a relatively attractive Bungalow, it is not representative of the historic themes of importance to the local area (as established by the 1995 Heritage Survey), nor is it particularly “beyond the ordinary” for a dwelling of this period.

For these reasons there is no basis for any consideration of Local Heritage listing of the Subject Dwelling.”

A third dwelling on the site, at 137 Kensington Road, though identified in the 1995 heritage survey, remains unprotected as it has not been designated as a Local Heritage Place.

ENVIRONMENTAL ISSUES

The *Planning & Design Code* contains a range of policies encouraging sustainable development outcomes. However, due to the spatial application of the Code there are some limitations on which policies can be applied during the assessment of a Development Application. The relevant environmental policies are addressed in further detail in the discussion of this report.

RESOURCE ISSUES

Nil

RISK MANAGEMENT

There is a risk that the proposed rezoning and associated potential development outcomes, such as increased traffic in local streets, will not be supported by the local community residing or working in and around the affected site. The Council can provide its views on the proposed rezoning proposals, but ultimately the risk of not achieving full community support is a matter for the State Planning Commission and Minister for Planning to consider.

COVID-19 IMPLICATIONS

Nil

CONSULTATION

- **Elected Members**
An Information Session regarding the proposed Code Amendment was provided to Elected Members on 30 September 2023.
- **Community**
Planning consultant Ekistics, on behalf of the proponent, is conducting consultation for a period of six (6) weeks from 27 September to 8 November 2023.

- **Staff**
General Manager, Urban Planning & Environment
Manager, Urban Planning & Sustainability
Manager, Development Assessment
Manager, Traffic & Integrated Transport
- **Other Agencies**
Not Applicable.

DISCUSSION

The Proposal

The Code Amendment proposes to amend the *Planning & Design Code* by rezoning a site on the north-western corner of Kensington and Portrush Roads, Norwood, from Established Neighbourhood to Community Facilities.

The Code Amendment has the stated intent of supporting the development of a purpose-built, multi-level, mixed use 'medical and allied health hub'. This would improve local health services and capitalise on the land's strategic location close to the Burnside Hospital. A future medical and allied health building in the order of 2 to 5 storeys is anticipated. It is stated that existing medical/health businesses in the area occupy converted former dwellings (including on the existing site) "*which are often compromised spaces which cannot readily adapt to current technology and medical equipment*".

The Code Amendment also observes that identifying large, well-located sites to deliver integrated, state of the art medical facilities is extremely difficult, particularly in the eastern suburbs of Adelaide. (It is noted that there is also a finite supply of land for master-planned residential development in the eastern suburbs, plus there is competition for sites along main roads from the childcare sector which would appear compatible with a Community Facilities zoning. Accordingly, a degree of land use competition for sites like this can be expected.)

The site includes a Local Heritage Place, a two-storey bluestone detached dwelling at 139 Kensington Road, with this designation intended to remain in place in conjunction with the new Community Facilities zoning.

The Community Facilities Zone has been selected as containing what are considered by the proponent to be the 'best fit' components from the *Planning & Design Code* for this land use vision (involving a medical hub), the site, and its setting. In addition, other components included are a Neighbourhood Sub Zone and associated provisions.

The Neighbourhood Sub Zone (of Community Facilities Zone) and associated policies (from the *Planning & Design Code*) are also proposed.

The rationale provided is that this enables opportunity for low to medium rise residential development fronting Donegal Street to transition down in scale towards the existing residential character to the west. However, by applying the sub-zone it would also enable residential development elsewhere across the site as discussed further below.

Existing Zone Policies

The existing Established Neighbourhood Zone has the following Desired Outcomes:

- DO1: *A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.*
- DO2: *Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.*

The maximum building height is 2 levels.

While the Zone does envisage some non-residential development (ie. offices, shops and consulting rooms) to improve community accessibility to services, these are encouraged to be small scale and in the order of 200m². The existing consulting room and office tenancies on the site, by comparison have a combined floor area of approximately 1,500m² Gross Leasable Area.

Proposed Zone Policies

A switch to the *Community Facilities Zone* and *Neighbourhood Sub Zone* introduces the following Desired Outcomes (replacing those for the Established Neighbourhood Zone above):

Community Facilities Zone

DO1: Provision of a range of community, educational, recreational and health care facilities.

Neighbourhood Sub-zone

DO1: Community, educational and health care land uses and residential development at medium densities as an alternative land use.

The proposed inclusion of the whole site in the Neighbourhood Sub Zone would help enable residential development that is not contemplated otherwise in the Community Facilities Zone.

More particularly, it would mean that the following Neighbourhood Sub Zone provisions apply:

Performance Outcomes

PO 1.1

Development is associated with or ancillary to the provision of community, educational, recreational and / or health care services.

PO 1.2

Residential land uses at medium densities that provide an alternative to community, educational and health care facilities in the zone.

DTS/DPF 1.2

Development comprises one or more of the following:

- 1. dwelling*
- 2. residential flat building*

Building Form and Character

PO 2.1

Buildings designed, sited and of a scale and appearance that complements the character and amenity of adjoining residential areas and buildings of heritage significance.

PO 2.2

Residential development that incorporates a high standard of architectural and urban design and sustainability.

PO 2.3

Residential development constructed adjacent to a residential allotment in a neighbourhood-type zone:

- 1. is of a bulk, height and floor space and provides a site frontage that complements the character and amenity of the locality*
- 2. provides space around buildings to maintain and enhance the predominant character of the locality and provide opportunities for landscaping.*

Building Height

PO 3.1

Residential buildings of up to 3 storeys in height sufficiently set back from an existing dwelling in the zone, subzone or an adjoining zone to avoid detrimental impact on those dwellings due to the height, scale or bulk of the development.

In respect to height, PO 3.1, which refers to *residential buildings of up to 3 storeys in height*, due to the way it is worded, is not considered to be setting an absolute height limit and in any case, needs to be read in conjunction with PO 2.1, 2.2 and 2.3 and the Technical Numerical Variation which sets maximum building heights of 2, 3 or 5 levels (for different parts of the site).

The word ‘*alternative*’ in PO 1.2, and Desired Outcome DO 1, suggests that residential development on its own is contemplated. The use of the word ‘*comprises*’ in DTS/DPF 1.2, tends to support this interpretation - that is, if ‘*comprises*’ or ‘*comprising*’ means, or could mean, made up entirely of.

Yet, in the justification given by the proponent in the Code Amendment, an upgraded medical centre is pivotal. This is logical and unsurprising given a proponent from the health sector and a property near the Burnside Hospital.

The accompanying documentation also indicates the intent that residential use will be a secondary land use. The traffic impact report, for example, only assesses a concept consisting of 11 dwellings fronting Donegal Street and consulting room / office space of 7000 m² gross leasable area. This would indicate that a much larger, predominant or exclusive residential use for the site not been considered or assessed.

Nevertheless, the application of the Neighbourhood Sub Zone across the whole property could support a wholly residential land use as specified in the Desired Outcome for the Sub Zone.

This is considered to be poor drafting in the wording of the subzone, introducing wholly residential as an “alternative” instead of as a secondary, ancillary land use which is otherwise not contemplated in the Community Facilities Zone.

The Interpretation Rules in the *Planning & Design Code* state that a subzone prevails over a zone policy.

If a medical centre, of up to 5 storeys, is not ultimately found to be viable once rezoning has occurred, this would enable an entirely residential option to be pursued on the property.

A concern therefore is that the draft Code Amendment has not assessed the implications of a residential-led development across the whole property (as opposed to a major medical centre upgrade with complementary residential development).

The Code Amendment downplays the stand-alone residential potential, stating that:

“There is a limited likelihood of the future use of the Affected Area for exclusively residential accommodation, given its existing use for non-residential activity and location on corner of two major arterial roads which would compromise residential amenity and vehicle access.”

However:

- the viability of a multi-level medical centre of up to 5 levels, is open to question in a suburban context - particularly at this location;
- the recently-released *Greater Adelaide Regional Plan Discussion Paper* includes the subject land in an urban growth corridor investigation area, signalling prospective new Urban Corridor zones promoting housing growth along arterial roads, including Kensington Road; and
- the Council is well-advised to take a long-term perspective on what potential future uses may occupy this property, including up to 5 storey residential.

Both the alternatives of residential-dominant or medical-led development align well with regional strategic objectives relating to housing and jobs growth.

Now the Code Amendment process is open to private landowners, whereby a Proponent can select a different zone from the *Planning & Design Code* to apply to their land. A Community Facilities Zone has been selected in this instance, to enable the land uses of community, education and medical facilities. It is unfortunate that the policy wording of the Neighbourhood Subzone in the Code library contains ambiguity, opening up the option of a completely residential development scenario.

If an entirely residential option for the property is desired, now, or in the future, a more appropriate zone should be selected and applied through the Code Amendment process.

However, given that a medical hub is integral to the justification for the Code Amendment, with no alternatives canvassed or assessed, a residential-dominated development would be a problematic potential outcome of the Code Amendment as proposed. It would not be what the community has been led to expect as an outcome of a Community Facilities Zone.

The wording of the Neighbourhood Sub Zone Desired Outcome (above), is at odds with the stated purpose of the Community Facilities Zone and contrary to the intent expressed in the Guide to the *Planning & Design Code* in that a Sub Zone should not have a contrary land use intent to that of the Zone that it sits beneath.

The Sub Zone Desired Outcome needs to be revised to clarify that the intent is not to support a stand-alone residential development. This is not a direct option for either the proponent or the Council. Neither can alter the policy templates in the *Planning & Design Code*.

The Council, however, can advocate that the Minister for Planning make this change to achieve greater clarity and integrity in the *Planning & Design Code* and to ensure that Code Amendment processes do not inadvertently entrench an alternative land use in this case (residential) in a community-purpose zone.

The following approach is therefore suggested for inclusion in the Council's submission to overcome what is considered to be a drafting error of the Neighbourhood Sub Zone:

1. Provide advice that the Subzone only be applied to the western portion of the property abutting Donegal Street for the land envisaged as residential townhouses (as shown in the Brown Falconer Massing and Opportunity Study). This will provide clearer certainty about the Proponent's intent of facilitating development of a medical hub as and not be displaced by a stand-alone residential development over the majority of the site. This will support residential development presenting to Donegal Street and a more positive interface with established residential properties on the eastern side of the street.
2. As this drafting anomaly requires resolution, the Minister be requested to review the Neighbourhood Sub Zone's Desired Outcome 1, to remove this ambiguity in the primary land use intent between community facilities and predominantly medium-density residential development, which thwarts the stated intent of the Community Facilities Zone.
3. Indicate that should the proponent wish to pursue the option of residential use of the whole, or most of the property, then a Code Amendment proposing different zoning, such as the Corridor Living Zone, could be initiated at any future point in time.

It is noted that the Guide to the *Planning & Design Code* describes the purpose of the Community Facilities Zone and Neighbourhood Sub Zone as follows:

“Community Facilities Zone

Zone outcome

This zone provides for a range of community and institutional type developments. These include social, health, welfare, educational and recreation facilities that provide a service to the local community and larger scale community facilities that provide a service to the wider community and beyond, such as, schools and hospitals.

When it applies

Areas accommodating land uses such as community centres, schools and hospitals.

Subzones

The zone includes 3 subzones:

....

Neighbourhood Subzone

*Envisages community, educational and health care land uses **complemented** by residential development at medium densities as an alternative land use”.*

When read as a whole, this suggests any land in the Community Facilities Zone would accommodate community and related non-residential uses, as opposed to tracts of purely or predominantly residential development. The Guide also suggests that a Sub Zone should not over-ride the land use intent of the relevant Zone.

By contrast, when a Development Application is assessed in the future, it would be assessed applying the Rules of Interpretation for the *Planning & Design Code* which indicates that subzone policy will prevail over zone policy in the event of a conflict.

Overlays

The proposal also involves removal of the Stormwater Management Overlay and Urban Tree Canopy Overlay, which are only applied in the *Planning & Design Code* in conjunction with Neighbourhood Zones. The proposed Code Amendment’s intent to remove two Overlays is in accordance with State requirements but is considered problematic for the following reasons.

Stormwater Management

The Code Amendment will remove the application of the Stormwater Management Overlay which addresses stormwater runoff from building roof surfaces. The Proponent is unable to propose otherwise due to the guidelines for amending the Code, which has been adopted by State planning authorities.

This leaves intact other policies addressing the impact of stormwater runoff from carparking and driveway areas in the General Provisions of the Code which encourage a high level of onsite stormwater retention and limit hard paved stormwater catchment areas. On such a significant sized property very close to First Creek, with potentially large future roof areas, and under-croft carparking, the potential runoff impact is not insignificant.

The infrastructure services report accompanying the Code Amendment, indicates that future development which increases hard paved surface will likely need to incorporate stormwater detention storage measures to restrict post-development flows from the site to less than pre-development flow rates and that a finished floor level of 300mm above estimated flood level will be required for the section of the Affected Area that may be subject to flooding.

The report assumes that the Stormwater Management Overlay will be retained, not removed as proposed by the draft Code Amendment, stating as follows:

“Existing Code Policies in the Stormwater Management Overlay, Hazards (Flooding – General) Overlay, Hazards (Flooding) and General Development Policies section of the Code will ensure a robust assessment of any future development proposals.”

Noting that the relevant technical report indicates that the Overlay is integral to a robust assessment outcome, the Council’s position should be that in approving the Code Amendment, the Minister for Planning should ensure the Stormwater Management Overlay is included as a condition of approval, should the Proponent not make this change to the proposed policy.

Urban Tree Canopy

The Code Amendment will remove the application of the Urban Tree Canopy Overlay. The subject land is a highly prominent site next to the intersection of two busy major roads. Given this high visibility, it is inequitable and inappropriate that the Urban Tree Canopy Overlay will be applied to similar sites in the locality, but not the subject land. There is no reason why a medical centre with a large property cannot support a healthy tree canopy. It is typical for trees to be removed as part of site works even if space exists for reinstatement on the subject land.

The Council's position should be that in approving the Code Amendment, the Minister for Planning should opt to retain the Urban Tree Canopy Overlay as a condition of approval, should the Proponent not make this change to the proposed policy.

Other Policy Changes

As shown in Figure 1 below, the Code Amendment also alters the Technical and Numeric Variations (TNVs) specifying new building height limits as follows:

- For the western area of the site along the Donegal Street – Building height maximum of 3 levels (12.5 metres);
- For the northern and eastern area of the site including along the Portrush Road frontage – Building height maximum of 5 levels (18.5 metres);

Maximum building height of 2 levels will be retained for the southern part of the property to accommodate views of the local heritage place (also protected by Local Heritage Overlay and Heritage Adjacency Overlay).

The proponent proposes to also remove the application of the minimum frontages and minimum site area TNVs, which apply to residential development in the existing Established Neighbourhood Zone.



Figure 1: Proposed TNV (building height maximum)

Strategic Impact of the proposed Rezoning

The Code Amendment is considered to align well with the current Regional Plan as it supports dwelling and employment growth in a highly accessible location well served by public transport services (buses along Kensington Road and Portrush Road.)

Potential Impacts of Future Development

The specific impacts of future development on the subject site will be assessed as part of a formal development application.

Built Form Outcomes

The three primary considerations of future potential built form include the impact on adjacent residential properties in Donegal Street, the prominent landmark location at the intersection of Kensington and Portrush Roads and the views and setting of the local heritage place centrally located in the site.

Limiting height to three (3) levels in proximity to the Donegal Street frontage will help manage the impact of new buildings on nearby residential areas and is supported. This will complement the role of existing provisions that help to lessen impacts on residential amenity within the locality of a development.

The TNV height limit of five (5) storeys is considered appropriate in the northern part of the site, behind the Local Heritage Place as shown indicatively on the Massing and Opportunities Study in Attachment F of the Code Amendment. This height relates appropriately to the building heights to the north of the site.

Limiting height towards the Kensington Road frontage to two (2) levels, will lessen the impact on the Kensington Road streetscape and permit public views of the façade of the Local Heritage Place at 139 Kensington Road.

Heritage Adjacency

The potential impacts on the Local Heritage Place located at (139 Kensington Road) within the area affected are also addressed by the following existing provision of the Code:

Heritage Adjacency Overlay PO 1.1
Development adjacent to a State or Local Heritage Place does not dominate, encroach or unduly impact on the setting of the Place.

While the policy is not particularly strong or specific, in these circumstances the Code is considered to provide sufficient guidance for a future development to not unduly impact the heritage value of the Local Heritage Place.

Noise and Amenity

Traffic noise levels and volumes in the locality are primarily likely to be affected by the passing traffic more so than movements generated by the envisaged and potential uses of the land. The likely exception is in Donegal Street, which is discussed below.

Traffic Impacts

A future development on the property has the potential to impact upon both traffic volumes and movements on Kensington Road, Portrush Road and Donegal Street. The affected area is covered by two Code Overlays which seek to manage impacts on arterial roads – Traffic Generating Development and Urban Transport Routes Overlays. The policies contained in these Overlays operate in conjunction with a prescribed referral to the Department of Infrastructure and Transport and are considered reasonable in managing potential impacts on arterial roads. However, potential impacts on the local traffic network are of concern.

A Transport Impact Assessment has been prepared by Stantec Consultants and forms part of the attachments to the Code Amendment.

The report assesses the potential traffic impacts of a possible future development scenario including only 11 dwellings in addition to consulting rooms. Given the scope for a considerably larger number of dwellings if the Neighbourhood Sub Zone is applied to the whole area affected as proposed, the report cannot be said to have assessed the full traffic implications of the Code Amendment, only those of a particular development concept. This is problematic.

The following existing general provision of the Code will be applied in future assessment of a development application:

City Wide Principle of Development Control 102

Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses,

In addition, the draft Council submission recommends that a Concept Plan be introduced for the site to discourage vehicle access to the medical facility from Donegal Street.

The submission also advises that in considering this Code Amendment, the State Planning Commission and the Minister, obtain independent advice to provide confidence that the policy proposals (across the range of possible development scenarios) are appropriate to manage the potential impacts of the rezoning on the local traffic network.

Public Notification of Future Development

The zones contained in the *Planning & Design Code* each contain a table that determines which development applications should be subject to public notification. The public notification process involves a sign being placed on the site, letters being sent to adjacent properties, and publication on the PlanSA website.

In the *Community Facilities Zone* (as proposed to be applied in the area affected):

- A future Development Application for consulting room would **not** trigger public notification, except where the site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.
- An office would **not** trigger public notification, except an office that exceeds the maximum building height specified in Community Facilities Zone DTS/DPF 2.1; or does not satisfy other Zone provisions; Community Facilities Zone DTS/DPF 1.3, Community Facilities Zone DTS/DPF 2.2 or Community Facilities Zone DTS/DPF 2.3.
- A residential development on the property would trigger public notification, unless it is a development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

OPTIONS

The Council has the following options with respect to how it responds to the draft Code Amendment.

Option 1

The Council can resolve to endorse the attached draft submission contained in **Attachment E**, with or without amendments, as being suitable for submitting to the Proponent.

This option is recommended.

Option 2

The Council can resolve to not make a submission during the consultation period; however this would result in a missed opportunity to raise important policy issues of concern.

This option is not recommended.

CONCLUSION

The *Kensington and Portrush Road Community Facilities Code Amendment* proposes to rezone land next to a major road intersection in the south-east corner of Norwood to the *Community Facilities Zone*. If approved, it would result in increased development potential including for consulting rooms which is generally appropriate for a site fronting busy arterial roads, subject to appropriate policies, vehicular access, and design.

The Code Amendment documentation suggests that the proponent intends to redevelop the larger part of the property as a medical facility of 2-5 levels. However, a range of uses are envisaged by the Code provisions that will apply and the new Neighbourhood Subzone, due to its ambiguous wording, introduces the potential for a medium to high rise residential development, perhaps even exclusive residential development, as a potential alternative to consulting rooms or community facilities. All impacts of an intensely residential outcome including traffic have not been canvassed or addressed, other than for the concept preferred by the Proponent - that is, a medical hub with a limited number of dwellings up to three storeys along the Donegal Street frontage.

The Proponent's mixed land use concept is appropriate. The attached draft submission recommends amendments to reduce the extent of the Neighbourhood Subzone to the land adjacent the western side of Donegal Street (as indicated by the Proponent), this would provide for a suitable land use buffer to existing residences. This recommended arrangement would also better underpin the main land use, a medical centre development on the balance of the property. Any future change preferencing intensive residential development across the entire property could occur following due process to implement another Code Amendment with a different, more appropriate residential zone (noting the Council would need to consider the impacts of any such proposal before formulating a position).

The attached draft submission, contained in **Attachment E**, also seeks retention of current Overlay policies relating to stormwater management and tree canopy and introduction of a Concept Plan to direct non-residential traffic away from Donegal Street.

As the issue identified relating to residential potential in parts of the Community Facilities Zone goes beyond the scope of the Proponent's Code Amendment and may affect other areas, it is appropriate that the Council advise the Minister for Planning to provide a clearer Desired Outcome for the Neighbourhood Sub Zone, so that this Sub Zone does not subvert the purpose of the Community Facilities Zone as a zone primarily accommodating consulting rooms, community facilities or other similar non-residential uses. This is in the interests of appropriate transparency and certainty of potential development outcomes for this property.

Aside from the changes recommended in this report and in the attached submission, the draft Code Amendment is considered to apply a range of suitable policies to address built form outcomes and impacts as part of a future development application.

COMMENTS

Nil.

RECOMMENDATION

1. That the draft submission contained in **Attachment E**, in response to the proposed *Kensington and Portrush Road Community Facilities Code Amendment*, be endorsed and the submission be forwarded to the State Planning Commission and the Proponent.
2. That the Chief Executive Officer be authorised to make any minor editorial/grammatical changes to the submission prior to the submission being lodged.
3. That the Minister for Planning be requested to revise the Desired Outcome for the Neighbourhood Sub Zone of the Community Facilities Zone, to limit the residential development contemplated to development that complements (and is ancillary to) the primary land use of community facilities.

Cr Piggott moved:

- 1. That the draft submission contained in Attachment E, in response to the proposed Kensington and Portrush Road Community Facilities Code Amendment, be endorsed and the submission be forwarded to the State Planning Commission and the Proponent.*
- 2. That the Chief Executive Officer be authorised to make any minor editorial/grammatical changes to the submission prior to the submission being lodged.*
- 3. That the Minister for Planning be requested to revise the Desired Outcome for the Neighbourhood Sub Zone of the Community Facilities Zone, to limit the residential development contemplated to development that complements (and is ancillary to) the primary land use of community facilities.*

Seconded by Cr Callisto and carried unanimously.

11.2 GREATER ADELAIDE REGIONAL PLAN DISCUSSION PAPER SUBMISSION

REPORT AUTHOR: Senior Urban Planner
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4561
FILE REFERENCE: qA82455
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to present for the Council's endorsement, a draft submission in response to the State Planning Commission's Greater Adelaide Regional Plan Discussion Paper. A draft submission has been prepared and is contained in **Attachment A**.

BACKGROUND

The State Planning Commission has invited public comment on the *Greater Adelaide Regional Plan Discussion Paper* ("the Discussion Paper") (refer to **Attachment D**) as part of the engagement associated with a 5-yearly review of the Regional Plan - the *30-Year-Plan for Greater Adelaide* – that was last updated in 2017.

The Discussion Paper was released on 14 August 2023, as advised to Elected Members via the weekly Communique.

The due date for submissions is 6 November 2023, however, the Council has been provided with an extension to 7 November 2023, to enable consideration of the submission by the Council at its November meeting.

A briefing for Elected Members on the Discussion Paper was held on 25 September 2023, as well as public consultation events organised and conducted by the State Planning Commission.

The Discussion Paper is intended to act as a 'conversation starter', canvassing issues and options, with further consultation on a draft Revised Regional Plan for Greater Adelaide anticipated to be released in 2024.

The City of Norwood Payneham & St Peters is one of 15 Local Government Areas in the Greater Adelaide Region.

The Discussion Paper outlines areas of focus for developing a vision for Adelaide through to 2050.

Pursuant to the *Planning, Development and Infrastructure Act 2016* (PDI Act), Regional Plans:

- are prepared by the State Planning Commission;
- undergo formal public consultation in accordance with the Community Engagement Charter;
- must be approved by the Minister for Planning;
- define the South Australian Government's long-term vision for growth, integration of land use, transport and the public realm and the application of State Planning Policies in the region;
- may include recommendations about the application of the Planning and Design Code in the region, and define actions like amendments to the Planning and Design Code;
- may also recommend specific amendments to the Code, with an option for the Minister to make or initiate a change to the Code involving a boundary change to a zone or subzone and/or the application of an overlay, on approval of a regional plan without further process (Section 75 of the PDI Act).

The Discussion Paper is the first output of a review that has been anticipated for some time and is overdue. The present *30-Year Plan for Greater Adelaide* continues as an interim arrangement until replaced by a revised version which anticipated in late 2024.

The Discussion Paper responds to a need for preliminary consultation as part of a staged engagement and investigative process and is accompanied by recent population projections and land supply analysis.

It is important that the Regional Plan addresses a range of sustainability, liveability and affordability issues canvassed at high level in the Discussion Paper, as well as likely population and jobs growth. The Discussion Paper delineates potential infill and greenfield growth areas for further investigation and includes discussion prompts such as ‘*Where Adelaide Should Grow?*’

The suggested **investigation areas** include parts of the City of Norwood Payneham & St Peters. These are areas to be considered for urban growth, where gaps in the evidence base will need to be filled to adequately inform the Regional Plan which will be prepared in 2024. These include corridor investigation areas along Payneham, Magill and Kensington Roads and a Strategic Infill investigation area in the Stepney Triangle.

The Stepney strategic infill area is proposed for the area which has been identified by the Council for further investigation as a Stepney food and beverage manufacturing precinct, as part of an economic development initiative. (The Discussion Paper does not include the Glynde food and beverage manufacturing precinct in any infill growth investigation area).

As endorsed by the Council at its meeting held on 3 July 2023, the Council's strategic review of Glynde and Stepney will, amongst other things seek to:

“g) *identify threats and challenges to existing and future land use in Glynde and the Stepney Triangle to determine if there is a need for Council to prepare a Code Amendment to provide certainty to existing and potential food and beverage manufacturers regarding long-term planning and investment in the sector...*”

On 1 September 2023, Mayor Bria on behalf of the Council, wrote to the Chair of the State Planning Commission seeking the Commission's early response on the Glynde and Stepney Food and Beverage Manufacturing Precinct concept. A copy of letter is contained in **Attachment B**. A reply has been received and is included as **Attachment C**.

In summary, the main points of the Commission's response to the Council's letter are as follows:

- On face value, the *Employment Zone*, the existing zoning of the Glynde and Stepney employment land precincts, appears to be the appropriate zone to support food and beverage manufacturing and would provide a high degree of certainty to current and future businesses.
- It is difficult to comment on any threats and challenges to food and manufacturing in Glynde and Stepney, before the investigations proposed by the Council have been undertaken.
- It would be useful to understand any matters that may have arisen in relation to the planning system to warrant the Council resolution to undertake this investigation, such as examples of proponents having difficulty obtaining planning consent for food and beverage manufacturing and an analysis of these policy barriers; and examples of current food and beverage operations being jeopardised by recent developments approved under the *Planning & Design Code* Employment Zone policies.
- It should also be considered whether industries of this nature have the potential to co-exist, be complimentary to, or mutually support a range of other uses in the future.

Accompanying the Discussion Paper is an updated Land Supply Analysis and population projections. The consultation process associated with the Discussion Paper, provides an opportunity to provide comments on where further investigations should be focussed to ground-truth constraints and opportunities that will shape the delivery of long-term housing and employment land supply, and the final Regional Plan.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Regional Plan has the potential to affect many of the Council's Strategic Directions and Policies. The Discussion Paper provides an early opportunity to seek alignment with the goals of the Council.

FINANCIAL AND BUDGET IMPLICATIONS

Preparation of a draft response to the Discussion Paper has been undertaken with existing resources.

EXTERNAL ECONOMIC IMPLICATIONS

As the State Government's blueprint for planning and development, the Regional Plan will have a range of implications for economic development within the City of Norwood Payneham & St Peters.

SOCIAL ISSUES

The Regional Plan has the potential to shape the City's social profile and delivery of community infrastructure associated with future development.

CULTURAL ISSUES

The Regional Plan has the potential to influence the extent to which the cultural heritage is protected and enhanced in the built environment and landscape.

ENVIRONMENTAL ISSUES

The Regional Plan has the potential to influence the effectiveness of environmental management and protection, including in relation to green cover, water resources, air quality, noise, and impact of climate change.

RESOURCE ISSUES

While the *Planning, Development and Infrastructure Act 2016* (the PDI Act) does not directly oblige the Council to carry out investigations or other responsibilities relating to a review of the Regional Plan or its implementation, there are expectations at community and State Government level, that the Council is actively engaged and works cooperatively to align strategic outcomes. This collaboration can be done using existing staff and allocated resources.

RISK MANAGEMENT

The review of the Regional Plan involves a suite of risks and opportunities that are important to monitor and respond to as an advocate for the community. The preparation of an effective submission on the Discussion Paper is a key part of this.

There is a significant reputational risk in not responding or by responding inappropriately, given that the Regional Plan has the capacity to drive significant change to the urban environment and conditions experienced by the community and visitors. There is also corporate risk if the emerging regional planning policy framework does not match the Council's objectives to the greatest extent possible. There are also strategic risks, for example, if long term objectives relating to economic development and the Stepney Triangle are undermined by the Regional Plan.

The attached draft submission, together with ongoing dialogue with the State Planning Commission, should assist in mitigating these risks.

CONSULTATION

- **Elected Members**
An Elected Members Information Briefing, attended by representatives of the State Planning Commission, was presented on 25 September 2023.
- **Community**
The State Planning Commission is responsible for ensuring adequate levels of community engagement on the Discussion Paper and the draft Regional Plan.

- **Staff**
General Manager, Urban Planning & Environment
General Manager, Infrastructure & Major Projects
Manager, Urban Planning & Sustainability
Manager, Economic Development & Strategy
Manager, Traffic & Integrated Transport
- **Other Agencies**
Planning & Land Use Services, Attorney General's Department

DISCUSSION

Regional Planning Process

The *PDI Act* sets out the process for preparing and updating Regional Plans.

Investigations for the review of the *Greater Adelaide Regional Plan* proceeded with very little involvement of Local Government, but this has been followed by a period where local input and knowledge is being sought, in addition to the formal public consultation process.

Released with the Discussion Paper was a significant land supply analysis, updating a 2022 report to the Commission. This includes more detailed analysis of the potential for small-scale urban infill under the present Planning & Design Code and which suggest significantly lower potential yields than estimated in 2022.

The review follows a period in which several factors including Federal Government stimulus measures have boosted the rate of recent greenfield residential development. A crisis in housing affordability (and associated with this, the inflated cost of undertaking and servicing development) and community concern about heritage (historic areas) and character protection, are among the other key contextual factors potentially shaping the review of the Regional Plan.

The review has yet to apply the spatial precision or promote the kind of collaboration that occurred in an earlier strategic planning process which focussed on the rezoning of Inner-Rim areas near the CBD, such as parts of Kent Town, for more intense infill development. A strategic investigation of a new set of infill sites has been identified but there is limited information about the terms of reference or scope. It is understood the terms of reference will be refined by the Commission by December 2023. The Commission's Discussion Paper invites public comment on where the next strategic infill sites may be, while simultaneously seeking feedback on ideas for growing outward along major roads in rural or peri-urban areas beyond current urban boundaries (ie. on the outskirts of Murray Bridge etc).

The Discussion Paper contains maps showing parts of the City of Norwood Payneham & St Peters to be investigated further as growth investigation areas, more particularly:

- Strategic Infill Growth Investigation Areas (in Stepney)
- Neighbourhood and Centre Regeneration Growth Investigation Areas (largely parts of Marden, Payneham, Felixstow and Firlie which are currently zoned Housing Diversity Neighbourhood)
- Urban Corridor Growth Investigation Areas (along Payneham, Magill and Kensington Roads).

The Commission is seeking input into the scope of these investigations including in terms of the final extent of areas to be investigated.

The Regional Plan will guide amendments to the *Planning & Design Code*, including Code Amendments initiated by private proponents.

In 2021, the Greater Adelaide Regional Organisation of Councils (GAROC), through the Local Government Association of South Australia, prepared an Issues Paper outlining a range of planning issues and desired outcomes for the new regional plan. It called for a future regional plan to have a stronger policy basis for issues such as:

- addressing climate change and related issues;
- urban green cover and tree canopy;
- community health and wellbeing;
- good urban design, particularly for urban infill;
- improved outcomes in Urban Corridor Zones;
- clearer role of Representative Buildings and improved policies in Historic and Character Area Overlays;
- stronger recognition of Indigenous heritage;
- policies addressing housing availability and affordability;
- better integration of planning and infrastructure; and
- a more strategic approach to Employment Zones.

These points are still valid and are reiterated in the attached draft Council submission.

Overview of the Discussion Paper

Key themes of the Discussion Paper are:

- housing choice and affordability;
- securing the future in terms of sustainability, liveability and prosperity;
- where and how to accommodate population growth beyond the 15 years supply considered currently available.

The Discussion Paper is divided into two main parts, titled:

1. *How should Greater Adelaide grow?*
2. *Where should Greater Adelaide grow?*

The Discussion Paper also includes other very high-level questions to help frame comments.

The Commission has proposed the following four (4) outcomes to guide discussion about the growth of Greater Adelaide:

- a greener, wilder and climate resilient environment;
- a more equitable and socially-cohesive place;
- a strong economy built on a smarter, cleaner, regenerative future;
- a greater choice of housing in the right places.

Having regard to the Council's strategic directions and interests, the following statements and ideas contained in the Discussion Paper are of particular note:

'We can do infill better.' (p 10)

Reference to a "more targeted approach to infill development to preserve neighbourhoods of major historic or cultural significance". (p 62)

"Traditional industries will still require dedicated land separated from other uses and near freight routes. But growth in cleaner and quieter industries is expected to increase demand for inner suburban employment lands too." (p68)

"Protect and capitalise in employment land in the Inner Metro...for future knowledge-based industries and innovation precincts." (p 71)

“Plan for a high growth scenario and stage the release of land to meet forecast demand” (p 79), along with other statements backing a plan for accommodating 670,000 people in the region by 2051.

“Many of Adelaide’s most sought-after suburbs (eg. Glenelg, Parkside, Gawler, Norwood and North Adelaide) already embody the Living Locally concept. Research across Australia shows people prefer neighbourhoods with good access to high quality local transport and within easy reach of family, work, shops and amenities.” (p 87)

“(N)ew housing forms and future living models will need to meet community expectations and preserve valuable heritage and character areas”. (p 143)

“Locations for inner-suburban employment precincts are often identified for rezoning to residential uses. This highlights the need to balance new city-fringe housing with future employment needs.” (p 147)

The Council’s draft submission advocates that a weakness of the Discussion Paper is a lack of cross-referencing or integration with a transport plan or the current (2020) *State Infrastructure Strategy*. The latter is currently in the early stages of a review.

Since release of the State Planning Commission’s GARP Discussion Paper in August, Infrastructure SA has independently released South Australia’s 20-Year Infrastructure Strategy Discussion Paper.

The Infrastructure SA Paper states that:

“Aligning the 20-Year State Infrastructure Strategy with the new Greater Adelaide Regional Plan and the non-metropolitan regional plans will allow for more coordinated infrastructure planning and development. In addition, to improve the consistency and coordination of infrastructure planning across government, the importance of using common planning assumptions and forecasts should be elevated.” (p32)

Integrated planning is mandated by State Planning Policy 1 and the 2015 *Integrated Transport and Land Use Plan* informed the 2017 Regional Plan Update. Planning and Land Use Services staff have advised that processes are in train to achieve the integration of these strategic planning exercises by two separate entities, the State Planning Commission and Infrastructure SA.

Population Projections

New population projections for the Greater Adelaide region and sub-regions were recently published on the PlanSA Portal.

Three scenarios – low, medium and high growth – have been modelled. For the whole region, the medium growth projection is 2.005 million by 2051, a projected population increase of 489,900.

However, the Discussion Paper argues for planning to accommodate the high growth projection of 670,000 people in the region by 2051. Local implications may include an over-emphasis on accommodating population growth thereby placing pressure on heritage and character housing and certain employment activities. In the Council’s draft submission, it is suggested that the Commission needs to adopt a more tempered approach that can operate across a range of plausible population projections.

The City of Norwood Payneham & St Peters is in the Inner Metro sub-region comprising of the City of Adelaide and immediately surrounding councils to the north, south and east. A report released by the State Planning Commission indicates that in 2021, the population in the sub-region was 235,366, having increased by almost 11,000 (0.45% per annum) between 2016 and 2021. (Note that City of Adelaide has reported atypical negative growth, -1.83%, in year ending 30 June 2021, which is indicative of the Covid-19 pandemic’s impact being strongest in the CBD, which is the primary location for apartment growth in the Inner Metro sub-region). In Inner Metro, a population increase of between 30, 506 (low) to 57, 455 (high) from 2021-41 is projected (annual growth of 0.66% to 1.22%).

Local area projections are expected to be published by end of 2023 or early 2024.

Growth Investigation Areas

The attached draft submission identifies that the investigation of growth options in the local area and sub-region, requires a sound evidence-base covering the relevant constraints. These includes those relating to the natural and cultural environment, infrastructure and competing uses, plus factors indicative of opportunities for new development such as low capital value or vacant land.

The inclusion of the Stepney area's employment lands as a Strategic Infill investigation area is unsurprising given its proximity to Kent Town, where higher-rise redevelopment has recently occurred (from 2017). However, this will need to be carefully managed in terms of alignment with the Council's economic strategies given the presence of manufacturing which may be vulnerable to land use competition and conflict.

The three arterial road corridors identified for further investigation abut or overlap significant areas and places of historic or character value. The prospects for infill potential to properties with frontage to Payneham, Magill and Kensington Roads are also limited by competing uses.

The Discussion Paper also identifies 'Mass Rapid Transit Investigation Areas' - five elongated areas radiating out from the centre of Adelaide, including along Magill Road and The Parade.

One of these takes in Kent Town, Norwood, Kensington and parts of Hackney, College Park, Stepney, Maylands, Trinity Gardens and St Morris in the City of Norwood Payneham & St Peters, extending nearly the full lengths of Magill Road (in the north) and Kensington Road (in the south) to slightly east of Penfold Road (in the City of Burnside).

The Discussion Paper lacks a rationale or justification for including these in the Mass Transit Investigation Area. The term 'mass rapid transit' is suggestive of high-capacity rail transit operating on an exclusive right-of-way. A plausible alternative is a concerted effort to improving public transport without converting bus routes to other modes. The attached draft submission refers to the need to support the objectives of the Council endorsed The Parade Master Plan including two-lane traffic flow and widened cycle ways and footpaths which leaves no room for fixed line transit.

Despite these qualifications, there is merit in supporting further investigations to ensure that the Regional Plan is robust and responsive to the local context. At this stage, the ideas that have been presented in the Discussion Paper are broad-brush and speculative. It is important to encourage the Commission to invest in more granular and evidence-based spatial planning to help avoid unresolved issues in the 2017 Regional Plan, such as conflict between protecting areas of historic character and increasing dwelling densities close to higher-quality public transport.

OPTIONS

The Council has the following options in respect to making a submission:

1. Providing a submission on the Discussion Paper which includes the Council's ideas on the scope of further work by the State Planning Commission to investigate issues and options affecting the local area as well as wider region.

Integral to Option 1, is reserving the right to comment more directly on specific directions in 2024 when the draft Regional Plan has been released for consultation. The draft submission has been prepared reflecting resolutions of the Council and other comments which are pitched with a high level of generality. This respects that fact the Commission is still largely at an investigations / conversation starting stage and has posed very high-level questions within the Paper to frame feedback at this early stage.

2. Respond more emphatically about specific directions that the Council may or may not support.

Generally-speaking it would be better to first wait for the Commission to do further analysis and present findings and recommendations rather than commenting specifically on preferred directions in advance of ongoing investigations.

3. The Council could choose not to make a submission.

By not responding, the Council could incur reputational risk. Providing no response could be interpreted as not representing community interests in regional planning, sharing local knowledge, or choosing to be involved in supporting better regional planning.

For the reasons stated, Option 1 is the recommended approach, and has informed the approach taken in the draft submission.

CONCLUSION

It is important that the Council engages in the regional planning process, which is being conducted by the State Planning Commission, both in terms of sharing local knowledge and to effectively represent and advocate for the Council's strategic goals and the community interest. The attached draft submission reflects the Council's priorities and the relative significance of anticipated consequences, such as those that stem from a greater emphasis on intense corridor growth along selected main roads.

The draft submission covers a wide span of issues at high level, with comments on more detailed constraints and opportunities, including the proposed Investigation Areas, together with the Council's preferred approach for the Stepney triangle. The draft submission also advocates for Council's positions relating to heritage and character.

COMMENTS

Nil

RECOMMENDATION

1. That the submission (as contained in Attachment A) on the Greater Adelaide Regional Plan Discussion Paper, be endorsed and forwarded to the South Australian Planning Commission.
 2. That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the submission, providing the changes do not affect the intent of the submission.
-

Cr Mex moved:

1. *That the submission (as contained in Attachment A) on the Greater Adelaide Regional Plan Discussion Paper, be endorsed and forwarded to the South Australian Planning Commission.*
2. *That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the submission, providing the changes do not affect the intent of the submission.*

Seconded by Cr Holfeld and carried unanimously.

11.3 BETTER LIVING BETTER HEALTH 2020-2025 REGIONAL PUBLIC HEALTH PLAN PROGRESS REPORT

REPORT AUTHOR: Manager, Community Services
GENERAL MANAGER: General Manager Governance & Civic Affairs
CONTACT NUMBER: 8366 4600
FILE REFERENCE: qA105943
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to provide a progress report to the Council on the *Better Living Better Health 2020-2025* Regional Public Health Plan for the Council's consideration.

BACKGROUND

The South Australian *Public Health Act 2011* (the Act) requires that all Councils prepare and adopt a Public Health Plan. A key objective of the Act is to promote and foster the health and wellbeing of individuals and communities. The Act also requires that the Minister for Health and Wellbeing, prepare and maintain the State Public Health Plan. The State Public Health Plan sets out the principles and policies for achieving the objectives of the Act, relating to public health at a State level. Council Public Health Plans are required to align with the objectives of the State Public Health Plan.

The Act allows for Councils to develop their plans individually or as a group of Councils which adopt a Regional Public Health Plan. In 2014, the Council resolved to develop its Regional Public Plan with the Constituent Councils of the Eastern Health Authority.

The Eastern Health Authority comprises the following Constituent Councils:

- City of Norwood Payneham & St Peters;
- City of Burnside;
- Campbelltown City Council;
- City of Prospect; and
- Town of Walkerville

The preparation and implementation of a Regional Public Health Plan enables the Eastern Health Authority Constituent Councils, to identify opportunities and outline strategies for promoting public and environmental health and wellbeing, to foster stronger, healthier and more resilient communities, whilst enabling Councils to strengthen partnerships with each other and other stakeholders.

The first Regional Public Health Plan 2014-2018 was endorsed by the Council in June 2015. In 2019 Constituent Councils worked with consultants URPS to review the 2014-2018 Public Health Regional Plan. A new Regional Public Health Plan '*Better Living Better Health*' 2020-2025 was prepared and endorsed in 2020. A copy of the *Better Living Better Health*' 2020-2025 Regional Public Health Plan (the Plan) is contained in **Attachment A**.

This report provides an update on the progress of the Plan.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Better Living Better Health 2020-2025 aligns with the Council's strategic plan *CityPlan 2030 Shaping Our Future*. The relevant outcomes and objectives are summarised below;

Outcome 1– Social Equity

Objective 1.1 – Convenient and accessible services

Objective 1.4 – A strong, healthy, resilient and inclusive community

FINANCIAL AND BUDGET IMPLICATIONS

There are no financial implications in relation to this report. Any initiatives that arise from the Plan are considered individually and through the Council's Annual Business Plan and Budget processes.

EXTERNAL ECONOMIC IMPLICATIONS

There are no external economic development implications.

SOCIAL ISSUES

Initiatives, services and programs focusing on health and wellbeing are a core part of Local Government's operations particularly through the following:

- infrastructure (footpaths, roads, reserves, creeks, ovals, playgrounds and outdoor exercise equipment);
- information and services (Citizens Services, Libraries, Community Centres Home Support Services, social programs and community events);
- protection (immunisation, food safety and inspections); and
- promotion (climate change adaptation, waste and emergency management).

The Projects set out in the Plan were designed to complement the Council's range of services, programs and events and promote a more regional collaborative approach to the delivery of public health and wellbeing initiatives.

CULTURAL ISSUES

There are no cultural issues associated with this report.

ENVIRONMENTAL ISSUES

There are no environmental issues associated with this report.

RESOURCE ISSUES

There is a regional governance structure in place to manage the Plan which includes the Eastern Regional Public Health Plan Advisory Committee. The Committee comprises representatives from each constituent Council and the Eastern Health Authority. The role of the Committee is to review the Plan, determine annual priorities, support regional project teams and prepare biennial reports to the State Government's Chief Public Health Officer.

RISK MANAGEMENT

Under Section 52(1) of the State Public Health Act (2011) the Constituent Councils have a legislative responsibility to prepare a report that contains an assessment of the progress of the implementation of the Plan, to the State Government's Chief Public Health Officer on a biennial basis. The next report is due in 2024.

To ensure that the projects continue to progress and are completed within the life of the Plan the Eastern Regional Public Health Plan Advisory Committee reviews and monitors the progress of the Plan's projects.

CONSULTATION

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

DISCUSSION

The *Better Living Better Health Regional Public Health Plan 2020-2025* is an aspirational plan, which aims to promote a more regional collaborative approach to public health and wellbeing. As such, the Plan was purposely not designed to simply summarise everything each Constituent Council delivers in relation to public health and wellbeing. The Plan sets out the following strategic directions:

- *Environments for Health* – this direction recognises that the natural built and cultural environment influences how people live, how they interact with their communities and their ability to adopt active lifestyles.
- *Capacity for Health* – this direction recognises how connecting people to activities, events and other opportunities promotes good mental health and healthy communities. It also acknowledges the need to identify and target specific groups to ensure there are opportunities for full participation.
- *Protection for Health* – this direction sets out the Eastern Health Authorities Constituent Councils' commitment to protecting public health and safety, through developing and enforcing public and environmental health performance standards and adopting a risk-based approach to public health management.

To support these strategic directions a range of projects were identified. Following analysis of local demographics, strengths, weaknesses and opportunities, these projects focus on areas that have regional significance. In this regard eleven (11) projects with twenty-eight (28) associated actions have been identified.

It is a requirement of the Act, that a biennial report is prepared for the State Government Chief Public Health Officer, that summarises the progress of the Plan. In this regard, a biennial report (*Better Living Better Health Report 2020-2022*) was prepared for the State Government Chief Public Health Officer. A copy of the report is provided in **Attachment B**.

The report outlines the challenges Councils experienced implementing the Plan for a range of reasons, including the commencement of the COVID-19 pandemic in 2020 and the ongoing impact of COVID-19 in 2021, which limited Council initiatives and regional opportunities. There have also been staff changes involved with the Plan, in three (3) of the five (5) Constituent Councils.

In June 2023, a review of the Plan was undertaken by the Eastern Regional Public Health Plan Advisory Committee, to allow for the preparation of a progress report. The review also identified areas where changes were required in the Plan.

At this point in time of the twenty-eight (28) associated actions in the Plan:

- seven (7) have been completed. Six (6) are relevant to the City of Norwood Payneham and St Peters;
- fourteen (14) are in progress. Eight (8) are relevant to the City of Norwood Payneham and St Peters;
- three (3) have not commenced however, these actions are scheduled to commence within the life of the Plan; and
- four (4) have been recommended to be amended.

A summary of the progress of the projects and actions is contained in **Attachment C**.

The key actions that have been completed that are relevant to the City of Norwood Payneham & St Peters include:

- mapping of community transport services available across the Eastern Region;
- identification of gaps in the community transport network;
- researching best practice approaches to addressing social isolation;
- mapping vulnerable populations;
- bringing Councils' Volunteer Co-ordinators together to map current practices around Volunteering; and
- investigation of regional Partnerships for the development of Mental Health Suicide & Prevention networks;

The key actions that are currently in progress and relevant to the City of Norwood Payneham & St Peters include:

- mapping of open space and recreation areas across the Region including relevant infrastructure (toilets and playgrounds);
- overlaying of cycling and walking routes (to the mapping process), including the River Torrens Linear Park;
- investigation of the continuity of signage and wayfinding to amenities and places of interest across the region, including Kurna culture and local heritage;
- investigation of regional platforms for the promotion of health and wellbeing activities across all Council areas;
- development of a regional events and festivals calendar;
- applying an access for all approach across broad spectrum of events and activities; and
- collaborating to deliver shared Volunteer training across the region.

The key actions that have not commenced but will be completed within the life of the Plan include:

- identification of opportunities to enhance the connectivity (across the region) and amenity to increase access for all access and abilities.
- planning for potential changes to service delivery in terms of regional community transport network based on mapping and gap analysis; and
- implementation of a regional promotional approach across a broad range of events and activities.

There are four (4) actions in the Plan that will not progress over the life of the current Plan Details of these actions and the proposed amendments are set out below.

1. Implement Enhancements to Regional Community Transport Network

Each of the Constituent Councils is currently considering changes to, or have recently changed, the model for the delivery of its Commonwealth Home Support Program (CHSP) services in response to the proposed changes to the Federal Government's funding model, which will be effective from 1 July 2025.

Transport Services delivered under the Commonwealth Home Support Program have typically been the primary driver for the acquisition of fleet and selection of activities (i.e. social programs) associated with Community Transport Programs. Councils are still waiting on information from the Federal Government, as to how the transport component of the service will be funded in the future. Based on the timeline for information provided by the Federal Government, final decisions from Councils with respect to the service are not expected to be made until 2025. It is therefore unlikely that Councils will have considered a revised (and funded) model of Community Transport until late 2025 which means that this action will not be completed over the current life of this plan.

For this reason, it is recommended that this action be considered as part of the next Regional Public Health Plan (2026-2030). Actions, which include identifying gaps and opportunities in the regional Community Transport Network, will act as a foundational step for this future action.

2. Pilot a Regional Approach Around an Existing Event of Regional Significance (i.e. ZestFest).

This action is based upon the promotion of a regional wellbeing focussed event namely *ZestFest*.

ZestFest was a statewide festival of events and activities celebrating positive ageing, auspiced by the Council for the Ageing (COTA). Due to the impacts of COVID-19, COTA has cancelled *ZestFest*.

The City of Norwood Payneham & St Peters' *Zest for Life* Festival which was part of *ZestFest* is still being held on an annual basis and promoted across the region. However, all other Constituent Councils are no longer offering their *ZestFest* activities or events. Therefore, it has not been possible to regionally promote *ZestFest*.

3. *Develop Regional Volunteer Passport Scheme Including Regional Database of Volunteers and Volunteer Opportunities*

This action is expected to provide a number of benefits across the region. The Volunteer Passport Scheme is a system that would create Volunteer profiles and a database that would facilitate opportunities for Volunteers across the region. The Passport would facilitate a Volunteers' ability to Volunteer for more than one(1) Council or to transfer to another Council to undertake other Volunteering opportunities. The Passport would be managed by Volunteers and may include information such as their resume, language capabilities and qualifications (including national criminal history checks) hours worked and training undertaken. The information would be made available to Councils to assist in fast tracking recruitment, induction and training of Volunteers.

There are a series of challenges that have been identified in achieving this outcome within the life of the current Plan, which include:

- differing policies and procedures amongst Constituent Councils;
- workplace management matters, which include day-to-day challenges such as reporting and coordination, together with system challenges such as the management of Volunteer hours;
- system challenges, as the Constituent Councils use different data systems to manage Volunteers. These systems would need to be aligned for the passport to be effective; and
- training needs, as a result of the use of different plant and equipment by various Councils.

Staff from the Constituent Councils do not consider that the outcome is impossible to achieve, however the alignment of policies, processes and systems necessary will take a considerable amount of time.

As a starting point it has been identified that collaborating to deliver shared Volunteer training across the region where possible, can be undertaken within the life of the current Plan. This action will serve as a foundational action, leading to the longer-term delivery of a Volunteer Passport action in the next Regional Public Health Plan.

4. *Establish a Regional Mental Health and Suicide Prevention Network*

This project was included in response to the mental health issues in the community at the time of the current Plan and the opportunity for funding to set up regional mental health and suicide prevention networks. Investigations were undertaken with the assistance of staff of the former Premier's Council on Suicide Prevention.

Funding was being offered to support the establishment of Mental Health and Suicide Prevention Networks, however the model of delivery for these networks was not set up for Local Government. Staff from Constituent Councils were advised that a core requirement for the establishment of this Network was that it be established, coordinated and sustained by local community groups. On this basis Constituent Councils would not be supported in establishing regional or local Mental Health and Suicide Prevention Networks as part of this program.

Notwithstanding this whilst Councils offer services and programs that contribute to community well-being, the area of mental health and suicide prevention is outside the scope and expertise of local government services. In this regard the responsibility of responding to mental health and suicide is best aligned with State Government.

This program is now being run by Wellbeing SA. Staff from Wellbeing SA have confirmed that the program framework remains unchanged.

For these reasons this action will not be progressed.

OPTIONS

The Council can determine to endorse the proposed changes of the Plan or not.

For the reasons set out in this report, it is recommended that the Council endorses the proposed amendments to the Plan. This would mean that the following actions would be considered as part of the next Regional Public Health Plan 2026 - 2030:

- *Implement enhancements to the regional community transport network; and*
- *Develop Regional Volunteer Passport Scheme including regional database of Volunteers and volunteering opportunities .*

CONCLUSION

Overall the implementation of the Plan is progressing well. The flexibility built into the Plan enables Councils to determine the projects which they wish to undertake.

COMMENTS

It has been agreed by the Public Health Regional Health Advisory Committee, that the decision on whether to endorse the proposed amendments as set out in this report, is up to the individual Council. For example, if the City of Norwood Payneham & St Peters determined not to pursue the Volunteer Passport Project, the project could still continue with the remaining Councils.

Of the five (5) Councils, the Campbelltown City Council and Town of Walkerville have endorsed the changes as presented in this report. The Cities of Burnside and Prospect have yet to consider the matter. The City of Prospect has advised that they will be considering the matter in late November 2023.

Staff from the City of Burnside have advised that the Council at this stage will only be presented with a progress report and no recommendations in terms of the actions will be presented.

RECOMMENDATION

1. That following the review of the *Better Living Better Health Regional Public Health Plan 2020-2025*, the following actions will be considered as part of the preparation of the 2026 – 2030 Regional Public Health Plan:
 - *Implement enhancements to the regional community transport network; and*
 - *Develop Regional Volunteer Passport Scheme including regional database of Volunteers and volunteering opportunities .*
 2. That the Council notes that the following actions will not be progressed as part of the *Better Living Better Health Regional Public Health Plan 2020-2025*:
 - *Pilot a Regional Approach Around an Existing Event of Regional Significance (i.e. ZestFest)*
 - *Establish a Regional Mental Health and Suicide Prevention Network*
-

Cr Robinson moved:

1. *That following the review of the Better Living Better Health Regional Public Health Plan 2020-2025, the following actions will be considered as part of the preparation of the 2026 – 2030 Regional Public Health Plan:*
 - *Implement enhancements to the regional community transport network; and*
 - *Develop Regional Volunteer Passport Scheme including regional database of Volunteers and volunteering opportunities.*

2. *That the Council notes that the following actions will not be progressed as part of the Better Living Better Health Regional Public Health Plan 2020-2025:*
 - *Pilot a Regional Approach Around an Existing Event of Regional Significance (i.e. ZestFest)*
 - *Establish a Regional Mental Health and Suicide Prevention Network*

Seconded by Cr Piggott and carried unanimously.

Section 2 – Corporate & Finance
Reports

11.4 ANNUAL FINANCIAL STATEMENTS FOR YEAR END 30 JUNE 2023

REPORT AUTHOR: Chief Financial Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA491622
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the 2022-2023 Financial Statements to the Audit Committee for review and recommendation 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 be prepared in accordance with the requirements set out in the Model Financial Statements. The Annual Financial Statements have been prepared 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*”. As such, the Annual Financial Statements are presented to the Committee for consideration.

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 2022-2023 Annual Business Plan and supporting Budget, set out the services and programs and initiatives for the 2022-2023 Financial Year.

The Council’s 2022-2023 Annual Business Plan reflects the Council’s commitment to financial sustainability. In adopting the 2022-2023 Budget, the Council forecasted an Operating Surplus of \$0.864 million for the 2022-2023 Financial Year.

FINANCIAL AND BUDGET IMPLICATIONS

Statement of Comprehensive Income

The Council concluded the 2022-2023 Financial Year with an Operating Surplus of \$1.954 million (2021-2022: \$2.645 million), compared to the Operating Surplus of \$0.864 million as set out in the 2022-2023 Adopted Budget.

After considering Capital Items which includes the impact of assets revaluations and grant funding specifically for asset upgrades or renewals and asset disposals, the Council is reporting a Total Comprehensive Income of \$50.111 million (2021-2022: \$37.072 million).

The reasons for the variations to the Adopted Budget are outlined in Item 6.2: Financial Summary.

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**
Nil
- **Community**
Not Applicable
- **Staff**
Responsible Officers
General Managers
- **Other Agencies**
Nil

DISCUSSION

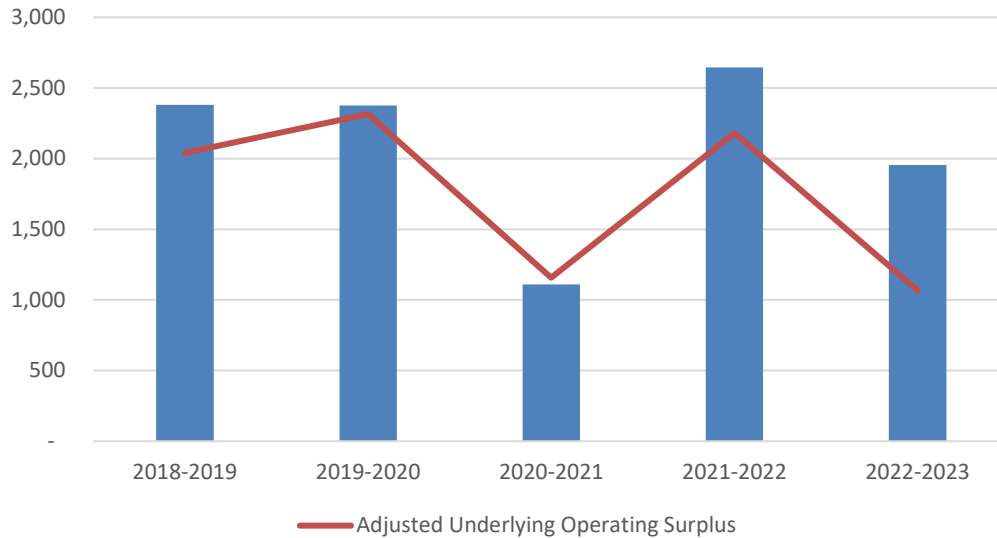
Statement of Comprehensive Income

Operating Result

As detailed in Figure 1 below, the Council concluded the Financial Year with an Operating Surplus of \$1.954 million (2021-2022: \$2.645 million). The decrease in the Operating Surplus is due to a 7.9% increase in Operating Expenses primarily due to an increase in Finance costs and Net loss on Joint Ventures & Associates, when compared to the previous Financial Year.

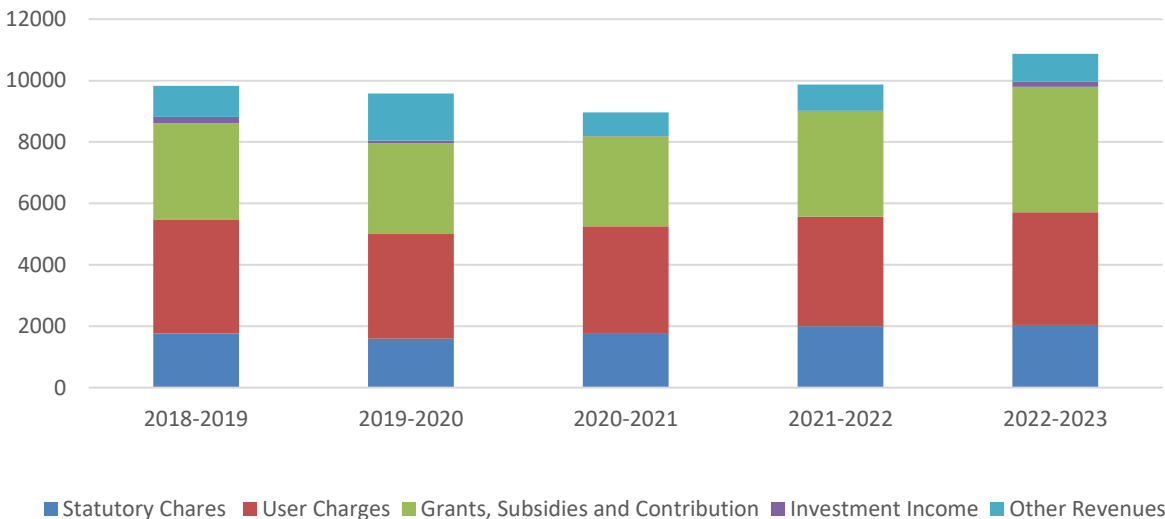
As highlighted in previous reports to the Committee, for the last five (5) consecutive years, the Federal Government has made advance payments equal to approximately two quarters of the Financial Assistance Grants. The advance was increased for the 2023-2024 financial year. Adjusting for the effect of the advance payments, the underlying Operating Surplus is \$1.067 million for 2022-2023, (2021-2022: \$2.182 million). Figure 1 below, shows the Operating Surplus over the last five (5) 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 (8.3%) compared to the 2021-2022 financial year, which is primarily due to the higher interest which has been received from the Local Government Finance Authority for “cash at bank”. In addition, the quantum of funds being held are higher due to the timing of expenditure on projects. During the year, the Council also recognised the ‘Local Roads & Community Infrastructure Program’ Grant as income immediately on receipt in accordance with AASB 1058.10, as advised by the Council’s Auditors, Galpins.

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



The cost to deliver the Council’s continuing services (i.e. Recurrent Operating Costs) increased by 7.9% (\$3.521 million) compared to 2021-2022. Primary drivers behind this increase are:

- Depreciation, amortisation and impairment have increased by \$795,972 compared to 2021-2022, as a result of a \$15 million capitalisation of fixed assets during 2021-2022 Financial Year.
- Employee costs have increased mainly as a result of year-on-year CPI wage increase.
- Contracted services have increased due to unplanned maintenance, increase in contracted and temporary staff at the St Peters Childcare Centre & Preschool and across the organisation to cover staffing needs while recruitment is in process for vacant roles.

Partially offsetting these cost increases were the significantly lower legal costs during the financial year (saving of \$347,796 compared to 2021-2022) and provisions for doubtful debts (a saving of \$231,406 compared to 2021-2022).

In addition to the continuing services, the Council delivered eighteen (18) Operating Projects, which encompassed a number of new service initiatives and one-off activities or programs. The net gain of delivering the Operating Projects was \$101,160 as a result of State Government Grants and Contributions from other local councils (2021-2022: net cost of \$381,478).

Ownership costs, which incorporate interest paid on long term borrowings and depreciation, increased by 6.7% (\$752,000). 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.

Non-Operating Items

A Non-Operating impact from assets related activities of \$862,114 is reported for 2022-2023 (2021-2022 Non-Operating Surplus \$30,534). The Non-Operating transactions comprised of:

- Loss on Sale and Write off of Infrastructure Assets renewed as part of the Capital Works program. (\$1.502 million)
- Grant Funding received or recognised for Capital Projects including \$0.64 million
 - Cruickshank Reserve Facility Upgrade \$444,393
 - Library Book Acquisition \$105,807
 - Norwood Oval Development \$ 60,000
 - Burchell Reserve Upgrade \$ 30,000

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 \$49.019 million (2021-2022: \$34.457 million).

The major factor contributing to the Surplus is the indexation of the Council's Civil Infrastructure, Land and Building Assets. In line with the Council's *Asset Revaluation Policy*, independent valuations of the major long term asset classes are undertaken on a rolling five (5) year period. For the 2022-2023 financial year, an independent revaluation for Land and Building assets was undertaken by Asset Valuation & Risk Consulting.

Balance Sheet

The Net Assets of the Council at 30 June 2022, is \$586 million, an increase of \$50 million from 2021-2022. Major movements include:

a. Assets

Current Assets have decreased by \$7.558 million, predominately due to a decrease in cash held with the Local Government Financing Authority.

This was offset by an increase in Non-Current Assets of \$52.453 million, predominately due to an increase of \$51.062 million on the revaluation of the Council's fixed assets.

b. Liabilities

During 2022-2023 Financial Year, total liabilities decreased by \$5.216 million. The decrease was predominately due to the reduction in borrowing as a result of ongoing repayments and decrease in Trade and other payables as a result of reducing accrued commitments and outstanding payables.

c. Revaluations

In line with the Council's Asset Revaluation Policy, formal valuations of the major asset classes are undertaken on a rolling five (5) year period. For the 2022-2023 financial year, the Council engaged Asset Valuation & Risk Consulting to undertake the independent Land & Building Asset Valuation. 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 1.

TABLE 2: IMPACT OF ASSET REVALUATION

Asset Class	Revaluation Increase/(Decrease) \$million	Comments
Land	41.096	Represents a 21% increase in Fair Value based on the independent Land and Building Revaluations undertaken by Asset Valuation & Risk Consulting
Buildings and Other Structures	(10.661)	Represents a 14% decrease in Fair Value based on the independent Land and Building Revaluations undertaken by Asset Valuation & Risk Consulting
Open space Assets	0.401	Represents a 2% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Road Infrastructure	8.165	Represents a 10% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Kerbing	2.612	Represents a 4% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Footpaths	0.717	Represents a 2% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Linear Park	0.079	Represents a 8% increase in Fair Value based on the unit price assessment undertaken by Tonkin Consulting.
Storm-water Drainage	6.497	Represents a 10% increase in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting.
Off- Roads Carparks	0.124	Represents a 6% increase in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting.
Traffic Control Assets	(0.068)	Represents a 1.47% decrease in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting.
Footbridge	0.068	Represents a 6% increase in Fair Value, based on the unit price assessment undertaken by Tonkin Consulting.
Total	49.03	

Overall, the revaluation increase for the 2022-203 financial year is \$49 million, compared to an increase of \$34 million for the 2021-2022 financial year.

Statement of Cash Flows

For the 2022-2023 Financial year, the Council is reporting a net decrease in cash and cash equivalents of \$7.076 million. The Council generated \$9.887 million from operating activities, with the funds used to complete the Council's Capital Infrastructure Works Program and the Asset Replacement Program (\$11.193million), and principal repayments (\$0.946 million) associated with the Councils borrowings.

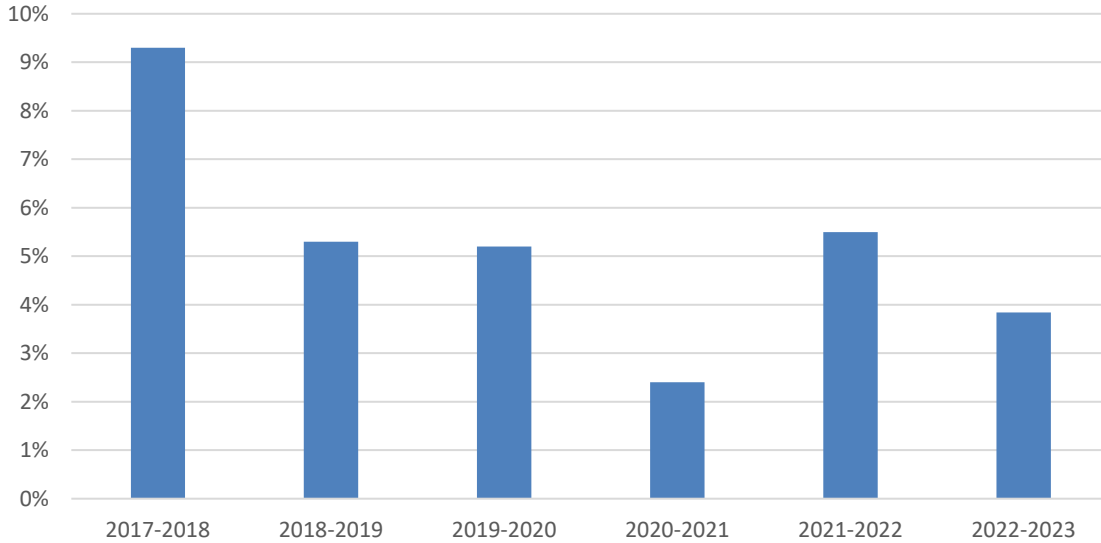
Section 126 (4) (a) of the *Local Government Act 1999*, requires that the functions of an Audit & Risk Committee are to include the review of the Annual Financial Statements to ensure that they present fairly the state of affairs of the Council. To ensure that the Audit Committee discharges its responsibilities under the Act, the following papers are provided for review.

Financial Ratios

Financial indicators represented by the following three (3) Financial Ratios:

- Operating Surplus Ratio (refer to Figure 3)
- Net Financial Liabilities Ratio (refer to Figure 4) and
- Asset Sustainability Ratio (refer to Figure 5)

FIGURE 3: OPERATING SURPLUS RATIO



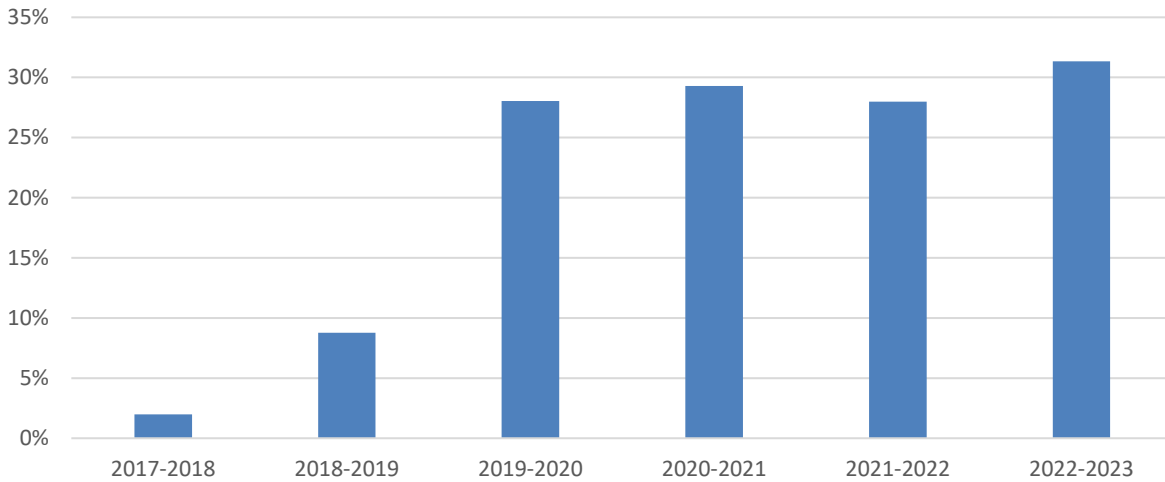
LTFP 2021-2031 Target: less than or equal to 10%

The Operating Surplus/(Deficit) Ratio expresses the Council's Operating Surplus/ (Deficit) as a percentage of Operating Revenue.

TABLE 3: FINANCIAL ASSISTANCE GRANTS ADVANCE PAYMENTS

Financial Year	Number of Quarters Advanced	Increase in Operating Surplus (Value of Advance)
2022-2023	more than 3	\$1,405,173
2021-2022	3	\$1,071,000
2020-2021	2	\$607,000
2019-2020	2	\$655,000
2018-2019	2	\$595,000
2017-2018	2	\$614,000

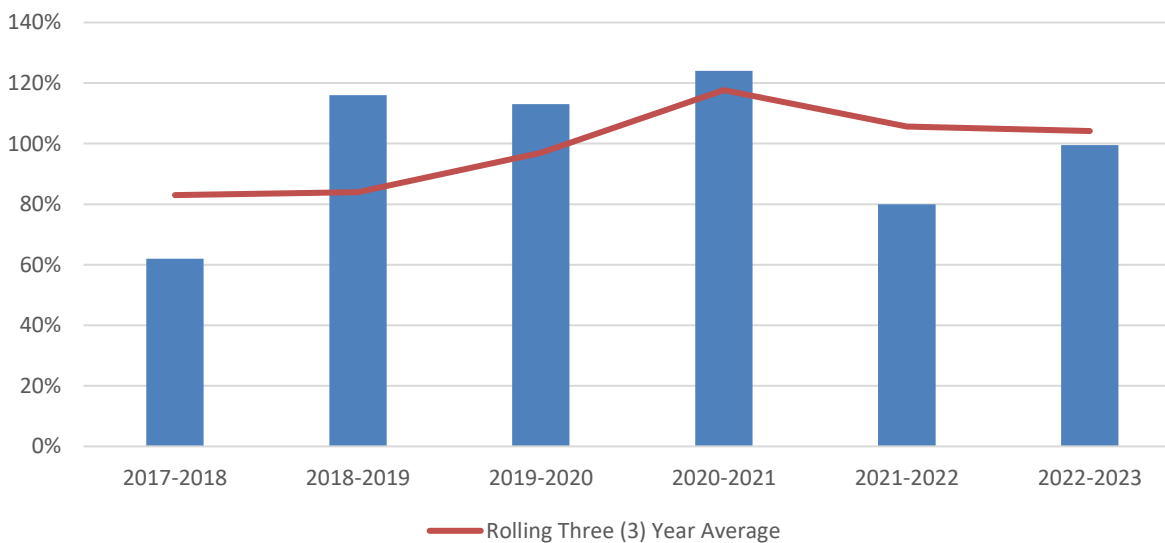
FIGURE 4: NET FINANCIAL LIABILITIES RATIO



LTFP 2021-2031 Target: less than or equal to 75%

The Net Financial Liabilities Ratio measures the extent to which the net amount owed by the Council is met by its Operating Revenue. Net Financial Liabilities are represented by Total Liabilities less Current Assets.

FIGURE 5: ASSET SUSTAINABILITY RATIO



LTFP 2021-2031 Target: between 90% and 110% on a 3 year rolling average.

The Asset Sustainability Ratio measures whether a Council is renewing or replacing existing physical assets (roads, footpaths, buildings etc.), at the same rate the stock of assets is “wearing out”. Asset Sustainability, is measured against the extent of the renewal expenditure incurred, compared to the planned renewal expenditure, as set out in the Council Asset Management Plans.

The Council’s 2021-2031 Long Term Financial Plan has set a target of between 90% and 110%, on a three (3) year rolling average. In some instances, the Council may be required to accelerate or decelerate the renewal or replacement of its existing asset base.

OPTIONS

There are no options associated with this issue.

CONCLUSION

The Council concluded the financial year with an Operating Surplus of \$1.954 million (2021-2022: \$2.645 million).

After Capital Items, which includes the impact of assets revaluations and grant funding specifically for asset upgrades or renewals and asset disposals, the Council is reporting a Net Surplus of \$50.112 million (2021-2022: \$37.072 million).

The Council's Auditors, Galpins, 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 Audit Committee recommending to the Council to adopt the 2022-2023 Financial Statement.

COMMENTS

Nil

RECOMMENDATION

That the Audit & Risk Committee recommends to the Council that:

- a. The Annual Financial Statements for the year ended 30 June 2023, as contained in Attachment A be adopted.
 - b. The Annual Financial Statements for the year ended 30 June 2023, be dated 1 November 2023 and be signed on behalf of the Council by the Mayor.
 - c. The Asset Revaluations as set out in Table 2 of this report, be adopted.
-

Cr Moorhouse moved:

- a. *The Annual Financial Statements for the year ended 30 June 2023, as contained in Attachment A be adopted.*
- b. *The Annual Financial Statements for the year ended 30 June 2023, be dated 1 November 2023 and be signed on behalf of the Council by the Mayor.*
- c. *The Asset Revaluations as set out in Table 2 of this report, be adopted.*

Seconded by Cr Knoblauch and carried unanimously.

11.5 FINANCIAL SUMMARY 2022-2023 ACTUAL RESULTS V ADOPTED BUDGET

REPORT AUTHOR: Chief Financial Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4548
FILE REFERENCE: qA770145
ATTACHMENTS: A

PURPOSE OF REPORT

This report provides a summary of the 2022-2023 Audited result and explanations for variations from the 2022-2023 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 2022-2023 Annual Financial Statements, the 2022-2023 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 \$1.954 million, compared to the Council's Adopted Operating Budget, which forecast an Operating Surplus of \$0.864 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 \$50.1 million against an Adopted Net Surplus of \$12.9 million, with the favourable variance being driven by revaluation of Infrastructure, Property, Plant & Equipment, which is mainly driven by the economy and market fluctuations and 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 2022-2023 Annual Financial Statements have been finalised and will be presented to the Council for adoption at the Council Meeting to be held on 6 November 2023. A separate report has been provided on the 2022-2023 Annual Financial Statements for consideration by the Audit & Risk Committee.

Statement of Comprehensive Income

Operating Result

The Council is reporting an Operating Surplus of \$1.954 million, compared to the Council Adopted Operating Budget, which forecasted an Operating Surplus of \$0.864 million, a favourable variance of \$1.090 million. The major variances (over 5%) from the Adopted Operating Surplus are outlined in Table 1 below.

TABLE 1: MAJOR VARIANCES FROM ADOPTED OPERATING SURPLUS

Account Name	Reasons for the Variance	Amount (\$)
Grants, subsidies and contributions - Operating	Grant funding that has been received was favourable to the Adopted Budget driven by the Federal Government advancing 70% of the 2022-2023 Financial Assistance Grants.	531,338
Grants, subsidies and contributions - Capital	Change in recognition of <i>Local Roads & Community Infrastructure Program</i> Grant to recognise it as part of comprehensive income immediately on receipt in profit or loss in accordance with AASB 1058.10, as supported by the Council's Auditors Galpins.	552,577
Investment Income	Investment Income was favourable to the Adopted Budget driven primarily due to: <ul style="list-style-type: none"> • Higher interest on deposits held with the Local Government Finance Authority compared to the Adopted Budget (\$171,216 compared to the budget of \$37,000). The quantum of funds being held are higher than expected due to the timing of expenditure on projects. 	125,292

Account Name	Reasons for the Variance	Amount (\$)
Other Income	<p>Other Income was favourable to the Adopted Budget driven primarily by:</p> <ul style="list-style-type: none"> • receipt of recovery income (\$80,000) for the Linear Park Path legal settlement offset by various recovery spend; • receipt of Local Government Finance Authority's annual bonus payments of \$38,442 which is calculated in relation to the average deposit and loan levels held during the financial year; and • reimbursement of \$38,456 as part of as part of <i>Boost Apprenticeship Commencement Wage Subsidies Program</i> 	102,157
Reimbursements	<p>Other Income was favourable to the Adopted Budget driven primarily by:</p> <ul style="list-style-type: none"> • Boosting Apprenticeship Commencements Wage Subsidy and training to the value of \$159,957; and • reimbursement income was favourable to the Adopted Budget due to the insurance re-imbursments for claims made during the year which amounted to \$81,682, which was offset by expenditure to replace or repair items subject to the insurance claim. 	211,206
Employee costs	<p>Employee costs were favourable against the Adopted Budget due to:</p> <ul style="list-style-type: none"> • turnover of staff combined with difficulties in recruiting replacement staff. To meet staffing needs, contract providers were utilised; 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 an extremely tight labour market. 	278,748
Materials, contracts & other expenses	<p>Materials, contracts & other expenses were unfavourable against the Adopted Budget primarily due to,</p> <ul style="list-style-type: none"> • Contracted services were unfavourable by \$268,961 compared to the Adopted Budget mainly due to more contract staff being engaged to cover shortages in employee staff as well as across various projects, especially for sweeping of residential roads during the year and unplanned maintenance of \$353,549 for buildings and at the Norwood Oval and other facilities management; and • Legal fees were unfavourable by \$144,719 to the Adopted Budget, mainly due to the legal expenses relating to planning, regulatory services and seeking general advice. 	(711,499)
Finance Costs	<p>Finance costs were favourable to the Adopted Budget due to interest expense not being incurred as there were sufficient cash reserves to fund expenditure needs, negating the need to draw down borrowings to fund expenditure during the year.</p>	413,767
Depreciation, amortisation & impairment	<p>Depreciation expense was greater than anticipated due to the full year impact of the 2021-2022 Asset Capitalisation and unit cost revaluation.</p>	(402,849)

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 2022-2023 Financial year, the Council is reporting a Non-operating Surplus of \$1.092 million against an Adopted Non-operating Surplus of \$10.914 million, a unfavourable variance of \$9.822 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.	(1,527)
Grant funding budgeted but not yet received due to the scheduling of capital projects.	(9,385)
<ul style="list-style-type: none"> • Trinity Valley Drainage Work Stage 2 - \$3,635,823 • Payneham Memorial Swimming Centre Master Plan - \$2,800,000 • River Torrens Linear Park Path Upgrade - \$1,350,000 • Dunstan Adventure Playground Upgrade - \$450,000 • Cruickshank Reserve Facility Upgrade - \$444,607 • Burchell Reserve Upgrade - \$420,000 • William Street Black Sport Grant - \$170,000 • St Peter's Street Upgrade Project - \$114,000 	

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 \$49.031 million, which is primarily due to the revaluation of Land Assets.

Balance Sheet

The Net Assets of the Council at 30 June 2023 is \$586 million, against an Adopted Budget of \$517 million, a favourable variance of \$69 million.

Major reasons for the variance in the Net Assets include:

Assets

Cash deposits with the Local Government Financing Authority are unfavourable by \$2.595 million, with the variance resulting from the combined impact due to the timing and progress of several major capital projects and the delay of drawdown of long-term borrowings for the Payneham Memorial Swimming Centre Project.

The carrying values of Infrastructure, Property, Plant & Equipment is reporting a favourable variance of \$40.503 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 2023, works on capital project not yet completed amounted to \$5.706 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 mainly in relation to Capital spend to that anticipated in the Adopted budget resulting in the \$2.246 million unfavourable variance.

The long-term borrowings planned to be drawn down as part of the Adopted Budget were not required to align with timing of relevant projects, resulting in a favourable variance of \$28.650 million.

Attachment A contains the 2022-2023 Financial Statements comparing the actual result to the 2022-2023 Adopted Budget as required by Section 10 of the Regulations.

OPTIONS

There are no options associated with this matter.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Callisto moved:

That the report be received and noted.

Seconded by Cr Whittington and carried unanimously.

**Section 3 – Governance & General
Reports**

11.6 LAND MANAGEMENT AGREEMENT WAIVER - 81 OSMOND TERRACE, NORWOOD

REPORT AUTHOR: Senior Urban Planner
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4567
FILE REFERENCE:
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to seek the Council's approval to waive compliance with Clauses 6.2 and 6.5 of the Land Management Agreement applicable to the land at 81 Osmond Terrace, Norwood.

BACKGROUND

On 11 September 2012, Council entered into a Land Management Agreement (LMA- provided in **Attachment A**) which applied to the land at 81 Osmond Terrace, Norwood (refer to **Attachment D**). Under the 1994 Kensington & Norwood Heritage Survey, the site was recommended for listing as a Local Heritage Place, which was subsequently adopted. The site is presently used for office accommodation.

The Place is described in that report as:

"A large and attractive two-storey Victorian sandstone mansion with attached library and rear stables. The main house has a hipped corrugated iron roof with front feature gablet and front verandah. Notable for its attractive design, the cast-iron work on the front verandah, its front bay window and its relative intactness. The adjacent library has a hipped tiled roof with feature front gablet and attractive stone front window. The rear stables building is a one and two storey sandstone and red brick building with truncated hipped roofs and is notable for its high quality of construction. The complex appears in good condition."

A Land Division Application 008/D009/2011, sought approval to develop the land by the division of land. Only the "mansion" component is listed specifically as a Local Heritage Place, but the complex, including the library, form an important part of its heritage value. This division of land separates the "mansion" from the "library" and "stables". These are reflected in the plan provided in **Attachment B**.

The intent of the LMA is to ensure that the "library" and "stables" are not demolished, and their heritage value, as well as that of the "mansion", are preserved and where possible, enhanced. It also facilitates the adaptive reuse of these buildings for residential purposes, in future.

The owner of the property has sought to establish a driveway crossover in front of the "library". Council's Public Realm Compliance Officer, in consultation with Council's Traffic Engineer, City Arborist and Project Officer - Civil, has determined that the crossover accords with the *Footpaths and Driveway Crossovers Policy* and warrants consent, subject to alterations to the existing kerb protuberance, for which the property owner will bear the cost. The Manager, Development Assessment has appropriate delegation to determine this Application under Section 221 of the *Local Government Act 1999*. Nonetheless, this process raised concerns about the heritage implications of such a crossover, and its compliance with the LMA.

Clause 6.2 of the LMA states:

"that if the Owner erects fencing on the boundary of the Land and Osmond Terrace then such fencing shall be of a traditional or contemporary interpretation of a traditional masonry pillar and plinth wall with cast, wrought or welded metal infill panels and any final design shall be compatible with the character of the Mansion and the Library and shall be to the Council's reasonable satisfaction expressed in writing;"

Clause 6.5 of the LMA states:

"that if the owner establishes landscaping on that portion of the land between the eastern façades of the Mansion and the Library and the Osmond Terrace frontage of the Land that is new or different from the landscaping that exists at the date of this Deed then such landscaping shall be designed to be similar to landscaping typical of the era of that construction of the Mansion to the reasonable satisfaction of the Council;"

Clause 20 of the LMA allows Council to waive compliance with the whole or any part of the obligations on the Owner's part under the LMA.

The applicant has lodged a Development Application (DA 23019832) to remove a portion of the existing brush fencing. Since this would constitute demolition work with respect to a Local Heritage Place, the works therefore require approval.

Section 3 of the *Planning, Development and Infrastructure Act 2016*, includes the following in the definition of "Development":

"in relation to a local heritage place—any work (including painting) that could materially affect the heritage value of the place (including, in the case of a tree, any tree-damaging activity) specified by the Planning and Design Code for the purposes of this paragraph (whether in relation to local heritage places generally or in relation to the particular local heritage place);"

The *Planning & Design Code*, under Table 2 of Part 5, specifies that this entails:

"The demolition, removal, conversion, alteration or external painting of, or addition to, the place, or any other work (not including internal painting but including, in the case of a tree, any tree-damaging activity) that could materially affect the heritage value of the place"

Council's Senior Urban Planner, acting as the delegate of the Assessment Manager, determined that the construction of a driveway may materially affect the heritage value of the place and therefore, the landscaping works also require Development Approval. The need for Development Approval does not derogate from the requirements of the LMA and the decision as to whether or not to grant Planning Consent can be determined by the Assessment Manager.

As no delegation to staff exists with respect to Land Management Agreements, the Council must to agree to any waiver of the terms of the LMA.

The owner's representative (hereinafter referred to as "the applicant") has provided a plan showing the intended works. This includes:

- removal of a section of 1.8 metre high brush fence;
- installation of 1.3 metre high 'heritage style' picket fencing in "ivory" colour, and inward opening gate;
- loose gravel or light grey exposed aggregate concrete driveway; and,
- planting of new vegetation.

In order to comply with Clauses 6.2 and 6.5 of the LMA, the Council's "reasonable satisfaction" must be expressed in writing. Due to the absence of any delegations with respect to Land Management Agreements, this can only be provided by the Council.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Built Heritage Strategy

Relevant parts of the **Built Heritage Strategy** are as follows:

Objective 1.1: Support owners of heritage places and buildings in historic areas.

Initiative 1.1.4: Facilitate appropriate and sensitive building improvements and adaptive reuse.

Objective 2.4: Appropriate and sensitive development outcomes.

Initiative 2.4.1: Development assessment decisions and policy development which seek to conserve heritage places and areas.

FINANCIAL AND BUDGET IMPLICATIONS

There are no financial or budget implications associated with the proposed waiver of LMA terms.

EXTERNAL ECONOMIC IMPLICATIONS

There are no external economic implications associated with the proposed waiver of LMA terms.

SOCIAL ISSUES

There are no social implications associated with the proposed waiver of LMA terms.

CULTURAL ISSUES

The proposal involves the consideration of impacts on the heritage value of the Local Heritage Place and its associated complex. Heritage is a cultural issue, and the preservation of the cultural heritage of the City is reflected in the Council's Built Heritage Strategy.

Consideration in detail of these issues will be provided in the Discussion section.

ENVIRONMENTAL ISSUES

There are no environmental implications associated with the proposed waiver of LMA terms.

RESOURCE ISSUES

The matter is being managed by Council's Senior Urban Planner, in consultation with other staff where required.

RISK MANAGEMENT

There are negligible risks associated with this decision. The key risk consideration is that the decision would impact the heritage value of a Local Heritage Place. However, all changes are to the setting of the heritage place, rather than the fabric, and all are reversible. The proposal has been considered by Council's Heritage Advisor, who has advised that he believes the changes are appropriate. This risk is therefore minor in nature.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Council's Heritage Advisor has provided advice regarding the heritage implications of the proposal. These are contained in **Attachment C**.

Council's Traffic Engineer has also provided advice regarding the traffic safety implications of the proposed driveway and crossover and has advised that they are suitable. This primarily is a matter for staff as part of the delegated elements of the proposal (i.e. the Development Application and the Crossover Application).

Council's City Arborist has provided advice regarding the potential impact of the proposed crossover on the street trees on Osmond Terrace and advised that this is acceptable. This is primarily a matter for staff under the Crossover Application, which is delegated.

The Council's Project Officer - Civil has provided advice regarding the replacement of the existing kerb protuberance as part of the Crossover Application. This is primarily a matter for staff under the relevant delegation.

The Council's Public Realm Compliance Officer and Manager, Development Assessment have considered the Crossover Application under Section 221 of the *Local Government Act 1999*. The Manager Development Assessment has delegated authority to determine applications under this Section and has indicated that he is supportive of the application.

- **Other Agencies**
Not Applicable.

DISCUSSION

Given that the intent of the LMA is to preserve the heritage value of the place, the key question with respect to whether a waiver under the LMA should be granted, will be the extent to which the heritage value of the Local Heritage Place is preserved.

With respect to the fencing, Clause 6.2 specifies a masonry and metal infill type design, however the proposal comprises the installation of a picket fence. This was suggested as an alternative by Council's Heritage Advisor and is far more economical to construct and remove - noting that at this stage, the owner intends to only replace a portion of the fence and construct a masonry fence at a later date. The existing brush fence is up to 1.8 metres in height, although this then tapers down to 1.3 metres along most of its length. A brush fence is also not typical of the era, so replacement with a more appropriate fence type, which allows better connectivity between the street and the building, is considered to be an improved outcome.

In respect to landscaping and Clause 6.5, a driveway is not strictly a traditional element, although gravel areas were common for horses and carriages, such as would have been the case at the rear of this site, around the stables. Such an element would not likely have existed in front of the library and this does represent a concession in order to allow for the site to be used in a manner which better reflects current preferences. With the parking area to the side of the building, no vehicles would obstruct the connectivity between the building and the street (other than when they occasionally reverse out of the driveway). The access arrangement has been reviewed by Council's Traffic Engineer who has confirmed that it is suitable, noting that such access considerations are not within the scope of the LMA, and are part of the considerations in the delegated decisions relating to the Development Application, and the Crossover Permit.

The existing garden bed, like the brush fence, does little to promote the heritage value of the place. The proposed plantings have been suggested by Council's Heritage Advisor and would greatly enhance the appearance of the site.

Therefore, while the proposed plan does not fulfill the obligations as specifically worded in the LMA, the works have been designed in order to achieve the intent of the LMA, and to enhance the overall heritage value of the place.

A recommendation is provided for below that the Manager Development Assessment be delegated to approve minor variations to the plan herein considered, as necessary to finalise the works.

OPTIONS

The Council has four (4) options in respect to the decision as to whether to waive compliance with Clauses 6.2 and 6.5 in the Land Management Agreement applicable to 81 Osmond Terrace, Norwood. These options relate to two (2) issues, being whether to grant the necessary waivers, and whether to delegate to the Manager Development Assessment the authority to approve minor variations. The options with respect to the waivers are set out below:

1. Endorse the waiver of compliance with Clauses 6.2 and 6.5 of the Land Management Agreement in favour of the proposed works shown on the plans in **Attachment B**.

With this option, Council can resolve to endorse the waiver of the relevant provisions of the LMA, allowing the applicant to proceed to carry out the works in accordance with the plans provided in **Attachment B**. Council's administration would then also grant the delegated approvals relating to the construction of the crossover, and the granting of Planning Consent.

2. Refuse the waiver of compliance with Clauses 6.2 and 6.5 of the Land Management Agreement.

With this option, Council can resolve not to grant the waiver of the relevant provisions of the LMA. The applicant would therefore not lawfully be able to carry out the works illustrated in **Attachment B**. As the works cannot be lawfully carried out, the delegated approvals under the *Local Government Act 1999* and *Planning, Development and Infrastructure Act 2016* would be moot.

Further options relating to the delegation of authority to approve minor variations are outlined below and would only be relevant if the Council chose to pursue Option 1 above:

3. Delegate the authority to approve minor variations to the Manager Development Assessment.

With this option, Council can delegate to administration the ability to approve minor amendments to the plan provided. A minor variation in this context is a change that does not bring with it any assessment considerations, such as a change in the species of plantings with a similar appearance, or small changes in dimensions.

4. Do not delegate the authority to approve minor variations to the Manager Development Assessment

Under this option, any variations to the plan proposed would need to be put to the Council for endorsement, no matter how minor.

It is recommended that Options 1 and 3 be pursued as this will enable the waiver to be given effect (as the outcome has a neutral impact of the heritage value of the Local Heritage Place and still achieves the intent of the LMA) and will allow for delegated authority to be used for any minor amendments so as to minimise any unnecessary legislative burden.

CONCLUSION

The Council must consider granting a waiver to Clauses 6.2 and 6.5 of the Land Management Agreement relating to 81 Osmond Terrace, Norwood, as no delegation to staff exists. The LMA exists to protect the heritage value of the complex of buildings at this address, while still allowing for its adaptive reuse in future.

The owners seek to add a driveway to the side of the "library", which would mean replacing the existing brush fence as well as creating a driveway, both of which requires approval from the Council under the LMA. The fencing and landscaping has been designed to be sensitive to the heritage value of the building, and enhances its heritage value from the existing condition.

It should be noted that should the Council choose to grant a waiver to Clauses 6.2 and 6.5 of the Land Management Agreement, that such a waiver will only be applicable to this specific circumstance. The LMA would still remain in place and would still be applicable. The granting of a waiver does not set a precedent in respect of this (or other) LMAs and does not undermine the value of this (or other) LMAs.

COMMENTS

Nil.

RECOMMENDATION

1. That pursuant to Clause 20 of the Land Management Agreement relating to the land located at 81 Osmond Terrace, Norwood, SA, 5067, the Council resolve to waive the requirement for the owner of the abovementioned land to comply with Clause 6.2 of the abovementioned Land Management Agreement, in favour of the plans as contained in **Attachment B**.
 2. That pursuant to Clause 20 of the Land Management Agreement relating to the land located at 81 Osmond Terrace, Norwood, SA, 5067, the Council resolve to waive the requirement for the owner of the abovementioned land to comply with Clause 6.5 of the abovementioned Land Management Agreement, in favour of the plans as contained in **Attachment B**.
 3. That the Manager, Development Assessment be delegated to authorise any minor amendments to the plans contained in **Attachment B**, with the respect to the Land Management Agreement.
-

Cr Whittington moved:

1. *That pursuant to Clause 20 of the Land Management Agreement relating to the land located at 81 Osmond Terrace, Norwood, SA, 5067, the Council resolve to waive the requirement for the owner of the abovementioned land to comply with Clause 6.2 of the abovementioned Land Management Agreement, in favour of the plans as contained in Attachment B.*
2. *That pursuant to Clause 20 of the Land Management Agreement relating to the land located at 81 Osmond Terrace, Norwood, SA, 5067, the Council resolve to waive the requirement for the owner of the abovementioned land to comply with Clause 6.5 of the abovementioned Land Management Agreement, in favour of the plans as contained in Attachment B.*
3. *That the Manager, Development Assessment be delegated to authorise any minor amendments to the plans contained in Attachment B, with the respect to the Land Management Agreement.*

Seconded by Cr Robinson and carried unanimously.

11.7 SCHEDULE OF COUNCIL MEETINGS FOR 2024

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA66130
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present for the Council's approval, the draft 2024 Schedule of Council Meetings and the proposed date for the January 2024 Council meeting.

BACKGROUND

Pursuant to Sections 81 and 87 of the *Local Government Act 1999*, the Council is required to appoint the times and places for Ordinary Meetings of the Council.

Previously and most recently at its meeting held on 1 November 2021, the Council resolved that Ordinary Meetings of the Council, are held in the Council Chambers, Norwood Town Hall, commencing at 7.00pm on the first Monday of each month, unless otherwise determined by the Council. In addition, the Council has determined that Council Meetings will conclude by 11.00pm.

In the event of a Public Holiday occurring on the first Monday of the month, all meetings regularly scheduled for the first Monday, have been held on the first Tuesday of the month, unless otherwise determined by the Council.

A draft Schedule of Meetings for 2024 has been prepared for consideration by the Council, based on the convention (ie previous Council resolutions), of conducting Council meetings on the first Monday of the month.

A copy of the Schedule of Meetings for 2024 is contained in **Attachment A**.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

Current arrangements in respect to the scheduling of meetings has worked well and in order to ensure consistency and stability, it is recommended that this schedule be followed in 2024, with one exception, that being, the date of the January 2024 Ordinary Council meeting.

To this end, in 2024 the proposed date for the January Council Meeting is 22 January 2024. As has been the case in previous years, this provides for a two (2) week gap between the January Ordinary Meeting of the Council and the scheduled Ordinary Council Meeting in February.

The Schedule of Council Meetings for 2024, therefore includes Monday, 22 January 2024, as the recommended date of the first Ordinary Meeting of the Council for 2024, however this can be amended to reflect whatever date the Council determines for the first Ordinary Meeting of the Council.

During 2024, there are two (2) Ordinary Meetings of the Council which will be affected by a Public Holiday, namely, the April and October Council meetings, which are the Easter Monday Public Holiday and Labour Day Public Holiday. The attached Schedule of Meetings for 2024, therefore, in keeping with past practice, indicates that the April meeting will be held on Tuesday, 2 April 2024 and the October meeting will be held on Tuesday, 8 October 2024.

OPTIONS

The Council can determine that the January 2024 Ordinary Meeting of the Council be held on Monday, 22 January 2024 and determine the Schedule of Council meetings in accordance with the attached Schedule of Meetings 2024 or it can determine an alternative date for the January 2024 Council meeting and an alternative schedule for Council meetings during 2024.

CONCLUSION

Determination of the times and places for ordinary meetings of the Council, will ensure compliance with the requirements of the *Local Government Act 1999* and enables these dates and times to be communicated to the community.

COMMENTS

Nil.

RECOMMENDATION

1. That the first Ordinary Meeting of the Council for 2024, be held on Monday, 22 January 2024, commencing at 7.00pm in the Council Chambers, Norwood Town Hall.
 2. That the Ordinary Meetings of the Council be held on the first Monday of each calendar month, in accordance with the Schedule of Council Meetings 2024 (Attachment A).
 3. That the Council meetings affected by a Public Holiday, be held on the first Tuesday of the month, in accordance with the Schedule of Council Meetings 2024 (Attachment A).
-

Cr Duke moved:

1. *That the first Ordinary Meeting of the Council for 2024, be held on Monday, 22 January 2024, commencing at 7.00pm in the Council Chambers, Norwood Town Hall.*
2. *That the Ordinary Meetings of the Council be held on the first Monday of each calendar month, in accordance with the Schedule of Council Meetings 2024 (Attachment A).*
3. *That the Council meetings affected by a Public Holiday, be held on the first Tuesday of the month, in accordance with the Schedule of Council Meetings 2024 (Attachment A).*

Seconded by Cr Knoblauch and carried unanimously.

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:

- Norwood Parade Precinct Committee – (24 October 2023)
(A copy of the Minutes of the Norwood Parade Precinct Committee meeting is contained within **Attachment A**)
- Audit & Risk Committee – (1 November 2023)
(A copy of the Minutes of the Audit & Risk Committee meeting is contained within **Attachment B**)

ADOPTION OF COMMITTEE MINUTES

- **Norwood Parade Precinct Committee**

Cr Callisto moved that the minutes of the meeting of the Norwood Parade Precinct Committee held on 24 October 2023, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Whittington and carried unanimously.

- **Audit & Risk Committee**

Cr Clutterham moved that the minutes of the meeting of the Audit & Risk Committee held on 1 November 2023, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Robinson and carried unanimously.

13. OTHER BUSINESS
(Of an urgent nature only)

14. CONFIDENTIAL REPORTS

14.1 WRITTEN NOTICES OF MOTION – CONFIDENTIAL ITEM – 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 12 months, after which time the order will be reviewed.

This Item was withdrawn from the Agenda prior to this Council meeting.

14.2 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:

- (h) legal advice; and
- (i) information relating to litigation that the Council believes on reasonable grounds will take place, involving the Council;

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, minutes and discussion to be kept confidential until this matter is finalised.

Cr Knoblauch 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 [Acting Chief Executive Officer; General Manager, Infrastructure & Major Projects; Manager, Governance & Legal; Manager, Development Assessment; 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:

- (h) legal advice; and*
- (i) information relating to litigation that the Council believes on reasonable grounds will take place, involving the Council;*

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

Seconded by Cr Robinson and carried unanimously.

Cr Clutterham declared a conflict of interest in this matter and left the meeting at 7.35pm.

Cr Knoblauch moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, minutes and discussion to be kept confidential until this matter is finalised.

Seconded by Cr Callisto and carried unanimously.

Cr Clutterham returned to the meeting at 7.36pm.

**14.3 EASTERN WASTE MANAGEMENT AUTHORITY INCORPORATED BOARD (EAST WASTE) -
APPOINTMENT OF INDEPENDENT CHAIRPERSON**

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report, discussion and minutes be kept confidential until the announcement in respect to the re-appointment of Independent Chairperson of the Board of the Eastern Waste Management Authority Inc. is made.

Cr Holfeld moved:

with the exception of the Council staff present [Acting Chief Executive Officer; General Manager, Infrastructure & Major Projects; Manager, Governance & Legal; Manager, Development Assessment; 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:

- (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 Piggott and carried unanimously.

Cr Knoblauch moved:

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report, discussion and minutes be kept confidential until the announcement in respect to the re-appointment of Independent Chairperson of the Board of the Eastern Waste Management Authority Inc. is made.

Seconded by Cr Piggott and carried unanimously.

14.4 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 Robinson moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Acting Chief Executive Officer 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 Holfeld and carried unanimously.

Cr Robinson 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 Holfeld and carried unanimously.

14.5 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 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 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 Acting Chief Executive Officer 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 Granozio and carried unanimously.

Cr Duke 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 Robinson and carried unanimously.

14.6 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:

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

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report, discussion and minutes be kept confidential until the official announcement has been made.

Cr Knoblauch 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 [Acting Chief Executive Officer; General Manager, Infrastructure & Major Projects; 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:

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

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

Seconded by Cr Robinson and carried unanimously.

Cr Duke moved:

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report, discussion and minutes be kept confidential until the official announcement has been made.

Seconded by Cr Knoblauch and carried unanimously.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.20pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)