

Council Meeting Minutes

20 January 2026

Our Vision

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

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

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

Telephone 8366 4555
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au
Socials [f /cityofnpsp](https://www.facebook.com/cityofnpsp) [@cityofnpsp](https://www.instagram.com/cityofnpsp)



City of
Norwood
Payneham
& St Peters

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The Mayor declared the meeting open at 7:00 pm.

PRESENT

Council Members

Mayor Robert Bria
Cr Kester Moorhouse
Cr Rita Excell
Cr Garry Knoblauch
Cr Hugh Holfeld
Cr John Robinson
Cr Kevin Duke
Cr Connie Granozio
Cr Victoria McFarlane
Cr Scott Sims
Cr Grant Piggott
Cr Sandy Wilkinson
Cr John Callisto
Cr Christel Mex

Staff

Mario Barone (Chief Executive Officer)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Lisa Mara (General Manager, Governance & Civic Affairs)
Andrew Hamilton (General Manager, Community Development)
Jenny McFeat (Manager, Governance)
Geoff Parsons (Manager, Development & Regulatory Services)
Eleanor Walters (Manager, Urban Planning & Sustainability)
Megan Schartner (Sustainability Officer)
Giulia Flowers (Executive Assistant, Chief Executive's Office)
Tina Zullo (Administration Assistant, Governance & Civic Affairs)

APOLOGIES

1 KAURNA ACKNOWLEDGEMENT

2 OPENING PRAYER

The Opening Prayer was read by Cr Sims.

3 CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON DATE

Cr Duke moved:

That the Minutes of the Council Meeting held on 1 December 2025 be taken as read and confirmed.

Seconded by Cr Knoblauch and carried unanimously.

4 MAYOR'S COMMUNICATION

Monday, 1 December	<ul style="list-style-type: none">• Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Friday, 5 December	<ul style="list-style-type: none">• Attended the Mayor's 2025 Christmas Dinner, Amadio Wines, Felixstow.
Monday, 8 December	<ul style="list-style-type: none">• Attended the Trinity Gardens School Year 6 Graduation, Trinity Gardens School, Trinity Gardens.
Monday, 8 December	<ul style="list-style-type: none">• Attended an Information Session: Quadrennial Public Artwork (Detailed Design), Mayor's Parlour, Norwood Town Hall.
Monday, 8 December	<ul style="list-style-type: none">• Attended a Training Session: WHS Responsibilities, Mayor's Parlour, Norwood Town Hall
Tuesday, 9 December	<ul style="list-style-type: none">• Recorded a 'Christmas Message' for the Council website.
Tuesday, 9 December	<ul style="list-style-type: none">• Attending a meeting with a business owner, Mayor's office, Norwood Town Hall.
Tuesday, 9 December	<ul style="list-style-type: none">• Attended the St Joseph's Memorial School (Kensington and Norwood) Year 6 Graduation Dinner, Altavilla Irpina Sports and Social Club, Beulah Park.
Saturday, 10 January	<ul style="list-style-type: none">• Radio interview with Michael Keelan and Brad Aldridge, Fiveaa.
Wednesday, 14 January	<ul style="list-style-type: none">• Attended 'Docs on Tap' training, Mayor's Office, Norwood Town Hall.
Thursday, 15 January	<ul style="list-style-type: none">• Attended a meeting with President, Ms Marisa Baldassi and Ms Elena Dibez (Fogularm Furlan Club), Mayor's Office, Norwood Town Hall.
Saturday, 17 January	<ul style="list-style-type: none">• Radio interview with Michael Keelan and Brad Aldridge, Fiveaa.
Monday, 19 January	<ul style="list-style-type: none">• Attended the start of the Hyundai Stage 3 of the Women's 2025 Tour Down Under, The Parade, Norwood.
Monday, 19 January	<ul style="list-style-type: none">• Attended the finish of the Hyundai Stage 3 of the Women's 2025 Tour Down Under, Athelstone.
Monday, 19 January	<ul style="list-style-type: none">• Presided over a meeting of the Chief Executive Officer Performance Review Committee, Mayor's Office, Norwood Town Hall.

5 DELEGATES COMMUNICATION

Nil

6 ELECTED MEMBER DECLARATION OF INTEREST

Cr Excel declared an interest in Item 12.1.

7 ADJOURNED ITEMS

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 QUESTIONS WITH NOTICE

Nil

10 DEPUTATIONS

10.1 ST PETERS HISTORIC AREA OVERLAY

SPEAKER/S

Ms Kate McDougall

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

On behalf of Ms Elizabeth Vines

COMMENTS

Ms Kate McDougall has written to the Council requesting that she be permitted to address the Council in relation to the St Peters Historic Area Overlay under the Planning and Design Code.

In accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, Ms Kate McDougall has been given approval to address the Council.

Ms Kate McDougall addressed Council on this matter.

10.2 ST PETERS HISTORIC AREA OVERLAY

SPEAKER/S

Dr Meredith Kaesehagen

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Dr Meredith Kaesehagen has written to the Council requesting that she be permitted to address the Council in relation to the St Peters Historic Area Overlay under the Planning and Design Code.

In accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, Dr Meredith Kaesehagen has been given approval to address the Council.

Dr Meredith Kaesehagen addressed Council on this matter.

10.3 ST PETERS HISTORIC AREA OVERLAY

SPEAKER/S

Mr David Cree

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

St Peters Residents Association

COMMENTS

Mr David Cree has written to the Council requesting that he be permitted to address the Council in relation to the extension of the St Peters Historic Area Overlay under the Planning and Design Code.

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

Mr David Cree addressed Council on this matter.

11 PETITIONS

Nil

12 NOTICES OF MOTION

12.1 TRAFFIC SIGNALS - INTERSECTION OF SHELLEY STREET AND GLYNBURN ROAD, FIRLE

SUBMITTED BY: Mayor Bria
ATTACHMENTS: Nil

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

NOTICE OF MOTION

That:

Council writes to the Minister for Infrastructure and Transport and the Department for Infrastructure and Transport (DIT) requesting that they consider:

- a) installing traffic signals at intersection of Shelley Street and Glynburn Road, Firle; and*
- b) banning right hand turns from Margaret Street onto Glynburn Road, Firle (heading south) or as a secondary option, adding a central storage area for vehicles in the central median area on Glynburn Road, for vehicles entering Glynburn Road from Margaret Street.*

REASONS IN SUPPORT OF MOTION

Kmart, Firle has one of the busiest car parks of any shopping centres in the eastern suburbs. Access to the centre is relatively easy, which mainly comes off Glynburn Road, providing opportunities for customers to turn left into Shelly Street, Margaret Street and the centre itself (two separate access and egress points).

However, the right-hand turn from both Shelley Street and Margaret Street onto Glynburn Road (heading South), causes long queues, in particular the latter location. With Arthur Street, Tranmere (Campbelltown City Council) almost opposite Margaret Street, making right-hand turns is particularly difficult and is not conducive to a reasonable flow of traffic.

The Council's Manager, Traffic & Integrated Transport is supportive of the Notice of Motion and has previously advocated for these changes with staff from DIT. The Council's support for this motion will strengthen the Council's position in lobbying the State Government to agree to our request.

STAFF COMMENT

A letter, as requested, can be prepared and sent to the Minister for Infrastructure and Transport and the Department for Infrastructure and Transport (DIT).

Cr Excell declared a general conflict of interest in this matter, as her husband is an employee of the Department for Infrastructure and Transport. Cr Excell advised that she would remain in the meeting and take part in the discussion and voting regarding this matter.

Cr Duke moved:

That Council writes to the Minister for Infrastructure and Transport and the Department for Infrastructure and Transport (DIT) requesting that they consider:

- a) installing traffic signals at intersection of Shelley Street and Glynburn Road, Firlie; and*
- b) banning right hand turns from Margaret Street onto Glynburn Road, Firlie (heading south) or as a secondary option, adding a central storage area for vehicles in the central median area on Glynburn Road, for vehicles entering Glynburn Road from Margaret Street.*

Seconded by Cr Sims and carried unanimously.

Cr Excell voted in favour of the motion.

Cr Sims left the meeting at 7:36pm.

Cr Sims returned to the meeting at 7:39 pm.

12.2 PLANNING & DESIGN CODE - HISTORIC AREA OVERLAY - SEVENTH AVENUE AND EIGHTH AVENUE, ST PETERS

SUBMITTED BY: Cr Moorhouse
ATTACHMENTS: Nil

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

NOTICE OF MOTION

1. *That staff investigate and report to the Council on the distribution, age of construction and quality of historic buildings in Seventh and Eighth Avenue, St Peters, along with nearby side streets, that may warrant application of a Historic Area Overlay under the Planning and Design Code. This would refer and build upon earlier heritage surveys and existing knowledge and research on the East Adelaide Investment Company subdivision and houses which are located on Seventh and Eighth Avenue, St Peters.*
2. *As part of these investigations staff hold preliminary discussions with the Department of Housing and Urban Development prior to finalising the report to Council.*
3. *That staff report to Council on the likely timeframes, costings and resource implications of undertaking a Code Amendment for this purpose and of future potential local heritage listings.*

REASONS IN SUPPORT OF MOTION

The existing St Peters Historic Area Overlay currently covers from First Avenue through to Sixth Avenue. This motion seeks to extend that Historic Area Overlay further to also include the parts of Seventh and Eighth Avenue to the south-western side of Stephen Terrace, plus nearby side streets. The suggested approach is that prior to the report to Council being presented, NPSP staff hold preliminary discussions with staff from the Department of Housing and Urban Development to gauge their perspective. This way Department input can be considered prior to any decision on whether to go ahead with the further steps involved in submitting a Code Amendment request, and the bulk of the work only needs to be undertaken if approval is a realistic possibility. However, as this is an extension of the existing Historic Area Overlay, not a new overlay, no new Historic Area Overlay description will need to be written regardless.

The East Adelaide Investment Company (EAIC) built substantial homes in a similar style throughout the avenues of St Peters, and the eleven they built on Seventh and Eighth Avenue are just as deserving of protection as those they built on the other avenues. Once they are gone, they are gone forever. It is important to note the pattern of development adopted by the EAIC. The Company built the homes on alternate allotments and offered the home for sale together with the vacant allotment so that the purchaser could develop an extensive garden, orchard or tennis court. Many of these double allotment properties were later subdivided in the 1930s to 1960s, which explains why there are often later homes in between the EAIC homes.

Our community is concerned about the ever-increasing loss of our historic homes and expect Council to live up to our stated commitment to heritage. The greenest building is the one that already exists. Renovating, rather than demolishing and rebuilding, avoids landfill waste and reduces carbon emissions tied to new construction. As such, extending the Historic Area Overlay will help the Council meet CityPlan2030 Environmental Sustainability objectives 4.4.3 and 4.5.1. Protecting these homes also benefits our community more broadly by retaining the cultural vitality of the neighbourhood - making it an attractive place to live, play, volunteer and do business. With existing minimum lot size rules, demolitions are invariably replaced, one for one, so this Historic Area Overlay extension is unlikely to have any implications for urban consolidation.

STAFF COMMENT

The Historic Area Overlay has been applied up to and including, Sixth Avenue in St Peters with clear logic. Further to the north-west, towards the River Torrens and into Seventh and Eighth Avenue, the pattern of historic development changes and while there are a number of historic houses through this location, they are not as concentrated as they are in First to Sixth Avenues. In some locations, this means the streetscape is more varied, with a much greater mix of dwellings built from the 1980s onwards. This opportunity has been examined previously (including in 2009 through the Residential Code investigations that were undertaken and again in 2015 in the Residential Development Plan Amendment) and not considered to have the consistency of older housing stock to warrant the application of an Historic Area Overlay (or previously Historic Conservation Zone).

Whilst the Council has a strong commitment to the protection of built heritage, this also needs to be balanced with the demands of other planning policy priorities and strategic investigations. The Council is presently committed to other heritage or historic area Code Amendments and with the conclusion of these processes, there will be a need to focus efforts on responding to the Greater Adelaide Regional Plan, to ensure an appropriate balance of heritage listings and historic area protections, together with housing and growth opportunities.

Staffing is also currently constrained in the policy area, as despite a recruitment process, staff have been unable to fill the Senior Urban Planner role (vacated by the incumbent, who is on maternity leave). The Senior Urban Planner is not due back from maternity leave until June 2026, so any progression of this project would need to either occur after the progression of existing Code Amendments or if it required to be undertaken as a priority, other projects within the Urban Planning & Sustainability portfolio, such as the Heritage Plaques Program, would need to be held in abeyance.

Notwithstanding the above constraints, it is acknowledged that a new investigation of substantial homes constructed by the East Adelaide Investment Company (EAIC), could result in a different outcome to previous investigations. On this basis and notwithstanding the above constraints, the suggested investigations can be undertaken, including preliminary discussions with Department staff, prior to finalising a report back to the Council.

Mayor Bria sought leave of the meeting to make a Personal Explanation in relation to extending the heritage overlay in Seventh and Eighth Avenues, St Peters.

The meeting granted leave for Mayor Bria to make a Personal Explanation.

Mayor Robert Bria's Personal Explanation

At the Council meeting held on Monday, 1 December 2025, I advised the Council that Cr Kester Moorhouse had withdrawn his Notice of Motion regarding extending the heritage overlay in Seventh and Eighth Avenues, St Peters.

The withdrawal of the Notice of Motion followed me referring the Notice of Motion to staff for legal advice regarding a number of concerns.

These concerns did not relate to the Notice of Motion itself but instead the attachments to the Notice of Motion which had been prepared by Cr Sandy Wilkinson.

My intention in this instance was only to protect Cr Moorhouse, Cr Wilkinson and indeed the Council as an organisation from potentially serious reputational damage, which would have undermined the integrity, transparency and independence of decision-making in this Chamber had the Notice of Motion been approved with the documents remaining as attachments.

I also want to address comments that I am led to believe were made at the meeting of the St Peters Residents Association held on 2 December 2025, which I believe misrepresented my views about heritage protection in this city.

It came to my attention that comments were supposedly made that I do not support the expansion of heritage protection in the City of Norwood Payneham & St Peters.

I have not made such a comment either in a public or private setting and reject this claim.

In fact, the public record shows I was the person who submitted the Notice of Motion to Council in October 2021 to re-activate the Interwar Heritage DPA, which was subsequently supported by the Council and approved by the Minister in 2025.

Cr Duke moved that:

That Mayor Bria's Personal Explanation be recorded in the Minutes in its entirety.

Seconded by Cr Granozio and carried unanimously.

Cr Moorhouse moved:

- 1. That staff investigate and report to the Council on the distribution, age of construction and quality of historic buildings in Seventh and Eighth Avenue, St Peters, along with nearby side streets, that may warrant application of a Historic Area Overlay under the Planning and Design Code. This would refer and build upon earlier heritage surveys and existing knowledge and research on the East Adelaide Investment Company subdivision and houses which are located on Seventh and Eighth Avenue, St Peters.*
- 2. As part of these investigations staff hold preliminary discussions with the Department of Housing and Urban Development prior to finalising the report to Council.*
- 3. That staff report to Council on the likely timeframes, costings and resource implications of undertaking a Code Amendment for this purpose and of future potential local heritage listings.*

Seconded by Cr Excell and carried unanimously.

Cr Sims left the meeting at 7:52 pm.

Cr Sims returned to the meeting at 7:54 pm.

12.3 RESCISSION OF MOTION - SCHEDULE OF COUNCIL MEETINGS FOR 2026

SUBMITTED BY: Cr Sims
ATTACHMENTS: Nil

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

NOTICE OF MOTION

That Part 2 of the Council's decision made at the Council Meeting held on 3 November 2025 and the subsequent decision made at the Council Meeting held on 3 November 2025, regarding Information and Briefing Sessions, (Item 13.8, page 66 of the Minutes), which reads as follows:

2. *That all other Ordinary Meetings of the Council be held on the first Tuesday of each calendar month.*

and

That Information and Briefing Sessions be scheduled on Tuesday evenings during 2026.

be rescinded.

If the above resolution is rescinded, Cr Sims intends to move the following Motion:

1. *That all Ordinary Meetings of the Council, commencing from February 2026, be held on the first Monday of each calendar month, commencing at 7.00pm in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood.*
2. *That Council meetings that fall on a Public Holiday, be held on the first Tuesday of the month, commencing at 7.00pm in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood.*
3. *That Information and Briefing Sessions be scheduled on Monday evenings during 2026.*
4. *That the Council requests the Agenda to be issued on the Wednesday prior to the Ordinary meetings, allowing at least three clear business days for Councillors and the Community to have the full agenda.*

REASONS IN SUPPORT OF MOTION

The continuation of Monday evening meetings is, in my view, the most appropriate choice. This established schedule is well-known to the community and facilitates the completion of formal business and workshops early in the week.

A shift to Tuesday could present a conflict, as this day is frequently utilised by various community groups for their own meetings.

I acknowledge the rationale behind the request for a change—to provide Councillors with additional time for Agenda review. This objective can be effectively met by instituting a requirement that the Agenda be circulated on Wednesday.

STAFF COMMENT

Nil

Cr Sims moved:

That Part 2 of the Council's decision made at the Council Meeting held on 3 November 2025 and the subsequent decision made at the Council Meeting held on 3 November 2025, regarding Information and Briefing Sessions, (Item 13.8, page 66 of the Minutes), which reads as follows:

2. That all other Ordinary Meetings of the Council be held on the first Tuesday of each calendar month.

and

That Information and Briefing Sessions be scheduled on Tuesday evenings during 2026.

be rescinded.

Seconded by Cr Granozio and lost.

13 STAFF REPORTS

13.1 COMMUNITY LAND MANAGEMENT PLAN AMENDMENT — PAYNEHAM MEMORIAL SWIMMING CENTRE

REPORT AUTHOR: Manager Governance
APPROVED BY: General Manager, Governance & Civic Affairs
ATTACHMENTS: A - C

PURPOSE OF THE REPORT

The purpose of this report is to present the proposed changes to the *Community Land Management Plan – Sporting Facilities* to the Council for adoption.

BACKGROUND

In accordance with the *Local Government Act 1999* (the Act), land that is owned by the Council is considered Community Land, unless it is a road or otherwise excluded by virtue of Section 193(1) of the Act.

The Payneham Memorial Swimming Centre (PMSC) and Norwood Swimming Centre (NSC) are owned and operated by the Council and are considered to be Community Land for the purposes of the Act.

Section 196 of the Act, requires that the Council must have an adopted Management Plan(s) in place for its Community Land and prescribes the requirements that need to be included in this plan.

Section 196(3) of the Act requires that a Community Land Management Plan must:

- (a) *identify the land to which it applies; and*
- (b) *state the purpose for which the land is held by the council; and*
- (c) *state the council's objectives, policies (if any) and proposals for the management of the land; and*
- (d) *state performance targets and how the council proposes to measure its performance against its objectives and performance targets.*

At the Council Meeting held on 1 November 2021, the Council adopted its Community Land Management Plans, including the *Community Land Management Plan - Sporting Facilities* (the CLMP) which includes the PMSC and the NSC.

At that time, however the operations of the PMSC were managed by Council staff and therefore, the CLMP does not make provision for the management of the PMSC by external third parties. It is therefore necessary for the CLMP to be amended to include the provision for any potential external management arrangements that the Council may enter into for the PMSC.

On this basis, the CLMP has been amended to reflect such arrangements.

The proposed changes to the *Community Land Management Plan — Sporting Facilities* are contained within **Attachment A**.

The current *Community Land Management Plan — Sporting Facilities* is contained within **Attachment B** to this report.

STRATEGIC DIRECTIONS

CityPlan 2030 Alignment

Outcome 1: Social Equity

An inclusive, connected, accessible and friendly community.

Objective 1.4: A strong, healthy, resilient and inclusive community.

Strategy 1.4.1: Provide all ages and abilities programs and spaces for sport, recreation and play to support physical and mental wellbeing.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

Elected Members

Nil.

Community

Community consultation on the proposed changes to the CLMP has been undertaken as summarised in the Discussion section of this report.

Staff

The preparation of this report has been based on collaboration between the Council's Manager, Governance, General Manager, Community Development and the General Manager, Governance & Civic Affairs.

Other Agencies

Not Applicable.

DISCUSSION

At its meeting held on 25 April 2025, the Council resolved to commence a procurement process for the appointment of an external manager to oversee the operations of the PMSC.

To enable the implementation of the Council's decision to have an external manager in place through a Management Agreement, amendments are required to be made to the Council's *Community Land Management Plan — Sporting Facilities*.

In addition to supporting the implementation of the Council's decision, the opportunity was also taken to remove superfluous information in the CLMP. A summary of the proposed amendments is set out below:

- *Use of the Land for a business purpose may be granted where it occurs on a single occasion or on a short-term basis (up to the maximum term length), subject to approval* - This paragraph is not required due to separate provisions within the Act; and
- the separate reference to 'Casual Hire (non-exclusive use)' within the Leasing and Licensing tables throughout has been removed as hiring is a type of licence and covered by the authorised licensing on the land.

Attachment A contains the sections of the CLMP which are proposed to be amended and the proposed changes are highlighted in red.

Section 198 of the Act prescribes the process that the Council must undertake when amending a Community Land Management Plan, which includes a requirement to undertake community consultation. While there is an argument that the proposed changes are likely to have minimal impact on the interests of the community, consultation was nonetheless undertaken from a transparency and best practice perspective.

The consultation on the proposed changes to the CLMP, commenced with the publishing of a Public Notice in *The Advertiser* on Wednesday, 19 November 2025 and consultation concluded at 5:00pm on Wednesday, 10 December 2025. Community members were invited to lodge any comments through the Council's 'Have Your Say' section of the Council website and the document was available to view at the Norwood Town Hall.

No submissions were received during the consultation period.

Draft Management Agreement

Separate from the CLMP requirements but related to the external management of the PMSC, a Management Agreement to facilitate a third party operating the PMSC, is likely to be considered a licence for the purposes of the Act.

Given that such a licence is proposed, the provisions of Section 202(2) of the Act will apply and this will require that prior to a lease or licence over Community Land being approved by the Council, community consultation must be undertaken.

Given the requirement to consult on the proposed changes to the CLMP, it was considered appropriate and more efficient, to consult concurrently on the draft Management Agreement at the same time rather than at a later stage, given that a procurement process is currently underway for an external manager for the PMSC. This pragmatic approach finalises the community consultation requirements associated with the PMSC and its management.

A draft Management Agreement was prepared as a key component of the procurement process that is currently underway for an external manager for the PMSC. While the Council will consider the results of the procurement process at a future Council Meeting, the Request for Tender required the tenderers to confirm adherence to the draft Management Agreement.

While final negotiations with the preferred manager to operate the PMSC may result in some amendments to the Management Agreement, as the draft Management Agreement has formed part of the tender process, both the Council and the community can have assurance that the final Management Agreement will not materially differ from the draft Management Agreement. It is envisaged that the final Management Agreement will only differ in terms of specific commercial information that is agreed to between the parties which will be required to be kept confidential in accordance with Section 90(3) of the Act, to protect the third party's and the Council's commercially sensitive information.

As was the case with the consultation on the proposed amendments to the CLMP, no submissions were received on the draft Management Agreement.

A copy of the *draft Management Agreement for the Payneham Memorial Swimming Centre* is contained in **Attachment C**.

OPTIONS

Nil.

The proposed changes to the CLMP are required to ensure that the Council can enter into an agreement with an external manager to operate the PMSC.

CONCLUSION

Construction of the new Payneham Memorial Swimming Centre is progressing and on track for practical completion in July 2026.

While the procurement process for an external manager to operate the PMSC is currently underway, administrative steps have been progressed to give effect to the Council's decision to enter into an arrangement with a third party for the purpose of managing the operations of the PMSC.

The changes that are proposed to be made to the CLMP will remove superfluous/redundant content and will ensure that the Council's preference for an external manager to oversee operations of the PMSC is consistent with the CLMP.

The information included in this report associated with the draft Management Agreement for the PMSC, is provided for information by way of an update, no decision in respect to the draft Management Agreement, is required at this stage, other than the Council noting that consultation to enable an agreement to be entered into has been undertaken.

RECOMMENDATION

1. *That the outcome of the community consultation undertaken on the proposed changes to the Community Land Management Plan — Sporting Facilities and the draft Management Agreement for the Payneham Memorial Swimming Centre, be received and noted.*
2. *That the proposed changes to the Community Land Management Plan — Sporting Facilities as contained within Attachment A to this report be approved.*
3. *The Council notes that the current Community Land Management Plan — Sporting Facilities, as contained within Attachment B to this report, will be updated with the proposed changes, as contained in Attachment A.*

Cr Sims left the meeting at 8:08pm.

Cr Duke moved:

1. *That the outcome of the community consultation undertaken on the proposed changes to the Community Land Management Plan — Sporting Facilities and the draft Management Agreement for the Payneham Memorial Swimming Centre, be received and noted.*
2. *That the proposed changes to the Community Land Management Plan — Sporting Facilities as contained within Attachment A to this report be approved.*
3. *The Council notes that the current Community Land Management Plan — Sporting Facilities, as contained within Attachment B to this report, will be updated with the proposed changes, as contained in Attachment A.*

Seconded by Cr Excell and carried unanimously.

13.2 BUILDING FIRE SAFETY COMMITTEE ANNUAL PERFORMANCE REPORT

REPORT AUTHOR: Manager, Development Assessment
APPROVED BY: General Manager, Urban Planning & Environment
ATTACHMENTS: A

PURPOSE OF THE REPORT

The purpose of this report is to provide for the Council's information, the outcomes of the operations of the Council's Building Fire Safety Committee, for the period 1 July 2024 to 30 June 2025.

The report also seeks an amendment to the membership of the Building Fire Safety Committee to include the Council's newly appointed Development Officer – Building, Samuel Larosa and an associated change to clause 2.1 of the Terms of Reference.

BACKGROUND

Local Government plays an important role in protecting the ongoing safety of building occupiers and users, through the provisions of the *Planning, Development and Infrastructure Act 2016*.

Section 157 of the *Planning, Development and Infrastructure Act 2016*, specifically places obligations upon an "Appropriate Authority" in relation to building fire safety. Specifically, it provides powers for "Authorised Officers" to investigate whether or not building owners are maintaining proper levels of fire safety in their buildings for the protection of all occupiers, whether the occupiers are residents or workers who use the buildings regularly, or clients and visitors who use the buildings occasionally.

For the purposes of Section 157 of the *Planning, Development and Infrastructure Act 2016* ('the Act'), an *Appropriate Authority* is a body established by a Council, or by two (2) or more Councils and designated by the Council or Councils, as an *Appropriate Authority*. In the case of the City of Norwood Payneham & St Peters, the Council has established the Building Fire Safety Committee as the *Appropriate Authority*.

If a building is not considered to be adequate from a building fire safety perspective, Section 157 of the Act, provides powers for the Building Fire Safety Committee to require remedial action to rectify any problems associated with the building.

In respect to this Council's Building Fire Safety Committee, at its meeting held on 4 September 2023, the Council resolved the following:

1. *That the report on the activity of the Council's Building Fire Safety Committee during the period commencing September 2022 and ending September 2023, be received and noted.*
2. *That the following persons be appointed to the City of Norwood Payneham & St Peters Building Fire Safety Committee for a period from March 2024 to March 2027:*
 - *Mr Troy Olds as a Presiding member of the Committee and a person with expertise in fire safety;*
 - *Mr Demetrius Poupoulas as a member of the Committee;*
 - *A primary person nominated by the Chief Officer (CO) of the SAMFS;*
 - *An alternate person (proxy) nominated by the Chief Officer (CO) of SAMFS; and*
 - *Mr Mario Hlavati as a person with qualifications in Building Surveying.*
3. *That Clauses 2.2 and 2.3 in the Committee's Terms of Reference be updated to reflect the new term of appointment for the existing Committee Members, in accordance with part 2 of this recommendation.*

This report sets out the outcomes of the Committee's operations during the period 1 July 2024 to 30 June 2025, in accordance with the Committee's current Terms of Reference.

An addition to the Committee's membership is also sought.

STRATEGIC DIRECTIONS

CityPlan 2030 Alignment

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 neighbourhoods.

Strategy 2.4.1: Encourage sustainable and quality developments and urban design outcomes.

FINANCIAL AND BUDGET IMPLICATIONS

The Building Fire Safety Committee has no specific budget allocation. Funds required to deal with enforcement matters are drawn from General Planning and Building Legal and Contractor Budgets (as required). Costs associated with the engagement of External Independent Members of the Committee, namely Mr Troy Olds and Mr Demetrius Poupoulas, are also allocated from General Planning and Building Legal and Contractor Budgets.

The approximate annual cost of investigating building fire safety matters, taking into account the professional fees which are paid to Mr Olds and Mr Poupoulas, ranges between \$5000 - \$10,000.

If enforcement action is required (due to non-compliance by a building owner) legal costs can escalate as required, to satisfactorily resolve the matter.

RISK MANAGEMENT

The establishment and operation of the Council's Building Fire Safety Committee is necessary and required to ensure that the Council fulfils its statutory obligations under the *Planning, Development and Infrastructure Act 2016*, with respect to building fire safety. A properly functioning Committee is necessary to enable the Council to undertake the roles and fulfil the responsibilities of an '*Appropriate Authority*', pursuant to Section 157 of the respective Act.

As Elected Members may recall, the Building Fire Safety Committee has developed a risk assessment process which is intended to identify and select buildings of interest, based on risk assessment criteria contained in the Risk Assessment Process, which forms part of the Committee's Terms of Reference. The Risk Assessment Process specifies which buildings are of the highest risk, based on building classification, size and use.

The application of a Risk Assessment Process is important to ensure that the Council's Building Fire Safety Committee performs its duties under the *Planning, Development and Infrastructure Act 2016*, by prioritising matters based on an assessment of relative risk, rather than via random selection of buildings to review without defined reasoning for its investigations or prioritisation.

The Risk Assessment Process contained within the Terms of Reference, was endorsed by the Council at its meeting held on 18 January 2021.

CONSULTATION

Elected Members

The Council considered and endorsed the current Terms of Reference at its meeting held 18 January 2021 (with updates endorsed on 4 September 2023) and receives annual reports on the operation of the Building fire Safety Committee.

Community

Not Applicable

Staff

Senior Development Officer, Building

Other Agencies

Not Applicable.

DISCUSSION

Objects and Role of the Committee

The Committee essentially has an administrative function, established as a requirement pursuant to the *Planning, Development and Infrastructure Act 2016*, to administer building fire safety and acts as a compliance body in terms of enforcing the building fire safety provisions of the *Act*.

The focus of the Council's Building Fire Safety Committee is to ensure that buildings and its occupants within the city are adequately protected against fire. The Committee's activities are prioritised to ensure that firstly, there is a reasonable standard of safety for the occupiers of buildings. Secondly, the Committee seeks to ensure that appropriate controls are in place so that there is a minimal spread of fire and smoke within buildings. Thirdly, the Committee seeks to ensure that there is an acceptable fire-fighting environment and infrastructure provided within buildings.

The Committee applies a Risk Assessment Process (included in Terms of Reference) to identify the types of buildings that require inspections in order of priority. The Risk Assessment Process specifies which buildings are of the highest risk, based on building classification, size and use having regard to industry best practice, the Building Code of Australia (BCA) and the experience of the Committee Members in dealing with building fire safety issues.

Review of the Committee's Activities for the 2024-2025 Financial Year

In accordance with Part 3.10 of the Terms of Reference, an outline of the Committee's activities is provided in this report.

The Council's Building Fire Safety Committee met on five (5) occasions between July 2024 and June 2025. All Members attended all meetings of the Committee.

During the reporting period, eleven (11) buildings were subjected to fire safety investigations, some of which carried over from the previous reporting period and some newly added for investigation. Of these, six (6) fire safety matters were resolved, and two (2) buildings are currently subject to an Aluminium Composite Panel Cladding audit. In total, six (6) inspections were undertaken by the Committee during the reporting period.

Table 1 below contains specific details on the number of inspections undertaken of each building type during the reporting period. It must be noted, that some buildings required more than one inspection during the reporting period but they have not been reported separately.

TABLE 1: TYPES OF BUILDINGS INSPECTED DURING 2024-2025

Building Type	Number of Inspections
	September 2024 – September 2025
Supported Residential Facilities	0
Accommodation Buildings	3
Office Buildings	0
Hotels	0
Assembly Buildings	0
Other	3
TOTAL	6

A summary of the key statistics of the operation of the Building Fire Safety Committee during the period commencing July 2024 to end of June 2025, is set out below:

- the Committee has met on five (5) occasions;
- at the conclusion of the reporting period there were six (6) outstanding matters on the Committee's Agenda, including Aluminium Composite Panel Cladding (ACP) audit matters;
- there have been five (5) matters resolved in this reporting period;
- there were eight (8) outstanding matters in the previous reporting period (2023-2024); and
- there are two (2) buildings currently under investigation as a result of State wide Aluminium Composite Panel Cladding Audit.

Building inspections during the reporting period, focussed primarily on the environment (nature of the building use, floor layout, number of occupants, number of and distance to exits, etc.) and equipment provided within the buildings to facilitate the safe evacuation of occupants in the event of an emergency. Aspects such as fire and smoke compartmentalisation, exit provisions, smoke detection and alarm systems, emergency lighting and sprinkler protection systems were reviewed.

Currently (as at 10 January 2026), the Committee is dealing with fire safety matters associated with four (4) accommodation/residential buildings, one (1) funeral parlour building and one (1) warehouse building. Three (3) building fire safety matters were resolved during the reporting period, without the need to pursue legal action. Four (4) Fire Safety Defect Notices were issued in this reporting period under Section 157 of the *Planning, Development and Infrastructure Act 2016*. With respect to two (2) buildings containing Aluminium Composite Panel Cladding (ACP), the Committee is awaiting a report from a fire services engineer to enable it to consider the fire safety standard of acceptability for one building and another building is pending confirmation of the replacement of aluminium composite cladding.

A brief summary of the outstanding compliance matters being investigated by the Committee is set out below:

- three (3) storey residential/commercial building requiring replacement of existing aluminium composite cladding;
- a multi-storey apartment complex having ACP cladding continuous in a vertical plane;
- four (4) storey residential unit complex requiring extensive fire safety upgrades;
- short term accommodation building requiring SAMFS alarm monitoring;
- a funeral parlour pending fire defect notice due to extensive fire safety deficiencies; and
- warehouse building requiring extensive fire safety provisions installed.

The legislative requirement that allows a person two (2) months within which to provide a written response to the Committee regarding any Compliance Notices which are issued by the Committee, often makes it difficult to resolve issues within a short timeframe. Despite this limitation, the Committee continues to progress all enforcement matters with reasonable expediency and effectiveness.

In accordance with the 'Audit Methodology' contained within the current Terms of Reference, the Council's Building Fire Safety Committee, with the assistance and advice of suitably qualified Council Staff, is required to undertake an annual audit of buildings by systematically auditing one (1) suburb per annum. All buildings within that suburb which are identified as warranting investigation due to potential fire safety deficiencies, are required to be listed and investigated by the Committee following the audit. The investigations are required to be prioritised in accordance with risk analysis and identification as determined during the audit. However, this standard process was not followed in the 2024-2025 reporting period due primarily to a number of buildings being reported to the Committee by the SAMFS. The buildings reported by the SAMFS required investigation and this elevated the level of importance of these buildings, such that these priorities overrode the Committee's capacity to undertake their ordinary risk identification process.

Other Activities

Other than the responsibilities set out in Section 157 of the Act, the Committee has also been responsible for the recent audit of the buildings which contain a designated building product known as ACP (Aluminium Composite Panel). The audit, as initiated by the former State Government Department of Planning, Transport & Infrastructure ("DPTI"), (now PlanSA), has been primarily undertaken by the Senior Development Officer, Building and presented to the Committee for actioning.

The respective owners of all buildings which have been the subject of the Aluminium Composite Panel Cladding Audit, have received written correspondence and been advised of the audit and its outcomes. To date, the Committee is liaising with PlanSA regarding the progress of the audit and its outcomes. Two (2) matters arising from the audit and random investigations are ongoing.

Membership

As noted in the introductory section of this report, the Council has recently recruited an additional Development Officer – Building to assist in managing the assessment, inspection and building safety functions of Council.

It is appropriate for the Council's newly appointed Development Officer, Building – Mr Samuel Larosa, to be added as a member to the Building fire Safety Committee.

The recommendation below enables Mr Larosa's appointment and provides for an accompanying adjustment to clause 2.1 of the Terms of Reference.

Mr Larosa's Term of Appointment would be made to align with the expiry of the existing membership – March 2027.

OPTIONS

The Council can either choose to appoint Mr. Larosa to the Committee or it can choose not to.

CONCLUSION

The Committee has been very efficient and effective in diligently actioning a range of on-going and complex enforcement matters. The effectiveness of the Committee's activities is reinforced by the results which have been achieved within this reporting period, being the completion of five (5) matters.

A methodical risk-assessment based approach has been applied by the Committee for several years and this has ensured that building fire safety risks have been afforded an appropriate level of attention. Whilst such risks cannot be entirely mitigated, the Committee's role and function is crucial in ensuring that buildings with vulnerable occupants are adequately protected against fire.

RECOMMENDATION

1. *That the report on the activity of the Council's Building Fire Safety Committee during the period 1 July 2024 to 30 June 2025, be received and noted;*
 2. *That Mr Samuel Larosa – Development Officer, Building, be appointed as a Member to the Building Fire Safety Committee for a term up to and including 19 March 2027;*
 3. *That Clause 2.1 of the Terms of Reference (Attachment A) be amended to record Mr Larosa's appointment as a Member of the Building fire Safety Committee.*
-

Cr Piggott moved:

1. *That the report on the activity of the Council's Building Fire Safety Committee during the period 1 July 2024 to 30 June 2025, be received and noted;*
2. *That Mr Samuel Larosa – Development Officer, Building, be appointed as a Member to the Building Fire Safety Committee for a term up to and including 19 March 2027;*
3. *That Clause 2.1 of the Terms of Reference (Attachment A) be amended to record Mr Larosa's appointment as a Member of the Building fire Safety Committee.*

Seconded by Cr McFarlane and carried unanimously.

13.3 COUNCIL ASSESSMENT PANEL ANNUAL PERFORMANCE REPORT

REPORT AUTHOR: Manager, Development Assessment
APPROVED BY: General Manager, Urban Planning & Environment
ATTACHMENTS: Nil

PURPOSE OF THE REPORT

The purpose of this report is to provide general commentary on the Council Assessment Panel's activities and performance for the period 1 July 2024 to 30 June 2025.

BACKGROUND

On 1 August 2017, the provisions of the *Planning, Development and Infrastructure Act (PDI Act) 2016* relating to Council Assessment Panels commenced operation. As a result, all Councils were required to replace Development Assessment Panels with Council Assessment Panels comprising up to five Members, one (1) of whom may be an Elected Member.

The current membership of the Council Assessment Panel comprises:

- Mr Stephen Smith (Presiding Member)
- Mr Mark Adcock (Independent Member)
- Mr Ross Bateup (Independent Member)
- Mr Julian Rutt (Independent Member)
- Cr Christel Mex (Council Member)
- Mr Paul Mickan (Deputy Independent Member)
- Cr Kester Moorhouse (Deputy Council Member)

The current Members were appointed to the Council Assessment Panel by the Council at its meeting held on 2 April 2024, with their membership term expiring on 1 May 2026.

The Council has endorsed Terms of Reference for the operation of the Council Assessment Panel, which are available via the following web link:

https://www.npsp.sa.gov.au/files/12330_council_assessment_panel_terms_of_reference.pdf?v=226

In addition, the Council Assessment Panel has established its own Meeting Procedures, which are available via the following web link:

https://www.npsp.sa.gov.au/files/17660_final_version_cap_meeting_procedures_adopted_19_june_2023.pdf?v=312

STRATEGIC DIRECTIONS

CityPlan 2030 Alignment

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 neighbourhoods.

Strategy 2.4.2: Facilitate a mix of land uses in appropriate locations in balance with amenity and character.

FINANCIAL AND BUDGET IMPLICATIONS

Specialist External Members of the Panel receive a sitting fee of \$450 per scheduled Panel meeting and the Presiding Member receives a sitting fee of \$550 per meeting. The Council has also resolved that Elected Members who are appointed to the Panel will receive a sitting fee of \$450.

In this context, the cost of providing sitting fees to Panel Members is currently \$2,350 per meeting.

RISK MANAGEMENT

A *Code of Conduct for Assessment Panel Members* commenced operation on 1 October 2017. The Code of Conduct imposes Conflict of Interest provisions which are similar to those which existed previously under the *Development Act 1993*. To this end, in summary the new Code of Conduct prohibits Panel Members from:

1. engaging in consultation outside of the panel process with any party on a proposed Development Application that is likely to be heard by the Panel;
2. giving advice to an Applicant or other third party on a Development Application after it has been lodged outside of a panel meeting;
3. speaking at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a Development Application unless required by the *Act*;
4. expressing an opinion on a Development Application or a proposed development outside of a panel meeting; and
5. engaging in any other act or omission which may give rise to a reasonable presumption that they have prejudged a development proposal or Application.

All Code of Conduct complaints concerning CAP Members are required to be made to and addressed by the State Planning Commission. Unlike the previous requirement under the *Development Act 1993*, Councils are not required to have a Public Officer for a Council Assessment Panel.

In addition to the *Code of Conduct*, several other measures are in place to effectively manage and where possible, mitigate risks associated with membership of, and the activities undertaken by, Council Assessment Panel members, including:

- Accredited Professionals Scheme – All Specialist Independent Members are required to be accredited at Level 2. The accreditation requirements impose ongoing professional development obligations. A *Code of Conduct* is also applicable to Accredited Professionals;
- Training – Training is regularly scheduled and available for Panel Members. Independent training providers offer relevant training courses, and generally, during each two (2) year Membership term, the Council will provide a tailored training session to Council Assessment Panel Members through Council's solicitors;
- Terms of Reference and Meeting Procedures – Both the Terms of Reference and Meeting Procedures for the Council Assessment Panel were reviewed and updated in the 2023 calendar year, providing an updated and detailed framework for Panel conduct and decision making.

CONSULTATION

Elected Members

Not Applicable.

Community

Not Applicable.

Staff

General Manager, Urban Planning & Environment.

Other Agencies

Not Applicable.

DISCUSSION

The Panel's Activities and Performance

The Panel met on eleven (11) occasions between 1 July 2024 and 30 June 2025. One (1) scheduled Ordinary Meeting (April 2025), was cancelled due to there being no items for determination.

During the twelve (12) month reporting period, eight hundred and eleven (811) Development Applications were lodged for development within the City of Norwood Payneham & St Peters.

The Panel considered thirty-one (31) items during the reporting period (twenty-six (26) of which were "new" Development Applications), which equates to approximately 3.8% of all Development Applications that were lodged. All other Development Applications were determined by the Assessment Manager as the relevant authority (and staff under delegation) or by the Assessment Manager (and staff under delegation) acting under the delegation of the Council Assessment Panel. A small number of applications were also determined by the State Commission Assessment Panel or private accredited professionals. It is also important to note that five (5) of the items considered by the Panel related to Environment Resources & Development Court Appeals and Reviews of Decisions made by the Assessment Manager.

The Panel considered eleven (11) Development Applications for commercial developments and fifteen (15) Development Applications for residential developments.

Some of the larger scale and/or more complex Development Applications which were considered by the Panel during the reporting period included:

- a mixed use, four (4) storey development at 263-277 Payneham Rd, Royston Park;
- the division of land and future use affecting a Local Heritage Place at 81 Osmond Tce, Norwood;
- demolition of an existing dwelling in a Historic Area at 48 Sixth Ave, St Peters; and
- demolition of a Local Heritage Place at 69 High St, Kensington.

Of the twenty-six (26) Development Applications that were considered by the Panel during the reporting period, three (3) Applications were refused by the Panel. Of the three (3) Applications which were refused, all were recommended for Planning Consent to be granted by the Assessing Planner.

Of the twenty-three (23) Applications that were approved by the Panel, all were determined in accordance with the recommendations made by the Assessing Planner. Overall, 12.9% of decisions made by the Panel, were contrary to staff recommendations. Accordingly, the vast majority of decisions made by the Panel are consistent with staff recommendations, which demonstrates a close alignment between the way in which staff and the Panel are interpreting and applying the provisions of the *Planning & Design Code*). This has remained consistent for several years.

Three (3) of the decisions that were made by the Panel during the reporting period, were appealed to the Environment Resources & Development (ERD) Court. Two (2) of those appeals have been resolved via a compromise, without proceeding to a Full Hearing. The remaining one (1) appeal has not yet been finalised, but the applicant is progressing a compromise proposal which will be considered by the Panel in due course.

Over the reporting period, the Panel considered two (2) reviews of the decisions made by the Assessment Manager. In both cases, the Panel determined to affirm the decision of the Assessment Manager. The process of reviewing the decisions of an Assessment Manager (where requested by an Applicant and allowed for under the *Planning, Development & Infrastructure Act 2016*) is considered to be functioning well, with applicants receiving a fair hearing and decisions being set aside where that is considered appropriate by the Council Assessment Panel.

In October 2024, the Panel resolved to adopt an updated Policy to guide the process for reviews of a decision of the Assessment Manager. Accordingly, the Panel no longer deliberates these matters in confidence and both the Applicant (and / or their representative) and the Assessment Manager are afforded the opportunity to be heard. These process improvements have been beneficial and enhances the transparency of the Panel's decision-making process.

Review of Delegations

The most recent review of delegations was undertaken by the Panel at its meeting held on 21 July 2025. While this is outside of the reporting period, it is still worth noting. The delegations from the Panel to the Assessment Manager had not been reviewed since initial implementation of the delegations in February 2021 and accordingly, a review was considered necessary and timely.

The Panel is the relevant authority for Development Applications that require public notification. However, the Panel is able to delegate authority to determine applications that require public notification to the Assessment Manager, in such circumstances as the Panel sees fit.

Prior to the most recent review, the Panel delegated decisions on all Applications for which it was the relevant authority, to the Assessment Manager, other than where valid representations were received which were in opposition to the proposal.

Following the review, the Panel determined to delegate authority to the Assessment Manager, to determine applications for which it is the relevant authority, in circumstances where:

1. no valid representations are received;
2. all valid representations are withdrawn (prior to the publication of the agenda);
3. no representor who has lodged a valid representation wishes to be heard (prior to the publication of the agenda);
4. a deemed consent notice has been served on the Panel under Section 125(2) of the Act;
5. the applicant has not agreed to extend the statutory timeframe within which the Panel must determine the development application pursuant to Regulation 53 of the Regulations and that timeframe will expire before the next meeting of the Panel is scheduled to occur.

In addition, and for the avoidance of doubt, the Panel further noted that the Assessment Manager may not exercise the power pursuant to Section 102(1)(a) of this Act (i.e. to grant Planning Consent) where the following apply:

- the application is proposed by the City of Norwood Payneham & St Peters unless it is contextually minor in nature such as street tree removals, reserve works, building alterations / additions, street and park furniture, signage, public toilets or other associated infrastructure works;
- the application is proposed by an Elected Member or Staff Member of the City of Norwood Payneham & St Peters and is, in the opinion of the Assessment Manager, for a significant form development (such as dwelling additions, a new dwelling or other more major forms of development);
- where the Assessment Manager determines that the nature of the application is best determined by the Panel, having regard to the type of application, the public interest, and the extent to which the proposed application meets the provisions of the Planning & Design Code.

It is considered that the above-mentioned delegations will maintain an effective decision-making framework. The delegations will continue to be reviewed periodically to ensure they are fit for purpose.

Procedural Issues and Meeting Efficiency

The Meeting Procedures for the Panel were reviewed in late 2024 / early 2025. An amended version of the Meeting Procedures was endorsed by the Panel at its meeting held on 17 February 2025.

The updated Meeting Procedures provided for minor changes only.

There were no significant procedural issues identified during the reporting period.

Planning Policy Issues / Trends

The Council Assessment Panel, as a relevant authority under the *Planning, Development & Infrastructure Act 2016*, is charged with undertaking assessments and making decisions in respect to Development Applications presented to it. Accordingly, the Panel is in an ideal position to take into account trends or issues with planning policy which may need to be presented to the Council for its consideration in respect to the relevant planning policy.

The Panel did encounter several anomalies in the planning policy applicable to its assessment activities, but none of such significance that would warrant immediate attention. However, there were several general observations about the relevant planning policy and the planning system that are worthy of consideration. Some of these are consistent with the observations and reporting of previous years, and others are more recent observations:

1. **Loss of Tailored Policy** – The shift from Development Plans (which contained bespoke policy that had been developed by Council over a number of years) to one over-arching policy framework applicable across the State has resulted in the loss of localised and specific policy, which had been tailored to particular localities and contexts.

As a result, the applicable planning policy is often very generalised, with numerical measures which may not suit particular localities and qualitative provisions which are too general in nature to provide for a useful guide. This has made assessment and decision making more problematic and more open to interpretation and challenge.

2. **Planning for Context** – As a result of a more generalised policy framework, the concept of “planning for context” has arisen during some of the Panel’s deliberations. That is, the importance of considering the Performance Outcomes in the Planning & Design Code in the context of the particular site and locality within which the development is proposed has informed the Panel’s decisions.

For example, a Performance Outcome may suggest “development should be compatible with the surrounding built form”. Whether that Performance Outcome will be achieved could be different depending on where the development is proposed and potentially different outcomes could result between two separate sites even if both are within the same zone.

To a certain extent, “planning for context” has always been required as part of development assessment, but the nature of the generalised policy framework now makes that more critical. The level of uncertainty this can create has done little to provide for a “simplified system” as per one of the goals of the original Expert Panel on Planning Reform in 2013.

3. **Loss of Third Party Appeal Rights** – The implementation of the new planning system has resulted in third party’s no longer having a right of appeal to the Environment Resources & Development Court should they disagree with a decision made by the Panel. As knowledge of the lack of appeal rights has spread, Council Assessment Panels are beginning to see a trend of more detailed and assertive representations.

It is also resulting in increased interest in procedural challenges through the judicial review process (where the decision-making process is challenged as opposed to the merits of the proposal).

4. **Deferrals** – As part of the planning system applicable under the *Development Act 1993*, it was not uncommon for the Panel to defer items for further information, or to enable reconsideration or negotiation of particular elements of the proposal, before the proposal was put back before a future meeting of the Panel.

This was often done to address a problematic element in a proposal, and in many cases, resulted in an enhanced development outcome. The Panel was unable to “re-design” a proposal, but the deferral process could be used effectively to address problematic issues.

The introduction of Deemed Consents in the new planning system established under the *Planning, Development & Infrastructure Act 2016* has unfortunately now meant that the Panel is generally unable to defer a matter – as doing so will often result in the exceedance of the legislated timeframe and result in the potential for a deemed consent to be issued.

Accordingly, where applicants previously may have been afforded an opportunity through a deferral to provide additional information / amendments, that opportunity now rarely exists and applications are instead being refused.

5. Demolition and Heritage – During the reporting period, the Panel was tasked with making decisions on several Development Applications which proposed the demolition of dwellings / buildings within the Historic Area Overlay.

There are numerous Performance Outcomes (PO) in the Planning & Design Code which such proposals are assessed against, but PO 7.1 is particularly relevant:

PO 7.1 – Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:

- (b) The front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style or*
- (b) The structural integrity or safe condition of the original building is beyond reasonable repair.*

The words “beyond reasonable repair” (and in the context of the Local Heritage Place Overlay – *irredeemably beyond repair*) have been the subject of considerable debate. Applicants and Council staff often source structural engineering reports to assist the Panel in their deliberations. The Panel has refused several Development Applications proposing demolition in the Historic Area Overlay and there is currently one (1) case on-going in the Environment Resources & Development Court regarding such decisions.

6. Multi-Storey Mixed-Use Development – The Council Assessment Panel has recently considered two (2) Development Applications for multi-storey mixed-use developments (one {1} of which was considered outside of the reporting period).

The State Planning Commission is the relevant authority for making decisions on buildings exceeding four (4) storeys in height where the Design Overlay applies – however that overlay does not apply in the Suburban Business Zone for example, where such development proposals are becoming more frequent.

The assessment of these proposals by the Panel has been comprehensive, with sensitive elements such as building height being carefully considered. It is likely the Panel will see additional proposals for such developments into the future

7. Historic and Character Area Statements – The Panel was tasked with numerous assessments of developments against the Historic and Character Area Overlay where Historic and Character Area Statements were applicable. Those statements apply to a specific portion of the Overlays and are intended to describe the attributes that create and contribute to the unique heritage or character value of an area.

The statements themselves are supported as a useful tool in the Code, but they often lack detail making their applicability in development assessment more complex.

The Panel noted that a greater level of detail and clarity in the statements would be ideal and would likely enhance the quality of future development outcomes, as well as providing clearer guidance to the development industry.

OPTIONS

This report is provided for information purposes only.

CONCLUSION

The Council Assessment Panel has discharged its responsibilities well, with meetings running efficiently and with a high degree of professionalism.

The Panel determined a vast majority of Development Applications in accordance with the staff recommendation, reflecting a continued high degree of consistency between staff and Panel assessment approaches, recommendations and final decisions.

Overall, the Council can be justifiably satisfied with the results which have been achieved and the Panel's operation during the reporting period.

RECOMMENDATION

That the report on the activities and performance of the Council Assessment Panel for the period 1 July 2024 to 30 June 2025, be received and noted.

Cr Piggott moved:

That the report on the activities and performance of the Council Assessment Panel for the period 1 July 2024 to 30 June 2025, be received and noted.

Seconded by Cr Duke and carried unanimously.

13.4 PROCEDURAL AMENDMENT BY-LAW

REPORT AUTHOR: Manager Governance
APPROVED BY: General Manager, Governance & Civic Affairs
ATTACHMENTS: A

PURPOSE OF THE REPORT

The purpose of this report is to provide information to the Council to enable the Council to make the Amendment By-law, as requested by the Legislative Review Committee of the South Australian Parliament (the Legislative Review Committee).

BACKGROUND

Elected Members will recall that at its meeting held on 4 August 2025, the Council made the following By-laws:

- By-law 1 – Permits and Penalties 2025;
- By-law 2 – Moveable Signs 2025;
- By-law 3 – Roads 2025;
- By-law 4 – Local Government Land 2025;
- By-law 5 – Dogs 2025;
- By-law 6 – Waste Management 2025; and
- By-law 7 – Cats 2025.

The By-laws were subsequently published in the South Australian Government Gazette and commenced operation on 15 December 2025. The By-laws were also provided to the Legislative Review Committee, as required by the *Legislative Instruments Act 1978*.

On 24 October 2025, the Legislative Review Committee subsequently brought to the Councils attention, two minor typographical errors (in the *By-law 4 – Local Government Land 2025* and in the *By-law 6 – Waste Management 2025*).

To remedy these typographical errors, the Legislative Review Committee has requested that the Council make an Amendment By-law which will be *By-law 8 – Amendment By-law 2026* (Amendment By-law) as contained within **Attachment A**.

STRATEGIC DIRECTIONS

CityPlan 2030 Alignment

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

Elected Members

Elected Members were advised of the need for an Amendment By-law through a Memorandum dated 29 October 2025.

Community

As required by Section 249(1) of the *Local Government Act 1999* (the Act), community consultation has been undertaken on the Amendment By-law.

Staff

Nil.

Other Agencies

The draft Amendment By-law has been provided to the Secretariat of the Legislative Review Committee, who has confirmed that the Legislative Review Committee has noted the Council's commitment to progress an amendment to the *By-law 4 – Local Government Land 2025* and *By-law 6 – Waste Management 2025*, via the Amendment By-law and has determined not to take any action based on this position.

DISCUSSION

While the Amendment By-law is required only on the basis of correcting two (2) minor typographical errors as requested by the Legislative Review Committee, the Council is still required to follow the legislative process contained within Section 249 of the Act when making the By-law.

To this end, in accordance with Section 249(1) of the Act, community consultation was undertaken from 28 October 2025 until 19 November 2025. During this period no submissions were received.

Before the Council can make the Amendment By-law and in accordance with Section 249(4) of the Act, a legal practitioner must certify that the By-law can be made by virtue of the statutory powers available to the Council and that the By-law is not in conflict with the Act. In addition, Section 247(c) of the Act requires that a By-law made by a Council must avoid restricting competition to any significant degree.

In accordance with this requirement, a legal practitioner has certified the Amendment By-law and has confirmed, that there are no implications in respect to the National Competition Policy given that the By-law only serves to make minor amendments to existing Council By-laws for the purposes of correcting typographic errors (as requested by the Legislative Review Committee) and would not operate to restrict competition.

When the Council formally considers making the Amendment By-law, Section 249(3) of the Act requires that a resolution is passed by the Council at a meeting where at least two thirds of the Members of the Council are present and by an absolute majority of all Members of the Council. Since the Council currently comprises 14 Elected Members, at least 9 Elected Members must be present and the resolution must be supported by at least 8 Elected Members.

Once the Amendment By-law is made, the Chief Executive Officer will sign the By-law and the By-law will be published in the SA Government Gazette (the Gazette). The Council must also publish a notice of the making of the By-law in *The Advertiser*.

The Amendment By-law will then be referred to the Legislative Review Committee as required by the *Legislative Instruments Act 1978*.

OPTIONS

Not Applicable. The Amendment By-law has been requested by the Legislative Review Committee.

CONCLUSION

The Amendment By-law is being progressed to correct two (2) typographical errors in the Council's current By-laws. Once the Amendment By-law is made and Gazetted, the Amendment By-law will be included on the Council's website and in the Council's By-law Register.

To ensure that the public can review the *By-law 4 – Local Government Land 2025* and *By-law 6 – Waste Management 2025*, as amended, updated versions of these two (2) By-laws will be available on the Council's website. The Council's Register of By-laws will contain the original versions as well as *By-law 8 – Amendment By-law 2026*.

RECOMMENDATION

1. *In the exercise of the power contained in section 246 of the Local Government Act 1999, having satisfied the consultation requirements of that Act and after having had regard to the outcome of public consultation in relation to the proposed amending by-law (noting that no submissions were received and the Certificate of Validity provided by the Council's legal practitioner, the majority of Council, in the presence of at least two thirds of its members hereby makes and passes Amendment By-law 2026-By-law No. 8 contained in Attachment A.*
2. *That the Chief Executive Officer be authorised to take all necessary steps to give effect to the amending by-law including making any minor editorial or formatting amendments that may be necessary prior to it being published in the Government Gazette.*

Cr Piggott moved:

1. *In the exercise of the power contained in section 246 of the Local Government Act 1999, having satisfied the consultation requirements of that Act and after having had regard to the outcome of public consultation in relation to the proposed amending by-law (noting that no submissions were received and the Certificate of Validity provided by the Council's legal practitioner, the majority of Council, in the presence of at least two thirds of its members hereby makes and passes Amendment By-law 2026-By-law No. 8 contained in Attachment A.*
2. *That the Chief Executive Officer be authorised to take all necessary steps to give effect to the amending by-law including making any minor editorial or formatting amendments that may be necessary prior to it being published in the Government Gazette.*

Seconded by Cr Holfeld and carried unanimously.

13.5 PLANNING DELEGATIONS - LEGISLATIVE CHANGE UPDATES

REPORT AUTHOR: Manager Governance
APPROVED BY: General Manager, Governance & Civic Affairs
ATTACHMENTS: A - B

PURPOSE OF THE REPORT

The purpose of this report is to present the updated delegations for new provisions under the *Planning, Development and Infrastructure Act 2016* (the PDI Act) and statutory instruments, to the Council for approval.

BACKGROUND

Under the PDI Act and related statutory instruments (including the Regulations and Practice Directions), there are various functions and powers, which are vested in the Council, a Designated Authority, a Designated Entity or a Relevant Authority.

The Council has the ability to delegate many of its decision-making powers and functions under various pieces of legislation, including the PDI Act. The primary purpose of delegating powers and functions is to facilitate an efficient and effective organisation by allowing decisions to be made by the staff who carry out the day-to-day operations and to ensure that decisions are made at the appropriate level within the organisation and the decision making process.

Following recent legislative changes, new provisions associated with delegations are now presented to the Council for consideration and approval, namely:

- Instrument A, the *Instrument of Delegation under the PDI Act, Regulations, Planning & Design Code and Practice Directions of Powers of the Council as a Council, a Designated Authority and a Designated Entity* is contained within **Attachment A**.
- Instrument B, the *Instrument of Delegation under the PDI Act, Regulations, Planning & Design Code and Practice Directions of Powers of the Council as a Relevant Authority* is contained within **Attachment B**.

STRATEGIC DIRECTIONS

CityPlan 2030 Alignment

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

Elected Members

Not Applicable.

Community

Not Applicable.

Staff

Consultation on the delegation of the new provisions has been undertaken with the Council's Manager, Development & Regulatory Services.

Other Agencies

Nil.

DISCUSSION

Section 44(1) of the *Local Government Act 1999* (the LG Act), enables the delegation by the Council of powers and functions under the Act or any other Act or Regulations. Therefore, in general, if an Act does not contain an express power for the Council to delegate its powers and functions under that Act, then Section 44 of the LG Act may be used.

For the purposes of the PDI Act and statutory instruments, Section 44 (1) of the LG Act is used to delegate the powers and function of a Council, a Designated Authority or a Designated Entity. The powers and functions of the Council as Relevant Authority are delegated under Section 100(1) of the PDI Act.

Section 44(4) of the LG Act, provides that a delegation:

- is subject to conditions and limitations determined by the Council or specified by the Regulations;
- if made to the Chief Executive Officer, authorises the sub-delegation of the delegated power or function unless the Council directs otherwise and if made to anyone else authorises the sub-delegation of the delegated power or function with the approval of the Council; and
- is revocable at will and does not prevent the Council from acting in a matter.

Section 100(2) of the PDI Act provides that a delegation by the Council as a Relevant Authority:

- may be made subject to conditions or limitations specified in the Instrument of delegation; and
- if the Instrument of delegation so provides, may be further delegated by the delegate; and
- is revocable at will and does not derogate from the power of the relevant authority to act in any matter.

For a delegation to be granted under a statutory power of delegation, the Council must pass a resolution:

- identifying the delegate;
- identifying the powers and functions which are delegated; and
- specifying any conditions or limitations on the delegation.

The recommendation and Instruments attached have been prepared to ensure the Council appropriately delegates the new legislative provisions. The new provisions relate to various Council powers contained in the Regulations associated with the PDI Act which are specific to operational or administrative matters, for example binding arrangements in relation to the division of land by Community Title or Strata Title and the collection of fees for development assessed by an Accredited Professional. In addition, there are changes to various State Planning Commission Practice Directions which specify procedural requirements under the PDI Act:

Only the new legislative provisions that need to be delegated by the Council are included in the attached Instruments and other current delegations previously made by the Council remain in place.

OPTIONS

Delegations are an essential component in the operations of any organisation and an important governance requirement. Without the appropriate delegation of the Council's powers under the PDI Act, matters requiring decision under the PDI Act would need to be referred to the Council for decision and the task of running the Council's operations efficiently and effectively, would be made unnecessarily more difficult, complex, unwieldy and unsustainable.

It is recommended that the Council delegates the new powers and functions under the PDI Act and statutory instruments to the Chief Executive Officer to ensure that decisions under the PDI Act continue to be lawful.

The respective powers and functions may be sub-delegated by the Chief Executive Officer under Sections 44 and 101 of the Act or under Section 100(2)(c) of the PDI Act.

CONCLUSION

The Council's delegation of the new delegable powers and functions under the PDI Act, Regulations and Practice Directions is sought to ensure the Council complies with the PDI Act Objects and Functions.

RECOMMENDATION

1. *In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation under the PDI Act, Regulations, Planning & Design Code and Practice Directions of Powers of the Council as a Council, a Designated Authority and a Designated Entity provided as Attachment A, are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council effective from 21 January 2026 and subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.*
 2. *The Council notes that such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.*
 3. *In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation under the PDI Act, Regulations, Planning & Design Code and Practice Directions of Powers of the Council as a Relevant Authority provided as Attachment B, are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council effective from 21 January 2026 and subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.*
 4. *The Council notes that such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.*
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Cr Duke moved:

1. *In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation under the PDI Act, Regulations, Planning & Design Code and Practice Directions of Powers of the Council as a Council, a Designated Authority and a Designated Entity provided as Attachment A, are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council effective from 21 January 2026 and subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.*
2. *The Council notes that such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.*
3. *In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation under the PDI Act, Regulations, Planning & Design Code and Practice Directions of Powers of the Council as a Relevant Authority provided as Attachment B, are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council effective from 21 January 2026 and subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.*
4. *The Council notes that such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.*

Seconded by Cr Granozio and carried unanimously.

14 COMMITTEE REPORTS & RECOMMENDATIONS

Nil

15 OTHER BUSINESS

Nil

16 CONFIDENTIAL REPORTS

16.1 COMMUNITY RENEWABLE ENERGY OPPORTUNITIES INVESTIGATIONS

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, or to confer a commercial advantage on a third party; 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 3

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential for a period of twelve (12) months, after which time the order will be reviewed.

Cr Holfeld moved:

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

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

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

Seconded by Cr Knoblauch and carried unanimously.

Cr Holfeld moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential for a period of twelve (12) months, after which time the order will be reviewed.

Seconded by Cr Duke and carried unanimously.

17 CLOSURE

There being no further business, the Mayor declared the meeting closed at 9:05pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)