

Council Meeting Minutes

7 June 2021

Our Vision

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

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

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

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

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

Staff Mario Barone (Chief Executive Officer)
Peter Perilli (General Manager, Urban Services)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Sharon Perkins (General Manager, Corporate Services)
Isabella Dunning (Manager, Governance, Legal & Property)
Keke Michalos (Manager, Economic Development & Strategic Projects)
Jared Barnes (Project Manager, Urban Design & Special Projects)
Eleanor Walters (Manager, Urban Planning & Sustainability)
Naomi Doolette (Sustainability Officer)
Paul Mercorella (Acting Manager, City Assets)
Suzanne Kennedy (Manager, Library Services & Lifelong Learning)
Rosanna Busolin (Manager, Community Care Services)
Matthew Cole (City Arborist)
Skye Grinter-Falzun (Executive Assistant to Chief Executive Officer & Mayor)

APOLOGIES Nil

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Kevin Duke.

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 3 MAY 2021

Cr Minney moved that the minutes of the Council meeting held on 3 May 2021 be taken as read and confirmed. Seconded by Cr Dottore and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 3 May	<ul style="list-style-type: none">• Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Tuesday, 4 May	<ul style="list-style-type: none">• Presided over a meeting of the Norwood Parade Precinct Committee, Mayor's Parlour, Norwood Town Hall.
Wednesday, 5 May	<ul style="list-style-type: none">• Official opening of 'History Week', St Peters Town Hall Complex, St Peters.
Monday, 10 May	<ul style="list-style-type: none">• Attended a meeting with the Manager, Economic Development & Strategic Projects, and the Strategic Planner, Mayor's Office, Norwood Town Hall.
Monday, 10 May	<ul style="list-style-type: none">• Attended a meeting with the General Manager, Governance & Community Affairs and Cr Carlo Dottore, Mayor's Office, Norwood Town Hall.
Friday, 14 May	<ul style="list-style-type: none">• Attended the official opening of Avanti Care Centre, Kent Town.
Friday, 14 May	<ul style="list-style-type: none">• Attended the Campbelltown City Council Art Show, Campbelltown City Council offices, Rostrevor.
Sunday, 16 May	<ul style="list-style-type: none">• Attended the 'Food Secrets on the Green' event, Norwood.
Monday, 17 May	<ul style="list-style-type: none">• Presided over a Citizenship Ceremony, Norwood Town Hall.
Tuesday, 18 May	<ul style="list-style-type: none">• Television interview with Channel 9.
Tuesday, 18 May	<ul style="list-style-type: none">• Attended a meeting with the General Manager, Governance & Community Affairs, Mr Matthew Goode and Mr David Cree, Mayor's Office, Norwood Town Hall.
Tuesday, 18 May	<ul style="list-style-type: none">• Radio interview with 5aa.
Thursday, 20 May	<ul style="list-style-type: none">• Attended a meeting with a resident, Mayor's Office, Norwood Town Hall.
Saturday, 22 May	<ul style="list-style-type: none">• Attended the 'National Volunteer's Week' Morning Tea, Don Platt Hall, Norwood Town Hall Complex.
Monday, 24 May	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer, Cr John Minney, Cr Garry Knoblauch and Projects Manager, Urban Design and Special Projects, Mayor's Office, Norwood Town Hall.
Monday, 24 May	<ul style="list-style-type: none">• Attended a meeting of the Audit Committee, Mayor's Parlour, Norwood Town Hall.
Thursday, 27 May	<ul style="list-style-type: none">• Attended the ERA Mayors and Chief Executive Officer's meeting, Town of Walkerville offices, Walkerville.
Monday, 31 May	<ul style="list-style-type: none">• Attended Information Sessions: Update on Major Projects, Mayor's Parlour, Norwood Town Hall.
Wednesday, 2 June	<ul style="list-style-type: none">• Presided over a Public Meeting to hear public submissions to the draft 2021-2022 Annual Business Plan, Mayor's Parlour, Norwood Town Hall.

Thursday, 3 June

- Attended a meeting with the Chief Executive Officer, Cr Duke, Cr Minney, Manager, Economic Development & Strategic Projects and Project Manager, Urban Design & Special Projects.

Friday, 4 June

- Attended an Eastern Region Alliance Mayor's Breakfast meeting, Luigi Delicatessen, Adelaide.

Saturday, 5 June

- Attended the Gil Sullivan with the Norwood Symphony Orchestra, Norwood Concert Hall.

Sunday, 6 June

- Attended the pre-match function followed by the Norwood versus Glenelg Football match, Norwood Oval.

Monday, 7 June

- Attended a meeting with Ms Cressida O'Hanlon, Labor Candidate for Dunstan, Mayor's Office, Norwood Town Hall.
-

5. DELEGATES COMMUNICATION

- Cr Stock advised that on Monday 31 May 2021, he attended a Special Meeting of the East Waste Board and that he has been appointed to the East Waste Audit Committee.
- Cr Knoblauch advised that on Monday 24 May 2021, he attended the Marden Senior College Governing Council's monthly meeting.

6. QUESTIONS WITHOUT NOTICE

Nil

7. QUESTIONS WITH NOTICE

Nil

8. DEPUTATIONS

8.1 DEPUTATIONS – AMENDMENTS TO THE 2021-2022 OPERATING AND CAPITAL PROJECTS BUDGET

REPORT AUTHOR: General Manager, Corporate Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA1041 qA67879
ATTACHMENTS: Nil

SPEAKER/S

Ms Susan Raphael

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Greening Joslin Group.

COMMENTS

Ms Susan Raphael has written to the Council requesting that she be permitted to address the Council in relation to the proposed amendments to Operating Projects in the Draft 2021-2022 Budget.

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

Ms Susan Raphael addressed the Council in relation to this matter.

8.2 DEPUTATIONS – AMENDMENTS TO THE 2021-2022 OPERATING AND CAPITAL PROJECTS BUDGET

REPORT AUTHOR: General Manager, Corporate Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA1041 qA67879
ATTACHMENTS: Nil

SPEAKER/S

Dr David Baker

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Kent Town Residents Association

COMMENTS

Dr David Baker has written to the Council requesting that he be permitted to address the Council in relation to the proposed amendments to the 2021-2022 Operating & Capital Projects Budget.

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

Ms Kate Eatts, on behalf of Dr David Baker of the Kent Town Residents Association, addressed the Council in relation to this matter.

9. PETITIONS
Nil

10. WRITTEN NOTICES OF MOTION

**10.1 AMENDMENTS TO THE 2021-2022 OPERATING AND CAPITAL PROJECTS BUDGET -
SUBMITTED BY MAYOR ROBERT BRIA**

NOTICE OF MOTION: Amendments to the 2021-2022 Operating and Capital Projects Budget
SUBMITTED BY: Mayor Robert Bria
FILE REFERENCE: qA1039 qA67879
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 Robert Bria.

NOTICE OF MOTION

1. That Council makes the following amendments to Operating Projects in the Draft 2021-22 Budget:
 - (a) Delete O-SE2 – Footpath Program Repairs (\$100,000); and
 - (b) Reduce O-SE1 – Street Tree Planting – from 500 to 400 trees (\$50,000).
2. That Council makes the following amendments to Capital Projects in the Draft 2021-22 Budget:
 - (a) Defers C-SE11 – Extension of Reclaimed Water System (\$175,000);
 - (b) Defers CV1 - Major Public Art Funding Program Year 3 (\$110,620); and
 - (c) Defers the public road conversion of Salisbury Lane and Kingsborough Lane as detailed in C-SE8 Private Laneway Conversion Project.

REASONS IN SUPPORT OF MOTION

At its meeting held on Monday, 24 May 2021, the Audit Committee (“the Committee”) had a lengthy discussion regarding the draft 2021-2022 Annual Business Plan. In particular, there was concern regarding the Council’s cash flow position in the context of a projected Operating Surplus of \$829,000. The Committee believes the Council should take the opportunity to revisit some of the smaller Capital Projects in the 2021-22 Budget to see if there are any that can be deferred to future years to improve cash flow.

The Committee also expressed its strong view that a minimum rate revenue increase of 4.35% be agreed to by the Council when the 2021-22 Budget is formally adopted at the July meeting. For the Council to ‘stick to the script’ in regards to its Capital Projects in 2022-23 and beyond, it has to ensure it is generating enough cash to deliver reasonable Operating Surpluses, as well as be in a position to pay for the interest and principal of its loans borrowings.

Following this discussion, the Committee resolved the following:

Ms Brigid O’Neill moved:

1. *That the Audit Committee impresses on the Council the need to maintain the proposed rate revenue increase at no less than 4.35% for the 2021-2022 financial year.*
2. *That the Council gives serious consideration to the identification of Capital Projects that could be deferred to future years to improve the cash flow position for the 2021-2022 financial year.*

Seconded by Ms Sandra Di Blasio and carried unanimously.

Consistent with the Audit Committees resolution, I have proposed a list of Capital and Operating Projects for Council to re-consider, which are currently part of the Draft 2021-2022 Annual Business Plan that was adopted 'in principle' for the purpose of public consultation:

- **O-SE1 - Street Tree Planting**

Even with the reduction of additional trees being planted down to 400, the O-ES3 – Urban Greening Program project means there will be in excess of 500 trees being planted in our City over the next 12 months. Importantly, reducing the number of trees planted in streets and reserves means that Council will no longer need to purchase a new water truck, which will reduce borrowings by \$140,000.

- **C-CV1 - Major Public Art Funding Program Year 3 (\$110,620)**

Even with the deferral of this year's contribution of \$110,620, the expected \$100,000 to be allocated to the quadrennial art work in 2022-23 will mean there is still be in excess of \$200,000 available for the major art project and its installation in 2022. This figure is consistent with the funding envelope for previous quadrennial art installations.

- **C-SE8 – Private Laneways Conversion**

The process to convert a private laneway can take a number of months due to the consultation with the affected property owners and the legal process. If supported, there is an expectation that the required works to bring the laneway up to public road standard is undertaken once the ownership transfer is finalised. This expectation is adding to an already extensive Capital Works Program. While the deferral of the conversion of Salisbury Lane and Kingsborough Lane will have a minimal impact on the 2021-2022 Capital Works Program, it will relieve pressure on the 2022-2023 Capital Works Program.

STAFF COMMENT

PREPARED BY GENERAL MANAGER, CORPORATE SERVICES

The proposed amendments will impact on the draft Budget by increasing the Operating Surplus by \$150,000 to \$645,215 and improving the cash at bank position by \$575,620.

Cr Moorhouse moved:

That Council makes the following amendments to Capital Projects in the Draft 2021-22 Budget:

- (a) *Defers C-SE11 – Extension of Reclaimed Water System (\$175,000);*
- (b) *Defers CV1 - Major Public Art Funding Program Year 3 (\$110,620); and*
- (c) *Defers the public road conversion of Salisbury Lane and Kingsborough Lane as detailed in C-SE8 Private Laneway Conversion Project.*

Seconded by Cr Sims and carried unanimously.

10.2 'KAURNA' OR 'DUAL PLACE NAMING' POLICY – SUBMITTED BY MAYOR ROBERT BRIA

NOTICE OF MOTION: 'Kaurna' or 'Dual Place Naming' Policy
SUBMITTED BY: Mayor Robert Bria
FILE REFERENCE: qA1039
ATTACHMENTS: Nil

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

NOTICE OF MOTION

1. That staff prepare a draft '*Kaurna*' or '*Dual Place Naming*' Policy for the City of Norwood Payneham & St Peters consistent with the provisions of the *Geographic Names Act 1991*.
2. That in preparing the draft policy, staff engage with Kaurna Elders, appropriate agencies and community organisations, to develop an initial list of places identifying Kaurna names for the City of Norwood Payneham & St Peters.

REASONS IN SUPPORT OF MOTION

In recent years, the Council has increased its engagement with the local Kaurna community to provide cultural advice in respect to projects such as Felixstow Reserve (e.g. Canoe Tree) and other art works and sculptures at the reserve. The recent 'Between Two Worlds' exhibition, which was part of the Council's History Month event, further highlighted the rich history of the Kaurna People in our City, in particular the site of the St. Peters Town Hall as an important meeting place for the Kaurna people.

The Council should now consider taking the next step in its acknowledgement of the traditional owners by considering the development of an Aboriginal or Dual Naming Policy for places in the City of Norwood Payneham & St Peters. Doing so will enhance the rich cultural history of our City and meet the *CityPan 2030 Objective (Cultural Vitality) 2.2: "Acknowledge and recognise local Aboriginal heritage and history."*

STAFF COMMENT

A draft policy can be prepared in accordance with the Notice of Motion.

Cr Sims moved:

1. *That staff prepare a draft 'Kaurna' or 'Dual Place Naming' Policy for the City of Norwood Payneham & St Peters consistent with the provisions of the Geographic Names Act 1991.*
2. *That in preparing the draft policy, staff engage with Kaurna Elders, appropriate agencies and community organisations, to develop an initial list of places identifying Kaurna names for the City of Norwood Payneham & St Peters.*

Seconded by Cr Dottore and carried unanimously.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 CORPORATE EMISSIONS REDUCTION PLAN

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

PURPOSE OF REPORT

The purpose of this report is to present the outcomes of the community consultation undertaken on the draft *Corporate Emissions Reduction Plan* and to seek the Council's endorsement of the final Plan.

BACKGROUND

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

Following an open request for quotation and selection process, in August 2020, *DSquared Consulting*, a consulting firm with extensive experience in emissions reduction and carbon neutrality, was appointed to prepare an overarching *Corporate Emissions Reduction Plan* (the Plan).

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

In December 2020, the Council updated its Strategic Management Plan *CityPlan 2030: Shaping Our Future*, which included a target of "zero corporate carbon emissions by 2030", thereby providing a clear target for inclusion in the *Corporate Emissions Reduction Plan*.

The draft *Corporate Emissions Reduction Plan* was considered by the Council at its meeting held on 5 April 2021. At that meeting, the draft Plan was endorsed for release for community consultation for a period of twenty one (21) days.

The outcome of the consultation, which has now been undertaken, is set out in the Discussion section of this report.

The final version of the draft Plan including an Implementation Plan (as contained in **Attachment A**), is now presented to the Council for its consideration and endorsement.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives contained in the Council's Strategic Plan, *CityPlan 2030*, are set out below:

Outcome 1: Social Equity

An inclusive, connected, accessible and friendly community.

Objectives

1.2.1 Enable sustainable and active transport modes.

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

Outcome 4: Environmental Sustainability

A leader in environmental sustainability.

Objectives

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

CityPlan 2030: Target

Zero corporate carbon emissions by 2030.

FINANCIAL AND BUDGET IMPLICATIONS

The Council allocated \$70,000 to prepare a *Corporate Emissions Reduction Plan*. The final cost is projected to be \$68,000 and is inclusive of additional studies and strategies that help inform the Plan and will guide internal actions to assist the Council in achieving its target of “zero corporate carbon emissions by 2030.”

The additional studies and reports included *Snapshot Cohort Report of Community Emissions; Low Emission Fleet Transition Plan; Solar and Battery Feasibility Study; Solar PV Specifications; and Electrical Infrastructure Review for Electric Vehicle Chargers*.

Once the final version of the *Corporate Emissions Reduction Plan* is endorsed by the Council, the graphics and layout of the document will be finalised ready for publication.

Projects and initiatives identified within the final endorsed version of the Plan, will require funding at a future date through the Council's annual budget setting process. Any relevant programmed capital infrastructure works (e.g. Payneham Memorial Swimming Centre redevelopment) will include consideration of emission reduction initiatives and ensure there align with the Plan where possible as well as external opportunities for State and Federal Government grant funding opportunities.

Due to previous commitments, various projects are already included within the current financial year Capital Works operating budget or project budgets, including the installation of solar PV on the Norwood Town Hall second floor offices and Electrical Infrastructure Review for Electric Vehicle Charging Stations. The continuing program for solar PV installation on other Council buildings has been submitted for consideration within the 2021-2022 Building Works Program (Capital) budget, with an allocation of \$40,000 for the St Peters Childcare and Pre-school Centre and \$70,000 for the Depot.

A proposal has also been submitted for the allocation of \$11,000 in the draft 2021-2022 Budget for Energy and Water Audit initiatives that has been identified in the draft *Corporate Emissions Reduction Plan* for immediate implementation. Other initiatives such as zero emissions fleet transition, corporate electric vehicle (EV) charging stations, Environmental and Sustainable Design Guide and procurement of Carbon Offsets will be considered in future years.

The Implementation Plan will be used to assist the Council to determine and allocate future expenditure to implement the Plan.

EXTERNAL ECONOMIC IMPLICATIONS

The expenditure to reduce carbon emissions will change in relation to the progression of energy efficiency, advancing technologies, other supporting initiatives and supply and demand of carbon offsets. The current market price of accredited Grade A carbon offsets units that support Australian projects range from \$15/tonne to \$38/tonne. Based on projections undertaken by the Australian Government Treasury Report on Carbon Pricing, the current carbon offset range for Australia is a core price of \$20/tonne and a high price of \$62/tonne. Following confirmation of the preferred pathway for carbon offsets, the annual cost for the Council is expected to range from approximately \$8,000 in 2025 or \$12,000 in 2030, based on low price projections and estimated remaining emissions that may be required to be financially offset.

SOCIAL ISSUES

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

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

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

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

RESOURCE ISSUES

The preparation of the draft Plan by *DSquared Consulting*, has been overseen by an internal staff project control group. The Sustainability Officer has co-ordinated the community consultation process.

Future resource allocation to implement the Emission Reduction Projects and Initiatives detailed in the *Corporate Emissions Reduction Plan* will need to be considered on a case-by-case basis.

RISK MANAGEMENT

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

The adoption and implementation with adequate resourcing will ensure that the Council progress towards its targets will lead by example and implementation will ensure the Council significantly lessens its own contribution to global emissions.

COVID-19 IMPLICATIONS

Nil.

CONSULTATION

- **Elected Members**

An Information Session was held with Elected Members on 23 November 2020 to provide information about current trends, targets and plan for Federal, State and Local Government in Australia.

- **Community**

Following the preparation of the draft *Corporate Emission Reduction Plan*, community consultation was undertaken from Monday 12 April 2021 to Sunday 2 May 2021.

- **Staff**

One (1) 'up front' engagement session for staff was held in November 2020 as well as three Project Steering Group meetings with the consultant. Staff were also invited to make further submissions on the draft Plan during the community consultation period of the project.

- **Other Agencies**

Nil.

DISCUSSION

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

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

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

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

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

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

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

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

The draft Plan was released for community consultation from Monday 12 April to Sunday 2 May 2021 to gauge the community's response to the proposed Implementation Plan, initiatives and projects, as outlined in the draft *Corporate Emissions Reduction Plan*.

As part of the consultation process, the draft Plan was made available for viewing at the Council's Principal Office at the Norwood Town Hall and an electronic copy posted on the Council's website. An evening drop in session was held at the Norwood Town Hall on Wednesday 21 April 2021. Promotion of the draft Plan and the consultation period was also provided on the Council's website, social media and in The Advertiser. An online survey was also made available on the Council's website during the consultation period to make it as convenient as possible for citizens to make submissions.

In response, the Council received a total of eleven (11) submissions, comprising of one (1) written submission and ten (10) survey responses via the Council's website.

The online survey provided the community with the opportunity to answer specific questions about the draft Plan and to also provide general comments. Overall, the responses are very supportive of the core elements of the draft *Corporate Emissions Reduction Plan* in its current form. A copy of the survey is contained in **Attachment B**.

Three (3) residents engaged on the Council's role in environmental stewardship within the community at the in person drop in session. Although this event had a low attendance level there was a good level of dialogue about all aspects of the draft Corporate Emissions Reduction Plan, waste management and new planning legislation with the three attendees.

Five (5) submissions raised some additional issues not directly relevant to this project but arising from the Planning & Design Code, falling outside the scope of the draft *Corporate Emissions Reduction Plan*. A summary of the submissions received and a response to each of the issues raised is contained in **Attachment C** of this report. A copy of the original submissions received are contained in **Attachment D**.

The nature of the submissions are generally supportive of the Plan. The following themes are of note:

- **The Corporate Emissions Reduction Plan and priority projects**
All of the respondents support the Plan and priority projects in whole or part. Those respondents that only supported the Plan and priority projects in part, desired all Scope 3 emissions to be included in the Plan or additional policies to be added.
- **Renewable Energy Contract**
All of the respondents supported the purchase of renewables as part of the Council's next electricity contract. Two respondents sought additional Council installed solar panels and one respondent desired to the Council to generate all of its energy needs.
- **Low Emissions Fleet Transition**
All of the respondents supported the Council's transition away from internal combustion engine vehicles. 40% of respondents preferred the Council to transition directly to fully electric vehicles instead of hybrid vehicles then fully electric vehicles.
- **Purchasing Offsets**
All of the respondents supported the purchase of offsets for unavoidable emissions with support for purchasing South Australian and or Australian offsets at a price premium before considering overseas offsets. 60% of respondents preferred local South Australian and Australian projects as they were thought to have more accountability and restore poor land management practices. Only 10% (1 submission) didn't support overseas offsets.
- **Reaching Zero Corporate Carbon Emission Early**
70% of respondents strongly supported or supported reducing corporate emissions to zero earlier than forecast in the Plan (e.g. by 2025 rather than 2030). A further 20% responded as "neutral" and 10% of the respondents strongly didn't support achieving zero emissions earlier than forecast and noted that the current 2030 timeline was sufficient or that they were unable to comment on the impact of achieving the target within an earlier timeframe.

- **Community Emissions Reduction Plan**

All of the respondents supported the Council developing a *Community Emissions Reduction Plan*. It was noted by respondents that community emissions were far greater than Council's corporate emissions and that the Council should support and lead the community to reduce its emissions. The majority of additional projects suggested by respondents were to address community emissions rather than corporate emissions.

Notably, all feedback provided support for the draft Plan and the priority initiatives.

There were four (4) recurring themes in the responses received. The themes were:

- the Council should transition directly to fully electric vehicles instead of hybrid then fully electric vehicles;
- corporate emissions should be reduced as much as possible before offsetting;
- the investigation and commencement of a community emissions reduction plan should occur earlier; and
- Scope 3 emissions should be included.

Although all of the respondents supported the transition away from internal combustion engine vehicles, 60% of respondents wanted to see the transition straight to fully electric vehicles, avoiding any interim phase of procuring hybrid vehicles. The Low Emissions Transition Plan presented to the Council for noting at its meeting on 5 April 2021, provides a pathway to transition without compromising capacity and functionality of vehicles. Hybrids play an important role in in the Councils' transition strategy due to the Council's current lease arrangements, vehicle availability (e.g. wait times), the need for fit for purpose vehicles, timing of charging infrastructure requirements and importantly price. It is therefore recommended that no change is made to this aspect of the draft Plan, which retains the emission projection assumptions, that the Council will initially transition its passenger vehicle fleet to hybrid vehicles, with full transition to electric vehicles by 2026 – all things being equal.

In respect to reducing corporate emissions as much as possible before offsetting remaining emissions is required to reach zero, it is noted that this approach is already embedded in the draft Plan. For example, the Council will be significantly reducing emissions through achieving energy and water efficiencies, appliance upgrades, generating electricity through various solar PV installations and switching to renewable energy contracts. It is therefore recommended that no change is made to this aspect of the draft Plan.

Respondents acknowledged that emissions from the Council's operations only accounted for a fraction of the total emissions generated in the City and that households, businesses and community groups, need to reduce their emissions as well. Although outside of the scope of the Plan, the Council will continue to implement community emissions reduction projects and outline key actions that the Council can take to support the community in reducing emissions. Specific projects relating to community emissions were suggested by respondents which the Council is currently, or has plans to investigate or implement. Examples of the measures suggested included shared micro mobility schemes (e-bikes and e-scooters), new cycling infrastructure, tree planting, free seedlings for residents, energy efficiency tool kit and information for residents / business, and 'repair café'. Many of these initiatives are already underway or are in the planning and budget allocation stages. Therefore, no major changes are recommended to this aspect of the draft Plan. However, the implementation plan has been amended to illustrate ongoing initiatives. As all of the comments which have been received from the respondents acknowledged community emissions are far greater than Council's emissions, it is proposed to document the current and planned initiatives, such as investigation of public electric vehicle charging stations, as commencing immediately in the Plan to reassure the community of the Council's commitment to support this transition.

Four (4) out of eleven (11) submissions raised the extent of what emissions are being captured for reporting and whether this should extend to what is described as Scope 3 emissions under the National Carbon Offsets Standards (NCOS) framework. Scope 3 emissions arise from activities from assets that are not owned or controlled by the Council, but that the Council indirectly impacts in its supply chain. The Council had included a number of Scope 3 emissions, such as travel, water, waste, refrigerants and paper.

The Scope 3 emission that has not been included is activities from the installation of hard infrastructure such as roads, paths and stormwater. This indirect emission source was raised by four (4) respondents. Although not included in the Council's emissions profile, the Council will track emission reduction outcomes which are achieved as part of the procurement of recycled content, including recycled aggregates and the embodied emissions in materials used for infrastructure works. In this financial year, 2020-2021 the Council has recorded purchases of 1,430 tonnes of recycled rubble and asphalt for road base, which results in between 15% to 30% of recycled content (dependent on material mix) in new road base materials. The Council is committed to reducing embodied emissions and will continue to investigate options for working collaboratively with suppliers to identify alternatives as part of the procurement of goods and services. In response to this suggestion an additional short term goal (1-5 years) to "*monitor emissions reduction achievements from recycled content procurement and embodied emissions reductions*" has been added. It should be noted that Scope 3 emissions from the construction phase of capital works and/ or operational projects that the Council undertakes, is not a requirement of the National Carbon Offsets Standards (NCOS) reporting towards carbon neutrality.

Submissions also suggested specific projects that the Council could consider for implementation, including:

- allowing verge plantings;
- providing public electric vehicle charging stations;
- installing solar panels on Council properties and car parks;
- providing grants for residents and businesses to implement emissions reduction, solar and battery installations;
- ensuring energy efficiency for current and new builds;
- increasing tree planting as well as purchasing land to plant more trees;
- providing residents with free seedlings;
- repair café where community members meet to repair items such as furniture, clothing, electronics and more and teach others of repairing and reusing,
- implement a "take a pledge" program where community pledge actions that will reduce their emissions;
- providing a shared bicycle scheme to reduce vehicle emissions; and
- changes to the planning system to allow better design (e.g. orientation for solar, private open space, and sustainable building practices in general).

These suggestions are all considered positive initiatives. However, the majority of projects related to community emissions which is outside of the project scope, were too specific or were already included in the draft Plan and / or already a current initiative of the Council.

The *Corporate Emissions Reduction Plan* has been amended as indicated in this report in response to the feedback received during consultation. All respondents will receive a letter advising how the issues they have raised have been treated in the final Plan and outlining the next phase of implementation.

OPTIONS

The Council can endorse the draft *Corporate Emissions Reduction Plan* contained in **Attachment A**.

Alternatively, the Council can amend, omit or propose further changes to the draft *Corporate Emissions Reduction Plan* and subject to these amendments being included, endorse the document.

As the draft Plan has been subject to extensive community consultation and engagement, it is recommended that the Council endorse the draft Plan in its revised format, as attached.

CONCLUSION

For the Council to achieve its target of "*zero corporate carbon emissions by 2030*" it requires a Plan that outlines an emissions reduction pathway for ongoing measurement, avoidance, reduction and switching its emissions, together with consideration of the purchase of carbon offsets to offset any remaining emissions from its operations. The draft has been informed through submissions received during public consultation and provides the Council with a tailored pathway which is progressive, pragmatic and achievable.

COMMENTS

Nil.

RECOMMENDATION

1. That the draft *Corporate Emissions Reduction Plan*, as contained in Attachment A to this report, be endorsed.
 2. That the Chief Executive Officer be authorised to make editorial changes to the draft *Corporate Emissions Reduction Plan* to make the document suitable for publication and final release.
-

Cr Patterson declared a perceived conflict of interest as her husband is President of the Norwood Residents Association that has made a submission in relation to this matter. Cr Patterson advised that she would remain in the meeting and take part in the discussion regarding this matter.

Cr Whittington moved:

1. *That the draft Corporate Emissions Reduction Plan, as contained in Attachment A to this report, be endorsed.*
2. *That the Chief Executive Officer be authorised to make editorial changes to the draft Corporate Emissions Reduction Plan to make the document suitable for publication and final release.*

Seconded by Cr Minney and carried unanimously.

Cr Sims left the meeting at 8:39pm.
Cr Moorhouse left the meeting at 8:40pm.
Cr Moorhouse returned to the meeting 8:41pm.
Cr Sims returned to the meeting 8:41pm.

11.2 BURCHELL RESERVE MASTER PLAN

REPORT AUTHOR: Project Manager, Urban Design & Special Projects
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4506
FILE REFERENCE: fA4397
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to present to the Council for its consideration and endorsement, the draft Master Plan which has been developed for Burchell Reserve, St Peters.

BACKGROUND

Burchell Reserve is located in Sixth Avenue, St Peters and has an area of approximately 6,500 square metres. In 2010, the Council was successful in receiving grant funding from the State Government's Department of Planning & Local Government to develop a Master Plan for Burchell Reserve. The need for a Master Plan was identified as a result of the tennis facilities located at the Reserve reaching the end of their useful life.

The project eventually commenced in April 2012, when the Council completed its consultant procurement process and commissioned Oxigen (Landscape Architecture and Urban Design Consultants) to undertake the preparation of the Master Plan for the Reserve.

Preparation of the draft Master Plan was undertaken in consultation with the community, Elected Members and relevant key Council staff and was undertaken in three (3) stages. The first stage was the preparation of a Discussion Paper which analysed the existing facilities, relevant studies and reports and identified opportunities for Burchell Reserve. The second stage was the release of a draft Master Plan for community comment. The third stage was the development of a final draft Master Plan, which was completed in September 2012, following community consultation. However, due to other funding priorities and financial constraints, the project did not proceed further.

In early 2021, Council staff reviewed the 2012 final draft Master Plan for Burchell Reserve, recognising that the condition of the infrastructure at the Reserve has deteriorated further and that an upgrade to the Reserve is now required. The review included a number of minor revisions as well as some additional proposed stormwater infrastructure to align the Master Plan with the Council's Strategic Plan, Budget and Flood Mapping and Stormwater Management Strategy (refer to Discussion Section). A copy of the amended draft Master Plan which has been prepared for Burchell Reserve is contained in **Attachment A**.

This report outlines the process which has been undertaken in the development of the revised draft Master Plan and the key elements and recommendations for the *Burchell Reserve Upgrade Project*. The Council's endorsement of the revised Master Plan is now sought prior to progressing the Project to the detail design and construction documentation phase.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the Council's *City Plan 2030, Shaping Our Future Mid Term Review 2020*, as well as comments on how the Burchell Reserve Upgrade will contribute towards these, are provided below.

Outcome 1: Social Equity

An inclusive, connected, accessible and friendly community.

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

Objective 1.3 An engaged and participating community.

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

The community highly values the open space and recreation assets available across the City and particularly, those open spaces and recreation assets within walking distance from their properties. It is well recognised that reserves in the City of Norwood Payneham & St Peters are more than just play equipment and physical spaces, they are very much centres of community activity not just for parents, grandparents, carers and relatives of young children, but for the community generally.

The upgrade to Burchell Reserve will establish a contemporary park setting, as well as improve the access, amenity and facilities of the Reserve by providing new community tennis courts, toilets, picnic shelter, playground, paths, furniture and more landscaping that will support community gatherings and encourage social interaction.

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.

Objective 2.5 Dynamic community life in public spaces and precincts.

With a limited amount of open space within the City of Norwood Payneham & St Peters, the spaces available need to be well designed and utilised. When upgraded, Burchell Reserve will act as a local community focal point for local residents and offer a mix of structured and unstructured play, whilst maintaining the privacy of adjoining neighbours. The proposed upgrade seeks to retain most of the existing mature trees located throughout the Reserve, as they contribute to the character of the Reserve and the area generally, and are well-recognised and valued by the local community.

Outcome 4: Environmental Sustainability

A leader in environmental sustainability.

Objectives:

Objective 4.1 Sustainable and efficient management of resources.

Objective 4.2 Sustainable streets and open spaces.

The proposed upgrade will incorporate hardy and resilient plants that do not require significant watering or maintenance. Through new shade trees, shrub and groundcover plantings, Burchell Reserve will provide a cooler, greener environment within this highly developed urban area. It will also provide the ideal location to capture stormwater for detention, infiltration and reuse and reduce the risks of flooding within the surrounding area.

The *Burchell Reserve Upgrade Project* aligns with the following Council strategies and plans.

Open Space Strategy

Burchell Reserve is identified as a District Level reserve in the Council's *Open Space Strategy* due to the range of activities that it offers, in particular the tennis courts. Whilst there are a number of other reserves, Burchell Reserve is the only District Level Reserve within the suburbs of St Peters, College Park and Hackney. Accordingly, the upgrade to Burchell Reserve will play an important role in meeting the needs of the community generally, particularly as people seek recreation and respite through different opportunities.

The Open Space Strategy identifies the following opportunities for Burchell Reserve:

- upgrading at least one of the tennis courts for community use and provide opportunity for multiple use hard-court activities such as netball, basketball, etc.;
- investigating the provision of power for community events and private functions;
- upgrading the toilets, including provision for people with disabilities; and
- extending the Reserve over the existing laneway along its northern boundary.

Playground Strategy

Burchell Reserve's playground has been designated as a Neighbourhood (Level 3) Playground in the Council's *Playground Strategy Report*. Neighbourhood playgrounds should be of good quality and generally include standard play equipment for different age groups.

The *Playground Strategy* identifies the following directions for Burchell Reserve:

- reviewing the design of the playground and location of equipment pieces;
- broadening the range of equipment for age groups (e.g. add toddler equipment);
- considering relocation in longer term and improve link between playground and rest of the Reserve;
- reviewing the playground location as part of a redesign of the Reserve linked to the Tennis Strategy directions; and
- retaining fencing around the Reserve and do not fence the play area (this park has not been identified as an off leash area for dogs).

Public Health Plan

The *Public Health Plan for the Eastern Region* sets out the strategic directions to work towards delivering better living and better health, with a number of these directions sitting under the theme of 'Environments for better health'. An upgrade to Burchell Reserve will assist in achieving the direction of the *Public Health Plan* by creating an attractive and stimulating Reserve that provides opportunities for active and passive recreation, which will encourage physical activity, social interaction, and social cohesion within the community.

Climate Change Adaptation Plan

The *Burchell Reserve Upgrade Project* also aligns with the *Eastern Region Climate Change Adaptation Plan*, which establishes a number of key priorities for action, including increasing the areas of open space in key locations and increasing the areas of planting in urban areas to create a greener, cooler space to help reduce and mitigate the impacts of climate change, and serving as a green oasis in this urbanised area.

FINANCIAL AND BUDGET IMPLICATIONS

In 2010, the Council received a grant of \$20,000 from the State Government for the preparation of the Master Plan. The total final cost for the Council was \$26,802.

Following the preparation of the draft Master Plan, Council staff engaged a cost consultant, Rider Levett Bucknall (RLB), for the purpose of providing first order cost estimates for the proposed draft Master Plan. The 2012 cost estimate, prepared by RLB for the delivery of the *Burchell Reserve Master Plan*, was in the order of \$1.83 million (GST Exclusive). A summary of the 2012 cost estimate is provided in **Table 1** below.

TABLE 1: SUMMARY OF 2012 COST ESTIMATE – FULL SCOPE

Key Component /Asset	Estimate
Site Preparation, Alterations and Renovations, Services	\$308,000
Tennis / Multipurpose Courts	\$260,000
Playground Equipment and Rubber Softfall	\$310,000
Toilet	\$100,000
Picnic Shelter	\$50,000
Landscaping Improvements	\$110,000
Pathways, Ramps and Stairs	\$115,000
Park Furniture, Fixtures & Signage	\$150,000
Walls, Fencing & Gates	\$72,000
Construction Management Costs and Builders Margin	\$180,000
Contingency Allowance (10%)	\$175,000
Total	\$1,830,000

The 2012 RLB Cost Estimate to deliver the full scope of the Master Plan, was much higher than the estimates proposed by Council staff. In light of the RLB cost estimate, RLB was asked to prepare a revised cost estimate based on a reduced scope which excluded new play equipment, rubber soffit and minor public art installations. A summary of the 2012 revised cost estimate is provided in **Table 2** below.

TABLE 2: SUMMARY OF 2012 REVISED COST ESTIMATE – REDUCED SCOPE

Key Component /Asset	Estimate
Site Preparation, Alterations and Renovations, Services	\$303,000
Tennis / Multipurpose Courts	\$260,000
Playground Equipment and Rubber Soffit	-
Toilet	\$100,000
Picnic Shelter	\$50,000
Landscaping Improvements	\$110,000
Pathways, Ramps and Stairs	\$115,000
Park Furniture, Fixtures & Signage	\$125,000
Walls, Fencing & Gates	\$72,000
Construction Management Costs and Builders Margin	\$135,000
Contingency Allowance (10%)	\$130,000
Total	\$1,400,000

Whilst the reduced scope identified opportunities to reduce the overall cost of the Project, it eliminated a significant component of the Reserve upgrade (i.e. new playground equipment and rubber soffit) which would not be supported by the community. The 2012 RLB Cost Estimate also did not account for professional fees or cost escalation beyond 2012.

Recognising that the redevelopment of Burchell Reserve should now proceed, the Council allocated \$150,000 for detail design and documentation for the *Burchell Reserve Upgrade Project* as part of its 2020-2021 Annual Business Plan and Budget. The Council has also proposed an allocation of \$2.6 million to commence and complete the upgrade of Burchell Reserve over the next two (2) financial years (i.e. \$2,026,000 in 2021-2022 and \$574,000 in 2022-2023).

The Council submitted an application for the *Burchell Reserve Upgrade Project* in the State Government's 2020-21 *Open Spaces and Places for People* grant funding round. The application was however unsuccessful. However, a new application for the *Burchell Reserve Upgrade Project* will be submitted in the 2021-22 *Open Spaces and Places for People* grant round which opens in early July 2021.

Notwithstanding this, the Council recently received a grant of \$70,000 from the *Green Adelaide Board* to design the *Burchell Reserve Water Sustainability Upgrade* component (refer to Discussion Section). It should be noted that the Council has budgeted \$1,000,000 as part of its Drainage Asset Management Plan (adopted in January 2021) to implement the stormwater management components of the large residential catchment centred along Seventh Avenue between St Peters Street and Stephen Terrace and extending from Seventh Lane to Eighth Avenue including Burchell Reserve.

EXTERNAL ECONOMIC IMPLICATIONS

Recent State and Federal Government stimulus funding for infrastructure projects has created a large demand for professional services consultants and contractors to undertake projects. The high demand has resulted in a shortage of labour and materials in some industries, with some companies turning down work or advising significant delays to complete work or supply materials. It is expected that the market will be less competitive and that costs will escalate over the short to medium term.

SOCIAL ISSUES

Nil

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The Council is working actively towards being a leader in environmental sustainability and the Master Plan has identified a number of key opportunities to support sustainable initiatives (refer to Discussion Section).

Burchell Reserve is situated at the “downstream end” of the “Joslin Valley” which consists of multiple trapped low points and historic development through the pre-development overland flow path. As previously advised, Joslin Valley as a whole, is experiencing and predicted to experience increasing susceptibility to flooding due to both stormwater runoff from increasing rainfall intensity and increasing infill development. Given the severe restrictions of available land within the Joslin Valley, Burchell Reserve provides an opportunity to incorporate stormwater management including flood detention, which will reduce the downstream flow rate and provide enhanced flood protection, water quality improvement via a planted swale and reuse opportunities via toilet flushing.

RESOURCE ISSUES

The development of the 2012 draft Master Plan was undertaken by the Council’s Consultant (Oxigen) and was overseen by a Staff Project Steering Group, which involved the Council’s Manager, City Assets, Senior Projects Engineer, Assets & Special Projects Officer and Horticultural & Arboricultural Services Coordinator.

The 2021 review of the draft Master Plan has been undertaken by the Council’s Economic Development & Strategic Projects Unit, in consultation with the Council’s Project Manager, Assets. Following the Council’s endorsement of the draft Master Plan, a tender process will be promptly undertaken to select a Consultant Team to undertake the detail design and construction documentation. The Council’s Economic Development & Strategic Projects Unit will continue to manage the delivery of the project.

RISK MANAGEMENT

Insofar as the development of the Master Plan is concerned, there are no obvious risks for the Council to consider. However, in respect to the implementation of the Master Plan’s recommendations and strategies, there are a number of risk management issues which will need to be considered during detail design, documentation and construction. A Safety in Design Report and Risk Management Plan will be prepared during each of these project phases.

COVID-19 IMPLICATIONS

The COVID-19 pandemic has created changed external economic and social conditions. The Burchell Reserve Upgrade will support the State’s economic growth and jobs in design, engineering and construction related industries. Good quality open space is important for the recreation and mental health needs of the local community.

CONSULTATION

- **Elected Members**

In 2012, three (3) Information Sessions were held with Elected Members which were jointly conducted by the Council’s Consultant (Oxigen) and Council staff. Each of these Information Sessions coincided with one of the three (3) stages of the development of the Master Plan.

On 16 May 2012, Information Session One (1) was held. At that time, the draft Discussion Paper was presented to Elected Members prior to it being released for community consultation. A copy of the draft Discussion Paper is contained in **Attachment B**.

On 11 July 2012, Information Session Two (2) was held. At that time, the results of the comments received on the Discussion Paper and the draft Master Plan, which had been developed following the conclusion of the Discussion Paper consultation process was presented to the Elected Members.

On 24 September 2012, Information Session Three (3) was held. At that time, a summary of the comments received during the community consultation process on the draft Master Plan and the final draft Master Plan, which are contained in **Attachments C and D** respectively, were presented to Elected Members.

On 31 May 2021, a fourth Information Session was held to review the 2012 draft Master Plan and provide an overview of the revisions made to the draft Master Plan in 2021, prior to being presented to the Council for its endorsement.

- **Community**

Community consultation was undertaken in two (2) stages. The first stage encompassed the release of the Discussion Paper, which was aimed at seeking comments with respect to what the community considered to be issues which needed to be addressed in the Master Plan. The second stage encompassed the release of the draft Master Plan, which was developed taking into account the comments received on the Discussion Paper.

Discussion Paper

The community consultation and engagement in relation to Stage 1, the Discussion Paper, was conducted over a period of four (4) weeks commencing 28 May 2012 and concluding 29 June 2012. An Information Session was held at the Reserve on 16 June 2012, where approximately 20 to 30 people attended. Ten (10) written submissions were received. The key issues raised during this stage of the community consultation are summarised in the Consultation Summary section of the Master Plan.

As part of this stage of the community consultation process, the following was undertaken:

- the Discussion Paper and Consultation Comment Form were placed on the Council's website along with information on the project, the key stages involved in the development of the Master Plan, where further information could be obtained, and details of a Public Information Session to be held in the Reserve on 16 June 2012;
- a sign was placed in the Reserve providing notification of the project and the details of the Information Session that was to be held in the Reserve;
- an advertisement was placed in the two (2) Messenger Newspapers, which formerly circulated within our City providing all the necessary details; and
- a public display was placed in the (then) temporary St Peters Library with copies of all documentation.

A summary of the comments received in Stage 1 is included in the Consultation Summary section of the 2012 draft Master Plan Report, a copy of which is contained in **Attachment D**.

Draft Master Plan

As part of Stage 2 of the community consultation component, the following was undertaken:

- the draft Master Plan and Consultation Feedback Form were posted on the Council's website;
- an advertisement was placed in the two (2) Messenger Newspapers, which formerly circulated within our City providing all the necessary details; and
- a public display was placed in the (then) temporary St Peters Library site with copies of all documentation.

The community consultation and engagement for Stage 2 of the Project ran for a period of four (4) weeks commencing 14 August 2012 and concluding 10 September 2012. Five (5) written submissions were received. A summary of the comments received during this stage of the community consultation process is contained in **Attachment C**, as well as the Consultation Summary section of the 2012 draft Master Plan Report, a copy of which is contained in **Attachment D**.

- **Staff**

The development of the 2012 draft Master Plan was overseen by a Project Steering Group which comprised of the Council's Manager, City Assets, Senior Projects Engineer, Assets & Special Projects Officer and Horticultural & Arboricultural Services Coordinator. Consultation with other key Council staff was undertaken during the Discussion Paper and draft Master Plan stages of the project to ensure input from all areas of the organisation was taken into consideration.

In 2021, the draft Master Plan was reviewed by the Council's Manager, Economic Development & Strategic Projects, Project Manager, Urban Design & Special Projects and Project Manager, Assets, resulting in minor revisions to the draft Master Plan, a copy of which is contained in **Attachment A**.

- **Other Agencies**

Not Applicable.

DISCUSSION

A final draft Master Plan Report (**Attachment D**) was completed by Oxigen in September 2012, using a robust and detailed consultation process ensuring Elected Members, key Council staff and the wider community were given an opportunity to identify the key issues which needed to be considered and addressed and input into the recommendations and strategies proposed.

Burchell Reserve has been well utilised by the local community in the past. However, as the existing facilities (e.g. tennis courts, toilets, playground equipment, basketball key) are old, substandard and/or in poor condition, the Reserve is now underutilised. The 2012 draft Master Plan Report proposes the enhancement and improvement of the existing facilities located within the Reserve, thereby allowing the Reserve to be better used into the future and to better meet the needs of the local community.

In 2019, the Council completed a *Flood Mapping and Stormwater Management Strategy* for the stormwater catchments contained within the City. As part of the strategy, private property is to be protected, where possible, from flooding up to and including the 1% AEP (Annual Exceedance Probability) climate change rainfall event. As part of the flood mapping exercise, it was identified that a large residential area centred along Seventh Avenue between St Peters Street and Stephen Terrace and extending from Seventh Lane to Eighth Avenue, would be inundated during 1% AEP (i.e. a '1 in 100 year flood') and 5% AEP (i.e. '1 in 20 year flood') events and to a lesser extent in the 20% AEP (i.e. '1 in 5 year flood') event. Burchell Reserve was identified as a potential location for flood mitigation infrastructure.

In 2021, the Council received a *Green Adelaide Grant* to undertake preliminary and detail design for three (3) stormwater management projects, which includes:

1. Burchell Reserve Water Sustainability Upgrade: \$70,000 plus GST;
2. St Peters Street Upgrade Project: \$50,000 plus GST; and
3. Trinity Valley Drainage Upgrade Project: \$120,210 plus GST.

The Burchell Reserve Water Sustainability Upgrade Project aims to achieve best practice, using the *SA Water Sensitive Urban Design Policy* targets and will seek to maximise *Water Sensitive Urban Design* (WSUD) and stormwater detention opportunities to reduce pollution and flooding as part of the Council's Flood Mapping and Stormwater Management Strategy.

As a result of the findings and recommended directions of the Council's *Flood Mapping and Stormwater Management Strategy* and the receipt of grant funding to design the Burchell Reserve Water Sustainability Upgrade, the 2012 Master Plan was revised in February 2021 and now incorporate the proposed flood protection, water quality improvement and stormwater re-use opportunities which have been identified by the Council's Project Manager, Assets and civil and hydraulic engineering consultants.

The key revisions made to the 2012 Master Plan include:

- incorporation of a stormwater detention tank (nominally 670 cubic meters) to be located beneath the tennis courts;
- flood levee wall (nominally 1 metre tall) along a portion of the northern and western boundaries;
- re-location of the rain garden from northern to southern side of the Reserve, where it will be more effective in treating stormwater; and
- minor adjustments to stairs widths, paths, furniture, recreation equipment, and barbeque, picnic and play areas to reduce overall costs.

Key Recommendations of the 2012 Master Plan and Proposed 2021 Amendments

The key recommendations of the 2012 Master Plan and the proposed 2021 amendments, are summarised under the headings below:

- **Access**

Access was identified by the community to be a key issue which needed to be addressed.

Currently, access to the Reserve along the southern side (off Sixth Avenue) is via three (3) stair-entries and an at-grade access for Council maintenance vehicles. Also, access to the Reserve along the northern side (off Seventh Lane) is via two (2) step-entries and an at-grade tennis court access. None of these entry points meet current Australian Standards and are not DDA compliant for pedestrians. The Master Plan proposes to maintain access to the Reserve from both Sixth Avenue and Seventh Lane, however these will be upgraded to meet current Australian Standards.

The key recommendations of the 2012 draft Master Plan relating to access are to:

- upgrade the existing at-grade access located on the southern side near the west corner of the Reserve to a DDA accessible entry with removable bollard for Council maintenance vehicle access;
- upgrade, as the primary entry to the Reserve, the access off Sixth Avenue which is located approximately midway along the frontage of the Reserve to include wide entry stairs, entry signage and a DDA compliant access ramp for pedestrians;
- upgrade the existing stairs located on the south-eastern corner of the Sixth Avenue entrance to Australian Standards;
- maintain and at-grade entry and gate to the tennis courts from Seventh Lane;
- upgrade the existing pedestrian entrance to the playground from Seventh Lane to achieve DDS compliance;
- upgrade the existing pedestrian entrance point on the northern side of the Reserve, off Seventh Lane, to achieve DDA compliance; and
- provide a pathway network to connect the key features and facilities of the Reserve.

In the 2021 amended draft Master Plan, a 1m high levee wall is proposed along a portion of the northern and western boundaries to accommodate flood mitigation. As a result, the access points from Seventh Lane directly into the tennis court and playspace areas, may need to be modified and/or removed. It is desirable to maintain one, if not both of these accesses, however there are multiple alternative access points from Seventh Lane and Sixth Avenue. These access points will need to be considered further during the detail design and documentation stage.

- **Recreation and Activities**

The Master Plan builds on the existing elements and recreation uses provided at the Reserve. The proposed redevelopment of the Reserve is flexible and will allow for an even wider range of recreational uses and activities in the future.

The key recommendations of the 2012 draft Master Plan relating to recreation are to:

- maintain a large grassed area for general recreations use in the centre of the Reserve;
- install new picnic and barbeque facilities, including a shelter;
- install new playground equipment and surfacing in shaded location;
- introduce outdoor table tennis;
- maintain tennis as a key activity but introduce basketball, netball and soccer goals; and
- provide a pathway loop for a range of other recreational activities (e.g. walking, jogging, children learning to ride a bike, etc.).

In the 2021 amended draft Master Plan, the outdoor table tennis tables are proposed to be removed and the soccer goal to potentially be replaced by other court games (e.g. foursquare / handball). All other active recreation elements are retained.

The Reserve is currently not identified or endorsed by the Council as one of its off-leash areas. The Master Plan acknowledges off-leash areas are in close proximity to the Reserve (e.g. St Peters River Park, Otto Park and Hannaford Reserve). As such, the Master Plan does not propose any changes to current dog controls at Burchell Reserve.

- **Furniture**

The 2012 draft Master Plan incorporates park furniture that is contemporary and robust. The range of furniture and outdoor elements includes bench seats, picnic settings, a drinking fountain, bicycle racks, barbecues and litter bins.

In the 2021 amended draft Master Plan, the same furniture and outdoor elements are proposed. However, the amount of seats, picnic settings and barbecues has been moderately reduced in an effort to value manage the overall costs that will be required to upgrade the Reserve.

- **Structures (Buildings)**

The existing structures in the Reserve include a toilet block and a former tennis clubroom/storage building. The toilet block is very old and is not DDA compliant. The former clubroom/storage building has not been in use for a very long time and are very run-down. The 2012 draft Master Plan proposed to remove both structures and reconstruct the toilet block.

The 2012 draft Master Plan also proposes an additional structure in the form of a shelter to contribute towards the successful function of the redeveloped Reserve, increase amenity and support a wide range of recreational activities. Such a structure is to be designed to fit into the park setting with minimum visual impact. This can be achieved through appropriate built form and use of materials.

The key recommendations outlined in the 2012 draft Master Plan relating to structures are to:

- demolish the existing clubrooms building;
- demolish and replace the existing toilet block ensuring DDA compliance and that the new structure incorporates environmentally sustainable design principles (e.g. rainwater re-use) and blends with the Reserve setting; and
- install a new shelter between the new playground and the new tennis courts which will support these activities by offering amenity and protection from weather. The shelter may include a solid roof section and an 'open' planted-pergola section to provide year-round comfort.

No changes are proposed to the buildings as part of the 2021 amended draft Master Plan. The style, colour and materials of the new toilet block and shelter to be installed in the Reserve should be similar in design and quality to other structures which the Council has previously installed in other reserves throughout the City to ensure consistency.

- **Play**

The Council's *Playground Strategy* categorises the existing playground located within the Reserve as a 'Level 3 - Neighbourhood' playspace. For this level, the Strategy recommends the installation of standard rather than unique play equipment.

The existing playground features older style equipment over a bark-chip surface. It is currently located between the grassed area and the tennis courts. Existing trees provide some shade.

The Council's *Playground Strategy* states that the playground at the Reserve should provide play equipment suited for toddlers 2 to 4 years old (e.g. small swings, small slides, low climbers, bouncers/rockers) and young children 5 to 9 years old (e.g. climbers, swings, slides, ropes). The Strategy also requires that 'all-abilities' access (i.e. some pathways) should be provided but currently there are no pathways at all to the play equipment. The Strategy also suggests that fencing (not gates) around the Reserve should be retained but not to fence the playground.

The key recommendations outlined in the 2012 draft Master Plan, relating to the new playground are to:

- retain the playground in its current location;
- ensure the playground is integrated into the landscape and includes a variety of experiences and play opportunities;
- use natural materials that do not require external finishes thereby reducing ongoing maintenance costs; and
- allow for interaction with nature, different forms, colours and textures and encourages adventure, interpretation and imagination.

In interpreting and implementing the recommendations contained in the 2012 draft Master Plan regarding the playground, the Council's *Playground Strategy* and the Council's *Playgrounds Whole-of-Life Implementation Plan* must be considered. As required by these Plans, the playground's service level shall not be increased and is to remain as currently classified (i.e. 'Level 3 - Neighbourhood'). As such, the type of play equipment and extent of the redevelopment of the current playspace, will be reflective of similar levels of playgrounds which have already been upgraded throughout the City (e.g. Drage Reserve at Felixstow and Syd Jones Reserve at Firle).

In this respect, it is important to note that should the Council endorse the draft Master Plan, the Council will be resolving to retain the playground in its approximate existing location, not fence it, retain the service level being a 'Level 3 - Neighbourhood' and that some pathways and accessible play equipment will be provided but it will not be completely an all abilities, accessible playground. As such, these issues will not be further consulted on given that these are considered to be strategic issues and were covered throughout the various consultation measures undertaken as part of the development of the Master Plan.

The purpose of the master planning exercise was not to determine the details of the new play equipment, but rather to confirm 'strategic' issues such as the location of the new playground, level, fencing, etc. The number, type and colour of the play equipment to be provided, the final layout of the playspace and whether or not a shade structure is to be installed will be resolved during the detail design and construction documentation stages for the project.

The 2021 amended draft Master Plan shows a slightly smaller footprint for the playspace compared with the 2012 draft Master Plan. This has been done to reduce some of the costs associated with the Project.

- **Fencing**

The Reserve is currently fenced. This includes a low-chain mesh fencing along Sixth Avenue and Seventh Lane, corrugated iron fencing to the dwelling along the western boundary and a combination of a low wall and high open mesh tennis fence to the dwelling to the east.

There was some debate during the Information Sessions held with Elected Members, throughout the various stages of the development of the draft Master Plan, regarding whether fencing should be provided along the outer perimeters of the Reserve. The consensus, however, was that the playground should not be fenced.

Maintaining the boundary fencing is recommended. The fencing will contribute to its desirable sense of enclosure, provide safety from vehicle movements along Sixth Avenue and Seventh Lane, offer protection from the considerable ground level changes between the Reserve and both Sixth Avenue and Seventh Lane and support safe play opportunities within the Reserve (e.g. stops balls rolling onto the road in particular Seventh Lane).

Retaining the fencing surrounding the Reserve but not fencing the playground is also supported by the Council's *Playground Strategy* and through the comments provided during the community consultation process.

The key recommendations outlined in the 2012 draft Master Plan relating to fencing are to:

- maintain fencing at the boundary and not around the new playground;
- remove the boundary fence in some sections where the ground level-change is safe to do so (e.g. entries, above the terraces, etc.)
- use the existing boundary fencing in the short-term but in the longer-term, provide new boundary fencing which should be low level and visibly unobtrusive;
- provide new, black, full-height cyclone mesh surrounding the tennis courts; and
- maintain solid (non-transparent) fences to neighbouring dwellings.

In the 2021 amended draft Master Plan, the fencing recommendations essentially remain the same, with the exception of a 1m high flood levee wall which is proposed along a portion of the north and western boundaries for the purposes of flood mitigation. A fence will be installed on top of the levee wall where needed. Additionally, the existing boundary fencing on Sixth Avenue and Seventh Lane is now due for renewal and is proposed to be replaced as part of the Burchell Reserve Upgrade.

- **Materials and Surfaces**

The 2012 draft Master Plan proposed consistency in the finish of materials and construction techniques that establishes a local identity for the Reserve, blends and contributes to the residential setting and provides a quality of amenity to support the needs of the local community.

The materials suggested in the 2012 draft Master Plan were chosen for their aesthetics, robust nature and long term cost effectiveness. Proposed surfaces and materials include:

- irrigated turf;
- compacted sand pathways;
- acrylic surfaced asphalt for tennis and multipurpose courts;
- rubber softfall in the playspace;
- gravel surfaces in barbecue and picnic areas; and
- corten (rusted) steel for blade walls.

No changes are proposed in the 2021 amended draft Master Plan. The final materials and surfaces are proposed to be finalised as part of the detailed design stage. Materials and surfaces to be used in the Reserve are proposed to be similar to those which the Council has already used in other reserves throughout the City and considers appropriate to ensure consistency.

- **Lighting**

There are two (2) existing lights on a single stobie pole located in the centre of the Reserve. The stobie pole has overhead power connecting to Sixth Avenue and the toilet block.

The 2012 draft Master Plan proposed the removal of the stobie pole and the provision of sensor lighting near the toilet block and shelter and recommends that solar power opportunities be explored. The 2012 draft Master Plan also proposed feature lighting at the main entrance to the Reserve, albeit this will need to be finalised as part of the detailed design stage.

No changes are proposed in the 2021 amended draft Master Plan.

- **Signage**

The Reserve currently has limited signage namely, a minor entry sign and some advisory signage. The 2012 draft Master Plan proposed co-ordinated signage throughout the Reserve to improve legibility and encourage community and visitor use.

The proposed signage would provide advisory information regarding the Reserve's facilities and directional information for other destinations surrounding the Reserve. To add additional value, interpretive signage may be provided to educate and entertain park users, including botanical information relating to ornamental plantings and cultural heritage of the Reserve.

No changes are proposed in the amended draft 2021 Master Plan and signage will be further developed during the detail design stage.

- **Public Art**

There is currently no public art within the Reserve. The 2012 draft Master Plan proposed the installation of some 'minor' artwork within the Reserve. The Master Plan identified opportunities to incorporate public art which include integration with signage, walls and paving at the entries to the Reserve and/or integration with furniture (e.g. drinking fountains).

No changes are proposed in the 2021 amended draft Master Plan. Public art will be further considered in the detail design stage, recognising that should cost savings be required, public art may be an element that is eliminated or at the very least reduced in scope. It should be noted that public art is not a required component of this Project.

- **Planting and Trees**

Existing planting within the Reserve consists of trees and lawn. There is an opportunity to provide additional planting to contribute to the character and amenity of the Reserve.

The 2012 draft Master Plan proposed additional planting to:

- offer structure, marking entry points and key locations;
- define edges, paths and spaces;
- stabilise soil and reduce erosion, particularly for the existing bank along Sixth Avenue;
- enhance amenity, interest and ecological value;
- accommodate water sensitive urban design;
- educate the public about low water use local plants; and
- provide seasonal change.

The proposed plantings for the Reserve support the use of attractive local native species and appropriate exotic species which have low long-term maintenance requirements. The Reserve is not identified as a priority location in the Council's *Biodiversity Strategy* and this has been taken into account accordingly.

The plant selections within the planting beds proposed in the draft Master Plan considers:

- location and role of planting beds;
- shared and current irrigation and maintenance requirements;
- compliance with *Crime Prevention Through Environmental Design (CPTED)* principles;
- avoiding use of a single species within large areas;
- encourages bold simple planting beds which provides interest and diversity;
- their role in water sensitive urban design, education, biodiversity; and
- growing conditions on this site, particularly during establishment.

The majority of trees in the Reserve are ash (*Fraxinus*) species, which provide an attractive and shady setting. However, some trees within the Reserve are reaching maturity and close to the end of their useful life. Apart from the removal of some unsuitable species or trees which are in poor condition, the 2012 draft Master Plan proposed that the existing trees be retained and supplemented by new tree planting. The location of new tree planting is designed to support spatial organisation of the Reserve, including achieving open lawn spaces, reinforcing movement corridors and for providing shade where needed most (e.g. playspace).

In 2012, a number of submissions suggested a 'community garden', the planting of fruit trees or an orchard within the Reserve. However, following the 2012 Information Sessions with Elected Members, Oxigen discounted this idea from the Master Plan. Additionally, the Linde Reserve Community Garden has since been established in the City which is in close proximity to the Reserve and the Council has not identified a need to establish any further community gardens at this time.

The 2012 draft Master Plan included an indicative plant species list for trees, shrubs and ground covers. No changes are proposed in the 2021 amended draft Master Plan, with trees and plant selections to be further considered in the detail design stage of the Project.

- **Environmental Sustainability**

Environmental sustainability is a key focus of the Council and the 2012 draft Master Plan identified a number of key opportunities to support sustainable initiatives.

The key initiatives include:

- exploring the re-use of the existing court surface as a base for the new courts or as a base for the new pathways;
- minimising power usage through limited lighting, use of sensors and opportunities for the use of solar panels;
- using Water Sensitive Urban Design (WSUD) such as a bio-detention basin/ biofiltration cells for overland flows and catchment of roof and tennis court stormwater run-off;
- using materials and elements that are low maintenance, durable and long-lasting;
- exploring the use of recycled materials for park furniture;
- consolidating the area of irrigated grass to key recreation spaces; and
- ensuring the new irrigation system allows for a possible future supply from the Linde Reserve Dunstone Grove Aquifer Storage and Recovery System (ASR).

The most significant change in the 2021 amended draft Master Plan is the inclusion of the Burchell Reserve Water Sustainability Upgrade, which includes flood detention to reduce the downstream flow rate and provide enhanced flood protection, improved water quality via a planted swale and reuse opportunities via toilet flushing. The Project aims for best practice stormwater management, using the *SA Water Sensitive Urban Design Policy* targets and will seek to maximise Water Sensitive Urban Design (WSUD) and stormwater detention opportunities to reduce pollution. In addition, as part of the Council's Joslin Valley flood mitigation strategy, flood impacted properties within the downstream Joslin Valley are to be protected, where possible, from flooding up to and including the 1% AEP rainfall event.

OPTIONS

The Council has a number of options available in respect to the progression of this Project. It could resolve to adopt the 2021 amended draft Master Plan, which will enable it to progress to detail design and construction documentation as outlined in this report. Alternatively, the Council could resolve to endorse the 2012 draft Master Plan, which excludes the stormwater and flood mitigation infrastructure proposed as part of the Burchell Reserve Water Sustainability Upgrade.

Other options that the Council could resolve include:

- not to adopt a Master Plan for Burchell Reserve and not to proceed with the *Burchell Reserve Upgrade Project*; or
- adopt a Master Plan for Burchell Reserve but not proceed with implementing it (either in part or in its entirety).

The 2012 draft Master Plan was developed by the Council's Consultant (Oxigen) using a robust and detailed consultation process ensuring Elected Members, key Council staff and the wider community were given an opportunity to identify the key issues which needed to be considered and addressed and provide input into the recommendations and strategies made. To this end, there is no logical reason for the Council not to endorse a Master Plan for Burchell Reserve.

Given the current condition of the Reserve, community expectations, the potential opportunity for flood mitigation and the fact that the draft Annual Business Plan for 2021-2022 includes a budget allocation to undertake the *Burchell Reserve Upgrade Project*, it is recommended that the Council endorses the 2021 revised draft Master Plan as contained in **Attachment A**.

CONCLUSION

The process used in the development and review of the 2012 draft Master Plan, the relevant details pertaining to the key elements of the 2021 amended draft Master Plan, and the proposed funding of the delivery of the Project in the 2021-22 draft Annual Business Plan have been set out in this report.

The Council's adoption of the 2021 amended draft Master Plan is now sought. This will enable staff to progress to the detail design and documentation stage of the Project. The funding arrangements for the implementation of the Master Plan will be considered by the Council as part of its 2021-2022 Budget.

COMMENTS

Nil.

RECOMMENDATION

1. That the *Burchell Reserve Master Plan*, as contained in Attachment A to this report, be endorsed.
 2. That the Chief Executive Officer be authorised to make any necessary and required administrative changes to the draft Master Plan for its finalisation and adoption as resolved by the Council.
 3. That the Council notes that staff will now commence the detail design and construction documentation stage of the project, based on the recommendations outlined in the Master Plan.
 4. That the Council notes that staff will continue to pursue external State and Federal Government funding to contribute towards the delivery of the *Burchell Reserve Upgrade Project*.
-

Cr Moore moved:

- 1. That the Burchell Reserve Master Plan, as contained in Attachment A to this report, be endorsed.*
- 2. That the Chief Executive Officer be authorised to make any necessary and required administrative changes to the draft Master Plan for its finalisation and adoption as resolved by the Council.*
- 3. That the Council notes that staff will now commence the detail design and construction documentation stage of the project, based on the recommendations outlined in the Master Plan.*
- 4. That the Council notes that staff will continue to pursue external State and Federal Government funding to contribute towards the delivery of the Burchell Reserve Upgrade Project.*

Seconded by Cr Moorhouse and carried unanimously.

11.3 REVIEW OF POLICIES

REPORT AUTHOR: Manager, Governance, Legal & Property
GENERAL MANAGER: General Manager, Governance & Community Affairs
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA64306
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the draft *Library Outreach Services Policy* to the Council for consideration and adoption.

BACKGROUND

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

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

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

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

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

As such, a review of the Council's Policies commenced some months ago and to date a number of policies have been reviewed, updated and amended and a number are in the process of being updated prior to presentation to the Council for consideration and adoption.

To date, the following policies have been reviewed and updated and adopted by the Council over the last few months:

- Access & Inclusion
- Access to Meetings & Documents
- Asset Capitalisation & Depreciation
- Asset Impairment
- Asset Management
- Asset Revaluation
- Bad Debt Write-Off
- Bank Accounts
- Budget
- Budget Review
- Building Inspections
- Charges - Reinstatement of Public Utilities
- Civic Bands & Orchestra
- Civic Recognition
- Code of Conduct for Council Members - Complaint Handling Procedure
- Community Consultation
- Community Funding
- Community Gardens
- Community Information
- Complaints Handling

- Conditions of Library Use
- Council's Role in Markets
- Credit Card
- Credit
- Development Assessment & Development Compliance Reporting & Monitoring Policy
- Directional Signage
- Display of Business Merchandise & Objects on Council Footpaths
- Disposal of Land & Assets
- Elected Member Access to Legal Advice
- Elected Member Allowances & Benefits
- Elected Members Electronic Communications Policy
- Elected Member Training & Development
- Emergency Disaster Donations
- Expenditure
- Fees & Charges
- Footpath and Driveway Crossover Policy
- Fraud, Corruption, Misconduct & Maladministration Prevention
- Fringe Benefits Tax
- Funding
- Goods & Services Tax
- Informal Gatherings
- Internal Control
- Irrigation
- Library Collection Development
- Live Music
- Local Government Elections Caretaker
- Local Area Traffic Management
- Naming of Roads and Public Places
- Order Making
- Outdoor Dining
- Payments
- Petty Cash
- Planning Approval Compliance & Development Complaint Handling Policy
- Plaques, Monuments & Memorials
- Privacy
- Private Laneways Policy & Procedure
- Procurement
- Prudential Management
- Public Art
- Public Interest Disclosure
- Public Liability Insurance for Community Groups when Hiring Council Owned Facilities
- Rate Rebates on Council Land Leased or Licensed
- Rate Rebate
- Rating
- Reinstatement of Council Infrastructure by Public Utilities
- Removal and Impounding of Vehicles
- Requests for Services
- Review of Decisions
- Risk Management
- Salaries & Wages Administration
- Smoke Free
- Social Media
- Temporary Road Closures for Non-Council Initiated Events
- Tennis Facilities
- Treasury Management
- Unreasonable Complainant
- Volunteer Management

The following policies have also been reviewed, however, these policies have been revoked on the basis that due to the nature of the subject matter and/or the subject matter has been incorporated into other policies, these policies are redundant and therefore no longer required:

- Cat
- Community Care Services
- Council Land Rebates – Community Facilities
- Disability
- Disposal Small Plant, Equipment & Furniture
- Donations & Community Grants
- Graffiti Removal
- Home Library Service Policy
- Honorary Freedom of the City Award (incorporated into the Civic Recognition Policy)
- Kerbside Numbering
- Library Service Code of Conduct
- Permits and Authorisations for Private Use of Local Government Land
- Petitions
- Register of Parking Controls – Fees
- Requests for Reports
- Traffic Management
- Telephone
- Whistleblower

The following policies have also been reviewed and revoked as these policies have been consolidated into the new *Footpath and Driveway Crossover Policy*:

- Footway Construction – At Request of Residents Policy;
- Footway Construction – Notification of Work Policy;
- Footway Paving Policy;
- Footway Widths Policy; and
- Residential Crossovers Policy.

Following the review and revocation of the Council's *Home Library Service Policy* at the meeting of the Council held on 3 May 2021, a draft *Library Outreach Services Policy* has been prepared for the Council's consideration.

The draft Policy is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

DISCUSSION

Following a review of the Council's Home Library Service, at its meeting held on 3 May 2021 the Council resolved the following:

1. *That the findings of the review of the Council's Home Library Outreach Service, be noted and the proposed new Home Library Service, as detailed in this report, be endorsed.*
2. *That the current Home Library Service Policy (included in Attachment A) be revoked. The Council notes that a new Library Service Outreach Policy, will be proposed based on the service changes as endorsed by the Council and will be submitted to the Council for its consideration and endorsement at the June 2021 Council Meeting.*

The draft *Library Outreach Services Policy* has now been prepared and a copy is contained within **Attachment A**.

The draft *Library Outreach Services Policy* outlines the service parameters for the provision of an expanded scope of home based library services to the community by the Council. The objective of the draft *Library Outreach Services Policy* is for the Council's Libraries to provide convenient and accessible Library Services to the community, for those customers who may not be able to access the Library to borrow or collect reserved items regularly or at all, when physically accessing the Libraries may be difficult due to time, access, transport or health and wellbeing constraints.

As a consequence of the COVID-19 pandemic and the demand for more 'at home' services, the provision of outreach based Library services is an important additional facet of the Council's service delivery to the community, taking the Library 'out into the community'.

The draft *Library Outreach Services Policy* replaces the former *Home Library Service Policy* and removes the former eligibility requirements which were outlined in the *Home Library Service Policy*, in order for an expanded scope of home-based Library Outreach Services to be provided to any citizen who resides within the City of Norwood Payneham & St Peters and is a member of the Library.

As the staff position for this Service is currently vacant, the enhanced Service will be launched once an appropriate staff member has been recruited and appointed.

OPTIONS

The Council can determine not to endorse the draft *Library Outreach Services Policy*, however, as the draft Policy has been prepared to manage particular matters in accordance with the Council's position, it is recommended that the Council adopts the draft Policy as presented.

CONCLUSION

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

COMMENTS

There is no legislative requirement to consult in respect to the draft *Library Outreach Services Policy* contained within **Attachment A**.

RECOMMENDATION

That the *Library Outreach Services Policy* contained within **Attachment A** be adopted.

Cr Mex moved:

That the Library Outreach Services Policy contained within Attachment A be adopted.

Seconded by Cr Callisto and carried unanimously.

Section 2 – Corporate & Finance
Reports

11.4 MONTHLY FINANCIAL REPORT – APRIL 2021

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA64633/A166834
ATTACHMENTS: A

PURPOSE OF REPORT

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

BACKGROUND

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

RELEVANT STRATEGIC DIRECTIONS AND POLICIES

Nil

FINANCIAL AND BUDGET IMPLICATIONS

Financial sustainability is as an ongoing high priority for the Council. Given the COVID-19 pandemic, the Council adopted a Budget which included measures to minimise the impact on ratepayers and support local business. As a result, the Council adopted a Budget which forecasts an Operating Deficit of \$798,455 for the 2020-2021 Financial Year. The Third Budget update reports an Operating Deficit of \$168,575 for the 2020-2021 Financial Year an improvement of \$629,880.

For the period ended April 2021, the Council's Operating Surplus is \$1,355,000 against a budgeted Operating Surplus of \$802,000, resulting in a favourable variance of \$553,000.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

COVID-19 IMPLICATIONS

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

For the period ended April 2021, in addition to the financial support package provided within the Adopted Budget, the Council has spent \$203,000 on its response to the COVID-19 pandemic. This covers additional cleaning services across all Council facilities and the purchase of materials to ensure that appropriate physical distancing and other protective measures are in place to assure both staff and users of Council Services.

CONSULTATION

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

DISCUSSION

For the period ended April 2021, the Council's Operating Surplus is \$1,355,000 against a budgeted Operating Surplus of \$802,000, resulting in a favourable variance of \$553,000.

Employee Expenses are \$200,000 (1.5%) favourable to budget as at the end of April 2021. The variance represents a timing difference of Annual Leave which has been taken as compared to budget expectations. Annual Leave when taken is costed to against the Annual Leave provision on the Balance Sheet.

Whilst Materials (\$100,000), Consumables (\$81,000) and Water (\$65,000) are favourable to budget, there are no individually significant variances however, there are a number of smaller timing variances. The expectation is that these variances will be resolved in the final months of the financial year. These variances include items such as turf renovations, planned building maintenance services, staff uniforms, catering and other similar Council event related expenditure and tree services.

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

OPTIONS

Nil

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

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

Cr Minney moved:

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

Seconded by Cr Dottore and carried unanimously.

11.5 2021-2022 REGIONAL LANDSCAPE LEVY

REPORT AUTHOR: General Manger, Corporate Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA2206/A154109
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the proposed 2021-2022 Regional Landscape Levy.

BACKGROUND

In July 2020, eight regional landscape boards and a metropolitan Green Adelaide Board were established under the *Landscape South Australia Act 2019* (the Act). The purpose of each Board is to administer the Act and support all sectors of the community and all levels of government, by providing strategic leadership for their region's landscape management. The respective Landscape Boards are responsible for facilitating the management of landscapes in partnership with key partners and stakeholders.

The *Green Adelaide Board* is responsible for integrating the management of water resources and wetlands, the metropolitan coastline, nature education within the city, creating habitat for biodiversity, and the greening of streets, parklands and buildings.

Councils contribute to their respective landscape region through the collection of the Regional Landscape Levy (formally known as the NRM Levy) from property owners through the declaration of a separate rate. The Levy collected is used to fund the respective landscape Board's Business Plan. For this Council, the Levy will fund the delivery of the Business Plan developed by the Metropolitan Landscape Board, Green Adelaide. As with the NRM Levy, Councils can continue to recover the Levy establishment and ongoing collection costs from the respective Regional Landscape Board.

A copy of the letter which has been received from the Green Adelaide Board (the Board) is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's Strategic Management Plan, *City Plan 2030* does not contain an Outcome directly related to the collection of the NRM Levy.

FINANCIAL AND BUDGET IMPLICATIONS

In 2021-2022, the Council will be required to collect \$1.386 million (a 1.5% increase on the amount collected in 2020-2021) on behalf of Green Adelaide for the payment of the State Government Regional Landscape Levy. In this respect, Local Government acts as the revenue collector for the Green Adelaide Board (the Board) and the eight (8) Regional Landscape Boards and as such, the Council does not retain this revenue. The total amount of Levy proposed to be raised by the Board for the 2021-2022 financial year, is \$28.919 million, a 1.0% increase on \$28.633 million, which was collected in 2020-2021. The property owners within the City of Norwood Payneham & St Peters will contribute 4.8% of the total of the Levy which is collected on behalf of the Board for 2021-2022 Financial year.

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

Nil

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

Nil

RISK MANAGEMENT

Nil

CONSULTATION

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

DISCUSSION

For the 2021-2022 Financial year, the Board has identified that it requires a contribution of \$28.919 million (2020-2021: \$28.633 million) from property owners within the Constituent Councils of the Green Adelaide Region in order to deliver the projects and programs which are outlined in the Board's Annual Business Plan. There are no proposed changes to the basis of determining the Regional Landscape Levy in 2021-2022, with the basis being the value of rateable land. This basis has been supported by the Council in the past and is considered to be fair and equitable, in so far as a basis for distributing the amount which is paid by each property owner.

The Act imposes a cap on increases in the Landscape Levy to CPI (Adelaide September Quarter), unless the Minister approves a higher increase, which the Minister has advised will only be under exceptional circumstances. For 2021-2022, the levy income increase is capped to CPI of 1.0%, however for this Council, the increase on the Levy collected in 2020-2021 is 1.5%.

Councils may also collect a fee from the Regional Landscape Boards for the administrative cost of collecting the Regional Landscape Levy. For 2021-2022, the fee has been calculated using a fixed fee of \$2,557 plus \$0.25 per rateable assessment. The proposed collection fee for this Council is \$7,686.

As Elected Members may be aware, under the previous arrangements, the Council was responsible for the payment of the full Levy irrespective of whether the ratepayer has paid the Levy. The Act now proposes new levy debt recovery arrangements that will allow the Council to be reimbursed for any new unpaid Regional Landscape Levy, which has been outstanding for at least three (3) years from July 2020, subject to certain conditions.

OPTIONS

Nil

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Duke moved:

That the report be received and noted.

Seconded by Cr Minney and carried.

11.6 CONTINUATION OF THE SEPARATE RATE FOR THE NORWOOD PARADE PRECINCT

REPORT AUTHOR: Economic Development & Strategic Projects Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4512
FILE REFERENCE: qA981
ATTACHMENTS: A – D

PURPOSE OF REPORT

The purpose of this report is to present to the Council, the outcome of the business and property owner consultation on the proposed continuation of the Separate Rate for The Norwood Parade Precinct for a further three (3) years.

BACKGROUND

At its meeting held on Tuesday 6 April 2021, the Council considered a report on the continuation of the Separate Rate for The Parade Precinct for the 2021-2022, 2022-2023 and 2023-2024 financial years and resolved the following for the purpose of consultation:

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

The proposed continuation of the Separate Rate for a further three (3) years, is based upon achieving a total revenue of \$215,000 each year for the 2021-2022, 2022-2023 and 2023-2024 financial years from the businesses within The Parade Precinct. A map showing the extent of the Precinct is contained in **Attachment A**.

Subsequent to the Council's decision, the proposal to extend the Separate Rate was released for consultation for a period of twenty-one (21) days from Wednesday 7 April until Wednesday 28 April 2021. Letters, a fact sheet and Sample Effect Table were distributed to all businesses and property owners within The Parade Precinct. Posters and postcards were placed at the Norwood Town Hall and the Norwood Library and a notice was also placed in *The Advertiser* on the first day of the consultation period. In addition to this, information was published on the Council and The Parade websites and an Electronic Direct Marketing (EDM) advising The Parade traders of the consultation was also distributed.

It should be noted that at its meeting held on 6 April 2021, the Council also considered the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* for the Norwood Parade Precinct Committee, which is based on the proposed revenue that will be raised through the Separate Rate and was also endorsed for the purposes of consultation with The Parade business community. The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* was released for consultation simultaneously with the proposed continuation of the Separate Rate material. The Council is considering a report on the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* as a separate agenda item at the 7 June 2021 meeting. A decision to endorse the Draft Plan will be based on whether or not the Separate Rate is continued.

The results of the consultation with business and property owners were presented to the Norwood Parade Precinct Committee at its meeting held on Tuesday 4 May 2021. At that meeting, the committee resolved the following:

1. *That the Committee recommends to the Council that it endorses The Norwood Parade Precinct Separate Rate for The Parade Precinct (as shown on the Norwood Parade Precinct Map contained in Attachment C) for a further three (2) years commencing on 1 July 2021.*
2. *That the Committee supports the amount of revenue raised by the Separate Rate on The Parade to be set at \$215,000 for the three (3) financial years 2021-2022, 2022-2023 and 2023-2024, having considered all submissions received during the consultation period.*

RELEVANT STRATEGIC DIRECTIONS & POLICIES

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

Outcome 3: Economic Prosperity

A dynamic and thriving centre for business and services.

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

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

Dynamic & Diverse City

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

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

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

Destination City

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

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

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

Innovative City

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

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

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

Business Friendly City

Outcome: A City that understands the needs of business.

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

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

FINANCIAL AND BUDGET IMPLICATIONS

Previously, the revenue raised through the Separate Rate, was based on raising \$205,000 in the base year (2017-2018), which was then increased in the subsequent two (2) years in line with the Consumer Price Index (CPI) annually, resulting in total amount of revenue of \$209,715 collected in 2018-2019 and \$215,000 in 2019-2020. The Separate Rate was waived by the Council for the 2020-2021 financial year, as a result of the COVID-19 Pandemic. As a result, for the 2020-2021 financial year the Council allocated \$215,000, which was equivalent to the Separate Rate amount raised in the 2019-2020 financial year and the amount that the Council anticipated that it would collect in the 2020-2021 financial year.

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

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

Year	Mainstreet / Precinct	Separate Rate Revenue
2019-2020	Village Heart, Prospect Road	\$19,500
2019-2020	Goodwood Road, Goodwood	\$57,225
2019-2020	Unley Road, Unley	\$113,395
2019-2020	King William Road, Hyde Park	\$147,400
2019-2020	The Parade, Norwood	\$215,000
2019-2020	Jetty Road, Glenelg	\$578,088

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

Should the Council resolve to continue the Separate Rate for a further three (3) years, it is recommended that the Separate Rate be set (i.e. frozen) at \$215,000 each year and the model of increasing the rate based on CPI no longer be applied.

The proposed Separate Rate model for The Parade has been designed to ensure that The Parade remains viable in an increasingly competitive market, whilst bearing in mind the additional cost to the property owners and businesses, given the events over the last twelve (12) months.

Larger centrally operated shopping centres (i.e. Westfields) undertake marketing which is paid for by the individual shop tenants and this is possible because they all have one landlord. The Parade has multiple landlords and therefore, the Council acts as the “central landlord” and undertakes the marketing and promotion for all of the businesses (i.e. tenants) on The Parade.

Reducing the Separate Rate would result in less revenue to implement initiatives and less capacity to market The Parade. In contrast, increasing the Separate Rate would place additional financial onus on property owners and subsequently business owners, in the instances where the additional Separate Rate is passed on. Given that the Norwood Parade Precinct Committee has been able to deliver a significant number of marketing and promotional initiatives with an annual budget of approximately \$210,000 - \$215,000 over the last three (3) years, examples of which are contained in **Attachment B**, it is considered that the proposed revenue of \$215,000 is sufficient.

The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* is based on a total budget of \$215,000 which is the amount that the Council will receive from the Separate Rate.

The total cost incurred in placing both the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* and the proposed extension of the Separate Rate on consultation was \$2,815. This cost was associated with:

- letter distribution to The Parade Precinct business community;
- printing of posters (various sizes) and postcards; and
- the notice placed in *The Advertiser*.

EXTERNAL ECONOMIC IMPLICATIONS

The Separate Rate revenue must be used expressly for the benefit of the area from which it is raised and for the property owners who pay the Separate Rate. The Council, through the activities of the Norwood Parade Precinct Committee, aims to attract high quality businesses and services to locate on The Parade thus contributing to the diversity of businesses and services available.

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

It is important to note that the *2021-2022 Norwood Parade Precinct Annual Business Plan* contains strategies to attract residents and visitors to The Parade and are aimed at enhancing the prosperity and sustainability of The Parade by maintaining and enhancing a pleasant environment for residents and visitors. This in turn is likely to attract additional business opportunities to the area with the spinoff effect of increasing local employment opportunities.

SOCIAL ISSUES

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

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

CULTURAL ISSUES

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

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The collection of the Separate Rate will occur as part of the distribution of Council Rates Notices, which is undertaken by the Council's administration. The Separate Rate is then allocated in alignment with the *2021-2022 Norwood Parade Precinct Annual Business Plan* which is implemented by the Council's Economic Development & Strategic Projects Unit with the involvement from other Council staff and external contractors as required.

RISK MANAGEMENT

Prior to implementing a Separate Rate, the Council must comply with the provisions of the *Local Government Act 1999*, in respect to the consultation requirements regarding a Separate Rate. For this reason it was important that the Council undertook comprehensive consultation with the businesses and property owners within The Parade Precinct, regarding the extension of the Separate Rate, before resolving to extend the application of a Separate Rate.

COVID-19 IMPLICATIONS

The COVID-19 Pandemic has had a significant impact on the economy at a local, national and international level, which has forced all levels of Government to introduce a range of financial support packages. As Elected Members will recall at its meeting held on 6 April 2020, the Council endorsed an initial financial support package in response to the COVID-19 Pandemic and its economic impacts. This initial package included, waiving The Parade Separate Rate and funding the budget for the 2020-2021 financial year through general revenue, rebating Outdoor Dining Fees, relaxing requirements for Outdoor Dining Permit Holders, rebating the differential rate applied as part of the Council rates and the provision for Financial Hardship applications.

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

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

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

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

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

CONSULTATION

- **Elected Members**

The Council was presented with a report regarding the proposed extension of the Separate Rate at its Meeting held on 6 April 2021. In addition, Mayor Robert Bria and Councillors Sue Whittington, Fay Patterson, John Callisto and Carlo Dottore form part of the Norwood Parade Precinct Committee and have been consulted as part of this Committee.

- **Business Community**

The proposal to extend the Separate Rate was released for consultation on Wednesday 7 April, with comments sought in writing by no later than 5.00pm, Wednesday 28 April 2021.

A consultation package including letters, a fact sheet and Sample Effect Table were distributed to all businesses and property owners within The Parade Precinct. Posters and postcards were placed at the Norwood Town Hall and Norwood Library and a notice was also placed in *The Advertiser* on the first day of the consultation period. In addition to this, information was published on the Council and The Parade websites and an Electronic Direct Marketing (EDM) advising The Parade traders of the consultation was also distributed.

Copies of the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* were also made available at the Norwood Town Hall and Norwood Library.

In total, eight (8) submissions were received during the consultation period in relation to both the extension of the Separate Rate and the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan*. A copy of all submissions received are contained in **Attachment C** with a summary of the submissions received and a response to each, contained in **Attachment D**.

In addition to the specific consultation that was undertaken regarding the proposed continuation of the Separate Rate, The Parade businesses and commercial property owners are consulted annually on the development of the Norwood Parade Precinct Annual Business Plan. The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* was released for consultation at the same time as the Separate Rate proposal, to demonstrate what the Council was proposing to do with the revenue, which it aims to collect through the Separate Rate.

- **Staff**

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

- **Other Agencies**

Not Applicable.

DISCUSSION

The eight (8) submissions which have been received during the consultation period related predominately to the Separate Rate. It is noted that some of the issues raised in the submissions did go outside the scope of the Separate Rate and *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan*. An overview of some of the issues that were raised are as follows:

- events such as the Tour Down Under and fashion initiatives do not benefit businesses, especially if the road is closed;
- car parking in the immediate vicinity of The Parade is not substantial, hard to access and is always full, meaning customers are complaining and/or shopping elsewhere;
- business receive no benefit from the promotion and marketing of The Parade;
- the Separate Rate should not be based on the value of the building;
- the concept of a user pays system could be worth implementing; and
- should not have to pay a Separate Rate and the promotion and marketing of The Parade and the businesses along it should be done via a budget generated from standard Council rates or be done entirely by the business itself.

Pursuant to Section 154 of the *Local Government Act 1999*, the revenue collected by the Council as part of the Separate Rate is required to be used specifically for the benefit of the area from which it was raised (in this case The Parade) and for the property owners who pay the Separate Rate. In respect to the comments received in regards to car parking, these comments have been noted and will be taken into consideration as part of the Council's Parking Review. As the Council is aware, the allocation of the revenue from the Separate Rate is specifically for the marketing and promotion of The Parade. The revenue from the Separate Rate is not collected for the purposes of providing or maintaining any form of infrastructure, including car parking as this is a Council's general responsibility.

A summary of submissions and a response to each of the issues which have been raised is contained in **Attachment D**. The predominant focus of the submissions is based on the notion of not charging the Separate Rate at all and the value received from contributing to it. It is disappointing that some businesses and property owners feel that they receive little direct benefit from the collection of the Separate Rate and cannot see the overall benefit that all businesses obtain from the holistic marketing approach that is implemented for The Parade as a precinct.

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

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

The Parade cannot continue to compete as one of Adelaide's premier mainstreets based simply on a Council contribution and without a coordinated and integrated approach to marketing and promotion.

OPTIONS

There are a number of options available to the Council, including recommending that the Separate Rate be no longer collected.

The Council can choose to **endorse and proceed with charging the Separate Rate as it was presented for community consultation**. This would result in the collection of \$215,000 for the 2021-2022, 2022-2023 and 2023-2024 financial years, and would be used in accordance with the Terms of Reference of the Committee and as outlined in the *2021-2022 Norwood Parade Precinct Annual Business Plan*. This would also result in the Norwood Parade Precinct Committee proceeding as normal. This is the recommended option.

The Council can choose to **reduce the total of the Separate Rate as it was presented for community consultation**, which was stated as being \$215,000 for the 2021-2022, 2022-2023 and 2023-2024 financial years. This would then result in the need to amend the budget allocations outlined in the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan*. It would also reduce the ability to effectively market The Parade over this period. This is not the preferred option.

The Council can choose to **discontinue the Separate Rate entirely**. However, proceeding with this option would result in the termination of the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* and the Norwood Parade Precinct Committee. Eliminating the Separate Rate would be detrimental to the long term survival and sustainability of The Parade particularly given that nearby centres (which contain both retail and office uses) are undergoing, or have recently undergone, major redevelopments and The Parade's mainstreet peers have all implemented a Separate Rate for many years. This is not the preferred option as the long term viability and survival of The Parade would be compromised.

Based on the benefit that the Separate Rate delivers a coordinated marketing strategy and on the advice received from the Norwood Parade Precinct Committee, it is recommended that the Council endorse and proceed with charging the Separate Rate for a further three (3) years.

CONCLUSION

The Separate Rate model for The Parade has been designed to ensure that it remains viable in Metropolitan Adelaide's increasingly competitive market, particularly given the investment being made in other centres and mainstreets.

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

COMMENTS

By extending the Separate Rate for a further three (3) years it enables the Council to once again review and evaluate the Separate Rate and the benefits that it delivers. It also provides the Council the opportunity to consult once again with the businesses and property owners and identify areas for improvement. Individual responses will be provided to each property owner who has made a submission.

RECOMMENDATION

1. That the Separate Rate for The Parade Precinct, (as shown on the Norwood Parade Precinct Committee map contained in **Attachment A**), be endorsed for a further three (3) years commencing on 1 July 2021.
 2. That the Separate Rate for The Parade Precinct, be based upon achieving an annual revenue of \$215,000 for the 2021-2022, 2022-2023 and 2023-2024 financial years, be endorsed.
 3. That the Council apply a discretionary rebate of 50% of the amount payable to offices and consulting rooms within The Parade Precinct.
 4. That at the end of the three (3) year period, a full review evaluating the effectiveness of the Separate Rate on The Parade be undertaken and presented to the Council for its consideration.
-

Cr Whittington moved:

1. *That the Separate Rate for The Parade Precinct, (as shown on the Norwood Parade Precinct Committee map contained in Attachment A), be endorsed for a further three (3) years commencing on 1 July 2021.*
2. *That the Separate Rate for The Parade Precinct, be based upon achieving an annual revenue of \$215,000 for the 2021-2022, 2022-2023 and 2023-2024 financial years, be endorsed.*
3. *That the Council apply a discretionary rebate of 50% of the amount payable to offices and consulting rooms within The Parade Precinct.*
4. *That at the end of the three (3) year period, a full review evaluating the effectiveness of the Separate Rate on The Parade be undertaken and presented to the Council for its consideration.*

Seconded by Cr Patterson and carried unanimously.

Cr Callisto left the meeting 8:58pm.

Cr Callisto returned to the meeting 8:59pm.

Cr Minney left the meeting 8:59pm.

Cr Dottore left the meeting 8:59pm.

Cr Minney returned to the meeting at 9:00pm.

Cr Dottore returned to the meeting at 9:00pm.

11.7 DRAFT 2021-2022 NORWOOD PARADE PRECINCT ANNUAL BUSINESS PLAN

REPORT AUTHOR: Economic Development & Strategic Projects Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4512
FILE REFERENCE: qA69610
ATTACHMENTS: A – D

PURPOSE OF REPORT

The purpose of this report is to present to the Council, the final *Draft of the 2021-2022 Annual Business Plan*, for approval.

BACKGROUND

At its meeting held on 16 February 2021, the Council's *Norwood Parade Precinct Committee* (NPPC) resolved the following:

That the Draft 2021-2022 Norwood Parade Precinct Annual Business Plan be endorsed as being suitable to present to the Council for its endorsement and approval to be released for consultation with The Parade Precinct business community for a period of twenty-one (21) days.

The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* and the Committee's resolution were subsequently presented to the Council at its meeting held on Tuesday 6 April 2021. At that meeting the Council resolved the following:

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

The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* was subsequently released for consultation for a period of twenty-one (21) days, from Wednesday 7 April until Wednesday 28 April 2021. Letters were distributed to all businesses and property owners within The Parade Precinct (a map of the Precinct is contained within **Attachment A**). Posters and postcards were placed at the Norwood Town Hall and Norwood Library and a notice was also placed in *The Advertiser* on the first day of the consultation period. In addition to this, information was published on the Council and The Parade websites and an Electronic Direct Marketing (EDM) advising The Parade traders of the consultation was also distributed.

Consultation on the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* was conducted in conjunction with the consultation on the continuation of *The Parade Separate Rate* and comments on both were invited via email and in writing. A total of eight (8) submissions were received in response to the consultation on both items. It should be noted that whilst some submissions make general reference to the Annual Business Plan, the primary focus of all of the submissions is the Separate Rate. A copy of all submissions received are contained in **Attachment B** with a summary of the submissions received and a response to each, contained in **Attachment C**.

The results of the consultation together with the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* were considered and endorsed by the Norwood Parade Precinct Committee at its meeting held on Tuesday 4 May 2021. At that meeting the Committee resolved the following:

- 1. That the Draft 2021-2022 Norwood Parade Precinct Committee Annual Business Plan, as contained in Attachment C, be endorsed and recommended to the Council for its approval.*
- 2. The Committee notes that an individual response will be provided to each property and business owner who has made a submission.*

The recommendation to the Council is based on continuing the Separate Rate and collecting \$215,000 in revenue from The Parade Separate Rate in 2021-2022. This revenue will also be collected for the 2022-2023 and 2023-2024 financial years, however annual business plans will be developed prior to each of these periods to determine the allocation of the revenue.

A copy of the final *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* is contained in **Attachment D**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

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

Outcome 3: Economic Prosperity

A dynamic and thriving centre for business and services.

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

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

Dynamic & Diverse City

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

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

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

Destination City

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

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

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

Innovative City

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

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

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

Business Friendly City

Outcome: A City that understands the needs of business.

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

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

FINANCIAL AND BUDGET IMPLICATIONS

The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* is based on a total budget of \$215,000, which is the total amount that the Council will receive in revenue through The Separate Rate.

The total cost incurred in placing both the Draft Annual Business Plan and the proposed continuation of the Separate Rate on consultation came to \$2,815. This cost related to the:

- letter distribution to The Parade Precinct business community;
- printing of posters (various sizes) and postcards; and
- the notice placed in *The Advertiser*.

EXTERNAL ECONOMIC IMPLICATIONS

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

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

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

SOCIAL ISSUES

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

CULTURAL ISSUES

Many of the initiatives highlighted as part of the *2021-2022 Norwood Parade Precinct Annual Business Plan* aim to enhance the unique character of The Parade and its sense of place and reinforces its critical significance.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* is reliant upon the collection of the Separate Rate, and its implementation will be undertaken by the Council's Economic Development & Strategic Projects Unit with input and involvement from other Council staff and external contractors as required.

COVID-19 IMPLICATIONS

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

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

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

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

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

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

CONSULTATION

- **Elected Members**

Mayor Robert Bria and Councillors Sue Whittington, Fay Patterson, John Callisto and Carlo Dottore, are Members of the Norwood Parade Precinct Committee and were in support of the Committee endorsing and recommending the *2021-2022 Norwood Parade Precinct Annual Business Plan* to the Council.

- **Business Community**

The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* was released for consultation on Wednesday 7 April, with comments sought in writing by no later than 5.00pm, Wednesday 28 April 2021.

A letter was sent to all businesses and property owners on The Parade advising of the Draft Plan and the consultation process. Posters and postcards were placed at the Norwood Town Hall and Norwood Library and a notice was also placed in *The Advertiser* on the first day of the consultation period. In addition to this, information was published on the Council and The Parade websites and an Electronic Direct Marketing (EDM) advising The Parade traders of the consultation was also distributed.

Copies of the Draft Plan were also made available at the Norwood Town Hall and the Norwood Library.

In total, eight (8) submissions have been received by the Council during the consultation period in relation to both the continuation of the Separate Rate and the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan*. Whilst both documents were consulted on simultaneously, the focus of the comments in the submissions has been the proposed continuation of the Separate Rate, notwithstanding this all of the submissions have been attached to this report because the two (2) items are related and the implementation of the Annual Business Plan relies on the continuation of the Separate Rate.

- **Staff**

General Manager, Corporate Services
Financial Services Manager
Manager, Economic Development & Strategic Projects
Economic Development Coordinator

- **Other Agencies**

Not Applicable

DISCUSSION

The eight (8) submissions which have been received during the consultation period, relate generally to the following concerns associated with the continuation of the Separate Rate and to a lesser extent in relation to the draft Annual Business Plan:

- events such as the Tour Down Under and fashion initiatives do not benefit businesses, especially if the road is closed;
- car parking in the immediate vicinity of The Parade is not substantial, hard to access and is always full, meaning customers are complaining and/or shopping elsewhere;
- businesses receive no benefit from the promotion and marketing of The Parade;
- the Separate Rate should not be based on the value of the building;
- the concept of a user pays system could be worth implementing; and
- shouldn't have to pay a Separate Rate and the promotion and marketing of The Parade and the businesses along it should be done via a budget generated from standard Council rates or be done entirely by the business itself.

A summary of the submissions and a response to each of the issues which have been raised is contained in **Attachment C**.

Pursuant to the Terms of Reference set by the Council, the NPPC is required to prepare an Annual Business Plan prior to each financial year, to guide its programmes and initiatives for the ensuing financial year and to assist in determining the funding requirements for consideration and approval by the Council. A copy of the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* is contained in **Attachment D**. The Annual Business Plan is based on the assumption that the Council will resolve to continue to collect the Separate Rate and it will set the total revenue of the Separate Rate at \$215,000.

A summary of how the Committee proposes to allocate the revenue which is raised through the Separate Rate is set out in Table 1 below.

TABLE 1: NORWOOD PARADE PRECINCT COMMITTEE 2021-2022 ANNUAL BUSINESS PLAN

Strategies	Budget
Events & Activations	
<i>Events & Activations</i>	\$40,000
	\$40,000
Marketing & Communication	
<i>Website</i>	\$4,000
<i>Social Media</i>	\$20,000
<i>Advertising</i>	\$50,000
	\$74,000
Identity & Brand	
<i>Sponsorship</i>	\$7,500
<i>Signage & Street Decorations</i>	\$50,000
<i>Merchandise</i>	\$1,000
<i>Competitions & Promotions</i>	\$35,000
	\$93,500
Business Development	
<i>Networking</i>	\$3,000
<i>Business Training</i>	\$3,000
	\$6,000
Administration	
<i>Catering</i>	\$1,000
<i>Print, Post & Distribution</i>	\$500
	\$1,500
TOTAL	\$215,000

OPTIONS

The Council can approve the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* contained in **Attachment D**.

Alternatively, the Council can amend or delete strategies and budget allocations.

Depending on the Council's recommendation in respect to the Separate Rate, which is being considered as a separate Agenda Item at this meeting, some changes to the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* may be required. Should the Council determine not to charge the Separate Rate, the Council will need to determine whether or not it will continue to proceed with *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan*.

CONCLUSION

An individual response will be provided to each property and business owner who has made a submission.

COMMENTS

Nil.

RECOMMENDATION

That the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan*, as contained in **Attachment D**, be approved.

Cr Callisto moved:

That the Draft 2021-2022 Norwood Parade Precinct Annual Business Plan, as contained in Attachment D, be approved.

Seconded by Cr Whittington and carried unanimously.

Section 3 – Governance & General Reports

11.8 AMENDED DELEGATIONS - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

REPORT AUTHOR: Manager, Development Assessment
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4567
FILE REFERENCE: qA58805
ATTACHMENTS: A - B

PURPOSE OF REPORT

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

BACKGROUND

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

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

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

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

On 13 May 2021, the Local Government Association of South Australia released a further amended set of template delegations under the *Planning, Development and Infrastructure Act 2016*, reflecting variation regulations and statutory instruments which have been amended and impact the delegation instruments. This amended set of delegations was subsequently updated on 21 May 2021.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

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

CONSULTATION

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

DISCUSSION

The amended delegations which were released on 13 May (and subsequently updated on 21 May 2021) relate to Instrument A, which is the delegation of powers of the Council as a Council, a Designated Authority and a Designated Entity to the Chief Executive Officer. The changes to Instrument A, have been amended having regard to the following variation regulations and statutory instruments which have been amended and impact the delegation instrument which the Council adopted on 18 January 2021:

- Planning, Development and Infrastructure (General) (Home Builder) Variation Regulations 2021;
- Planning, Development and Infrastructure (General) (Site Contamination) Variation Regulations 2021;
- Practice Direction 2 – Preparation and amendment of Delegated Instruments;
- Practice Direction 3 – Notification of Performance Assessed Development;
- Practice Direction 14 – Site Contamination Assessment;
- Practice Direction 16 – Urban Tree Canopy Off-set Scheme; and
- Urban tree Canopy Off-set Scheme.

The revised delegations have been prepared by Norman Waterhouse Lawyers on behalf of the Local Government Association of South Australia. A copy of the updated Instrument A, with all changes highlighted, is contained in **Attachment A**.

The amended delegations which were released on 18 February 2021, relate to Instrument B, which is the delegation of powers of the Council as a Relevant Authority to the Chief Executive Officer. The changes to Instrument B are summarised below.

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

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

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

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

These changes have been prepared by Norman Waterhouse Lawyers on behalf of the Local Government Association of South Australia. A copy of the updated Instrument B, with all changes highlighted, is contained in **Attachment B**.

OPTIONS

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

CONCLUSION

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

COMMENTS

Nil

RECOMMENDATION

Revocations

1. In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the Council hereby revokes the previous delegations made by the Council on the 18th day of January 2021 to the Chief Executive Officer of the City of Norwood Payneham & St Peters, of those powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder and contained within the Instrument of Delegation annexed to the Report considered by the Council at its meeting held on 18 January 2021 and entitled *Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority and a Designated Entity*.
2. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, the Council hereby revokes the previous delegations made by the Council on the 18th day of January 2021 to the Chief Executive Officer of the City of Norwood Payneham & St Peters, of those powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder and contained within the Instrument of Delegation annexed to the Report considered by the Council at its meeting held on 18 January 2021 and entitled *Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority*.

Delegations made under the *Local Government Act 1999*

3. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report considered by the Council at its meeting held on 7 June 2021 and entitled *Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority and a Designated Entity*) are hereby delegated this 7th of June 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
4. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with 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.

Delegations made under the *Planning, Development and Infrastructure Act 2016*

5. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report considered by the Council at its meeting held on 7 June 2021 and entitled *Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority*) are hereby delegated this 7th of June 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
 6. 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.
-

Cr Moore moved:

Revocations

1. *In exercise of the power contained in Section 44 of the Local Government Act 1999, the Council hereby revokes the previous delegations made by the Council on the 18th day of January 2021 to the Chief Executive Officer of the City of Norwood Payneham & St Peters, of those powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder and contained within the Instrument of Delegation annexed to the Report considered by the Council at its meeting held on 18 January 2021 and entitled Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority and a Designated Entity.*
2. *In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016, the Council hereby revokes the previous delegations made by the Council on the 18th day of January 2021 to the Chief Executive Officer of the City of Norwood Payneham & St Peters, of those powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder and contained within the Instrument of Delegation annexed to the Report considered by the Council at its meeting held on 18 January 2021 and entitled Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority.*

Delegations made under the Local Government Act 1999

3. *In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report considered by the Council at its meeting held on 7 June 2021 and entitled Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority and a Designated Entity) are hereby delegated this 7th of June 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.*
4. *Such powers and functions may be further delegated by the Chief Executive Officer in accordance with 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.*

Delegations made under the Planning, Development and Infrastructure Act 2016

5. *In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report considered by the Council at its meeting held on 7 June 2021 and entitled Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority) are hereby delegated this 7th of June 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.*
6. *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 Duke and carried unanimously.

11.9 COMMUNITY VISITORS SCHEME FUNDING AGREEMENT

REPORT AUTHOR: Manager, Community Services
GENERAL MANAGER: General Manager, Governance and Community Affairs
CONTACT NUMBER: 8366 4600
FILE REFERENCE: qA2061
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the Federal Government's *Deed of Variation* for the *Community Visitors Scheme* for the Council's consideration and endorsement.

BACKGROUND

The *Community Visitors Scheme* (CVS) is a national program that provides companionship to socially isolated citizens living in Federal Government Subsidised Residential Aged Care Facilities. The program is resourced through Volunteers who are matched to a resident or group of residents. The Volunteer visits the resident on a regular basis. The provision of a visitor to socially isolated residents in Residential Aged Care Facilities has been shown to assist to help increase the resident's sense of well-being by making them feel valued and respected.

The Council has been an auspice for the CVS program since April 1999. The program is funded by the Federal Department of Health. The Council is funded to provide and manage a total of fifty (50) Community Visitors across nineteen (19) Residential Aged Care Facilities based in the Local Government areas of the City of Norwood Payneham & St Peters, City of Burnside and Campbelltown City Council.

The CVS Funding agreement is made up of the *Commonwealth Standards Grant Agreement* and the *Deed of Variation in relation to the Community Visitors Scheme*. Both documents provide the expected outcomes for the use of the funds. The current funding agreement will terminate on 30 June 2021. The Deed of Variation has been issued to extend the funding for the period 1 July 2021 to 30 June 2022. This report seeks the Council's endorsement of the new Deed of Variation.

A copy of the *Deed of Variation in relation to the Community Visitors Scheme* and the *Commonwealth Standards Grant Agreement* is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant goals contained within *CityPlan 2030* are:

Outcome 1 Social Equity

Objective 1.1 Convenient and accessible services, information and facilities

The Community Visitors Scheme provides an important service for socially isolated citizens residing in Residential Aged Care Facilities by providing them with companionship and a connection to the wider community.

FINANCIAL AND BUDGET IMPLICATIONS

Funding for the CVS program is provided for a twelve (12) month period. This grant provides \$72,984.43 for the period 1 July 2021 to 30 June 2022, which will cover 100% of the total costs of the program.

The Council's endorsement of the Funding Agreement will secure funding to enable the Council to continue to provide services for the 2021-2022 financial year. It is expected that the first instalment of payment will be received after the funding Agreement has been finalised.

DISCUSSION

The Council's Funding Agreement for the Community Visitors Scheme will terminate on 30 June 2021. The Deed of Variation has been offered for the Community Visitors Scheme which will extend the funding for the period 1 July 2021 to 30 June 2022. To ensure the Council receives the Funding for CVS the *Deed of Variation in relation to the Community Visitors Scheme* must be signed and sealed in accordance with the federal Department of Health requirements.

RECOMMENDATION

1. That the Federal Government's *Commonwealth Standard Grant Agreement* and the *Deed of Variation in relation to the Community Visitors Scheme* be endorsed.
 2. That the Mayor and Chief Executive Officer be authorised to sign and seal the Deed of Variation in relation to the Community Visitors Scheme as contained within **Attachment A**.
-

Cr Sims moved:

1. *That the Federal Government's Commonwealth Standard Grant Agreement and the Deed of Variation in relation to the Community Visitors Scheme be endorsed.*
2. *That the Mayor and Chief Executive Officer be authorised to sign and seal the Deed of Variation in relation to the Community Visitors Scheme as contained within Attachment A.*

Seconded by Cr Whittington and carried unanimously.

11.10 166A THE PARADE, NORWOOD – NORWOOD MALL / COLES REDEVELOPMENT – EXTINGUISHMENT & GRANT OF RIGHTS-OF-WAY & DRAINAGE EASEMENT

REPORT AUTHOR: Manager, Governance, Legal & Property
GENERAL MANAGER: General Manager, Governance & Community Affairs
CONTACT NUMBER: 8366 4507
FILE REFERENCE: qA55070
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to present to the Council for its consideration and consent the proposed extinguishment of the Council's existing rights-of-way and the grant of a new right-of-way and drainage easement, associated with the Norwood Mall / Coles redevelopment at 116A The Parade, Norwood.

BACKGROUND

As Elected Members may recall, in 2012-2013, the Council considered the proposed extinguishment of several rights-of-way in favour of the Council in connection with a proposed redevelopment of the Norwood Mall and Coles site at 166A The Parade, Norwood (Development Application 155/474/13 by Coles Group Property Developments Limited). More particularly, Coles requested extinguishment of the Council's specific right-of-way 'H' and the general right-of-way 'C', which run through the centre of the Norwood Mall site from The Parade to James Coke Park (i.e. through the covered pedestrian walkway). These historical rights-of-way are a legacy of the former public road (Coke Street) which extended through the site to The Parade and ensured that the Council maintained public access through the property upon closure of this road and sale of the adjoining car parking land to the owner of the supermarket in the late 1970s.

A map showing the current configuration of the property (prior to demolition) and the location of the pedestrian walkway and the two (2) existing rights-of-way ('ROW'), is contained within **Attachment A**.

Two (2) plans showing the alignment of the specific right-of-way 'H' and the general right-of-way 'C', are contained within **Attachment B**. Together, these two (2) rights-of-way form a public access route through the centre of the Norwood Mall site.

At its meeting held on 6 May 2013, and in response to a proposed redevelopment of the site by Coles, the Council provided "in principle" endorsement for the proposed extinguishment of these rights-of-way, subject to a replacement right-of-way between The Parade and James Coke Park being granted to the Council by Coles.

At its meeting held on 2 September 2013, the Council subsequently resolved to enter into a *Property Interests Deed* with Coles, which provided for the extinguishment of these rights-of-way and the grant of a new right-of-way through the property, in addition to dealing with the replacement of the car parking encumbrance and formalisation of a drainage easement for Council drainage infrastructure. However, Coles did not proceed with its proposed redevelopment of the property, the Development Approval lapsed and the *Property Interests Deed* was never executed by the parties. As such, the two (2) rights-of-way in favour of the Council remained in existence over the property.

Over the course of 2019, the Council engaged in preliminary discussions with Australasian Property Developments Pty Ltd (APD) in response to a new mixed-use development which they were proposing for the Norwood Mall / Coles site. As part of these discussions, APD formally requested that the Council extinguish the Council's car parking encumbrance over the property in order to facilitate their proposed redevelopment (although a Development Application had not yet been lodged). The Council considered this matter at its meeting held on 8 October 2019 and resolved to retain the car parking encumbrance and to preserve the existing number of public car parking spaces on the site, but to amend the provisions relating to the required car parking rate per square metre for any additional floor area proposed as part of the redevelopment.

In October 2019, 166 The Parade Pty Ltd (the Developer) formally lodged a Development Application for the redevelopment of the site (Development Application 155/730/19), proposing the demolition of the Coles supermarket and ancillary shop buildings and construction of a new eight-storey mixed use development incorporating a supermarket, shops, commercial tenancies, residential flat buildings and ancillary car parking. As the proposal was for a development exceeding four (4) storeys in height, the State Commission Assessment Panel (SCAP) was the relevant authority for assessing the Development Application under the *Development Act 1993*.

In August 2020, the Developer lodged a variation to Development Application 155/M011/19. Development Plan Consent was granted for the proposed development by the SCAP on 23 November 2020 and Building Rules Consent was granted on 10 December 2020.

In February 2021, an application to discharge the Council's existing car parking encumbrance and the grant of a new encumbrance on the terms set by the Council at its 8 October 2019 meeting was agreed with the Developer and lodged at the Lands Titles Office.

In March 2021, the site was sold by Coles Group Property Developments Ltd to the Developer to facilitate the proposed redevelopment. The Council was subsequently approached by the Developer to request the extinguishment of the two (2) existing rights-of-way over the property of which the Council has the benefit, in order to facilitate the proposed division and redevelopment of the property and as part of the consolidation of other private easements and rights-of-way over the property.

The Developer has also proposed to grant the Council two (2) new rights-of-way on alternative alignments through the site, marked 'W' and 'Z' on the proposed Easement Plan, and a drainage easement for the Council's existing drainage infrastructure underneath the site, marked 'N' on the proposed Easement Plan.

A copy of the proposed Easement Plan showing the proposed new rights-of-way and the drainage easement is contained within **Attachment C**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 1: Social Equity

Objective 1.2 A people-friendly, integrated and sustainable transport network.

1.2.2 Provide safe and accessible movement for all people.

Outcome 4: Environmental Sustainability

Objective 4.2 Sustainable streets and open spaces

4.2.2 Protect, enhance and expand public open space.

FINANCIAL AND BUDGET IMPLICATIONS

The Developer will bear all costs associated with preparation of the survey and legal documentation required in connection with the proposed extinguishment and grant of the rights-of-way and the drainage easement.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

The existing rights-of-way in favour of the Council through the Norwood Mall property provide an important and convenient public access way from The Parade precinct through to James Coke Park. However, due to the closure of a portion of Norwood Mall at night for security reasons, this public access is already somewhat limited. In considering the proposed extinguishment of the Council's existing rights-of-way, it is important that the Council secures a new right-of-way through the site for pedestrians that is safe and accessible, and to ensure some form of public access is maintained between these public spaces.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The Council's existing rights-of-way through Norwood Mall are an historical legacy of the former ownership arrangements of the property and do not accurately reflect the nature and extent of public access through the property at present. In particular, the closure of a portion of the mall at night which prevents pedestrian access through to James Coke Park, has occurred circa 2004. It should be noted, however, that these rights-of-way were never formally registered on the Certificate of Title for the land. Moving forward, it is preferable to formalise the Council's public access rights through the property by way of a new right-of-way registered against the title to the land and which reflects the actual routes that will be continuously accessible for pedestrians through the property at all times.

With respect to the proposed drainage easement, this is required in order to formalise the location of the existing Council stormwater infrastructure and to provide the Council with the right to access, maintain and repair this infrastructure if required.

COVID-19 IMPLICATIONS

Nil.

CONSULTATION

- **Elected Members**
The Council previously considered the issue of the Council rights-of-way over the property at its meetings held on 6 May 2013 and 2 September 2013. The Council considered the issue of the Council car parking encumbrance over the site at its meeting held on 8 October 2019.
- **Community**
Not Applicable.
- **Staff**
General Manager, Urban Planning & Environment
Manager, Development Assessment
- **Other Agencies**
Not Applicable.

DISCUSSION

Rights-of-way

As shown on the plans contained within **Attachment B**, the Council currently has the benefit of two (2) historical rights-of-way through the Norwood Mall site at 166A The Parade, Norwood:

- the specific right-of-way 'H'; and
- the general right-of-way 'C'.

Together, these two (2) rights-of-way form a public access way through the centre of the Norwood Mall property from The Parade to James Coke Park.

The right-of-way through the Norwood Mall site was originally created in 1858. At some point, due to the division and realignment of boundaries of the site, the right-of-way was split into the areas described as 'H' and 'C'. The Council-owned land comprising James Coke Park maintains the benefit of the right-of-way marked 'H' through Norwood Mall (as shown on Certificate of Title 5935/603). This right-of-way is granted in favour of the owner of this land from time-to-time and, as such, is not a right-of-way in favour of the general public through the Mall (although it effectively functions in this way).

With respect to the general right-of-way marked 'C' (and shown on CT 6132/733) which provides access from The Parade through the centre of Norwood Mall, although this right-of-way is not registered on the Council's title for James Coke Park, the Council retains the benefit of this unregistered right-of-way through Norwood Mall carrying over from the original grant of land from the Council to the owner of the supermarket in the late 1970s.

In practice, these rights-of-way are used as a general public access way for pedestrians moving from The Parade through to the car park within the Norwood Mall property (and vice versa), and pedestrians travelling from The Parade through to James Coke Park.

In connection with the proposed redevelopment of the Norwood Mall property, and to facilitate a reconfiguration of the Norwood Mall shops and central pedestrian walkway, the Developer has approached the Council and requested extinguishment of these two (2) existing rights-of-way. The Developer has instead proposed to grant the Council two (2) new rights-of-way through the property, marked 'W' and 'Z' on the proposed Easement Plan contained within **Attachment C**.

As shown on the proposed Easement Plan (and marked in green), the proposed right-of-way marked 'W' begins within in the central walkway at the northern end of the property where it adjoins The Parade and is three (3) metres wide. The right of way then shifts alignment to run outside the external façade of the new buildings proposed on the western side of the central walkway and reduces to two (2) metres in width. The right of way returns to three (3) metres in width at the southern end of the property where it adjoins Coke Street. It is understood that a pedestrian walkway will be provided along this right-of-way alignment, to provide a safe and accessible pathway for pedestrians next to the car park. This route is already used by many pedestrians travelling through the site.

The Developer has also proposed to grant the Council the benefit of a right-of-way marked 'Z' (marked in yellow on the proposed Easement Plan), which is 6.74 metres in width and runs directly through the central walkway of the property. This area will also be subject to easements granted to SA Water and the Minister for Infrastructure. This right-of-way provides public access directly through the centre of the site, along a similar alignment to the existing rights-of-way. However, the Developer has advised that the central mall will still be closed at night for security reasons and so, the proposed right-of-way marked 'Z' will not provide continuous public access through the site at all times.

Both of the proposed rights-of-way are stated to be height limited to four (4) metres, which simply means that a clear thoroughfare of four (4) metres above ground level must be provided at all times by the Developer (or the future owner of the land), with overhanging structures permitted to be built in the airspace above this height. The right of way marked 'W' is also limited to pedestrian access 'on foot', due to its narrow width and configuration around the outside of the buildings.

These two (2) rights-of-way will be granted to the Council 'in gross', rather than requiring each right-of-way to be granted in favour of the land comprising James Coke Park (as is the case with the existing rights-of-way). This recognises the importance of this public access way as a standalone right and will ensure public access through the site even if James Coke Park were to change ownership at some point in the future.

It is recommended that the Council accepts the grant of both rights-of-way 'W' and 'Z' to the Council, in order to formalise and guarantee public access through the site into the future, such as when the site is subject to another wholesale redevelopment. At a minimum, the right-of-way marked 'W', is required to ensure that continuous public access for pedestrians is provided through the property at all times, even when the mall is closed at night.

However, acquiring the right-of-way marked 'Z' will ensure that pedestrian access through the central mall is also guaranteed, including to those businesses which directly adjoin and are located within the mall. Without this right-of-way or private rights-of-way granted in favour of these businesses, there is the possibility that the Developer could determine to restrict or prevent general pedestrian access through the mall on the basis that this is privately owned land. Although a number of the properties which adjoin the mall also have frontages to The Parade or the Edward Street carpark, this could create significant issues for several landlocked businesses (including, for example, 'Uncle Albert's Café'), which directly adjoin the Mall and rely on the Mall for customer access.

Provided that both of the above rights-of-way can be secured by the Council, it is recommended that the Council consents to the proposed extinguishment of the existing rights-of-way through the Norwood Mall site of which the Council has the benefit (the specific right-of-way 'H' and the general right-of-way 'C'). The new rights-of-way present a better outcome for the Council and the general public in that some form of public access will be guaranteed through the site at all times and the proposed rights-of-way will be formalised by way of registration on the title to the land.

Drainage Easement

Upon review of the existing services on the property, Council-owned stormwater infrastructure which collects stormwater from James Coke Park and Coke Street has been identified. Previously, no easement was in place to enable the Council to access, repair and maintain this infrastructure. In order to formalise this arrangement moving forward, the Developer has proposed to grant the Council an easement for drainage purposes over the existing stormwater pipe alignment.

The proposed drainage easement is marked 'N' on the proposed Easement Plan contained within **Attachment C**.

Next steps

If the Council determines to consent to the proposed extinguishment and grant of the rights-of-way and the drainage easement, the proposed Easement Plan will be finalised and lodged with the Lands Titles Office. This is anticipated to occur shortly and prior to subdivision of the site in connection with the redevelopment, in order to provide the Developer with certainty regarding restrictions on the land before commencing the build.

OPTIONS

The Council could determine to refuse to consent to the proposed extinguishment of the existing rights-of-way through the Norwood Mall site of which the Council has the benefit and refuse to accept the proposed grant of the two (2) new rights-of-way in favour of the Council marked 'W' and 'Z' on the proposed Easement Plan. However, for the reasons set out above, it is recommended that consent is provided to the proposed extinguishment and grant of rights-of-way in order to formalise and secure public access through the site into the future.

The proposed easement for drainage purposes is required to formalise the location of the existing Council stormwater infrastructure underneath the site and to provide the Council with the right to access, maintain and repair this infrastructure into the future.

CONCLUSION

In connection with the proposed redevelopment of the Norwood Mall / Coles property at 166A The Parade, Norwood, the Developer has requested the extinguishment of the two (2) existing rights-of-way of which the Council has the benefit and which provide public access through the central pedestrian mall from The Parade to James Coke Park. Up until its demolition, the Mall had been closed at night for security reasons by Coles and continuous public access through the property was therefore not guaranteed. The Developer has proposed to grant the Council two (2) new rights-of-way through the site as part of its redevelopment which will provide public access for pedestrians through the mall during the day and along the outside of the new buildings on the western side of the mall at all times. In addition, a new drainage easement is proposed to formalise the existence of the Council's stormwater infrastructure underneath the site. It is recommended that the Council provides consent to the proposed extinguishment and grant of rights-of-way, in order to formalise and secure continuous public access through the site into the future.

COMMENTS

Nil

RECOMMENDATION

1. That the Council consents to the extinguishment of the specific right-of-way 'H' and the general right-of-way 'C', as listed in the Easements Schedule to the proposed Easement Plan contained within **Attachment C** and as more particularly described and defined in Deposited Plan 49417.
 2. That the Council accepts the grant of the right-of-way marked 'W' and the right-of-way marked 'Z', as shown on the proposed Easement Plan contained within **Attachment C**.
 3. That the Council accepts the grant of the drainage easement marked 'N' as shown on the proposed Easement Plan contained within **Attachment C**.
 4. That the Council authorises the Mayor and Chief Executive Officer to negotiate and make any necessary amendments to finalise the proposed grants of the abovementioned rights-of-way and easements, and to sign and seal such documentation as is required to effect the transactions contemplated above.
-

Cr Dottore moved:

1. *That the Council consents to the extinguishment of the specific right-of-way 'H' and the general right-of-way 'C', as listed in the Easements Schedule to the proposed Easement Plan contained within Attachment C and as more particularly described and defined in Deposited Plan 49417.*
2. *That the Council accepts the grant of the right-of-way marked 'W' and the right-of-way marked 'Z', as shown on the proposed Easement Plan contained within Attachment C.*
3. *That the Council accepts the grant of the drainage easement marked 'N' as shown on the proposed Easement Plan contained within Attachment C.*
4. *That the Council authorises the Mayor and Chief Executive Officer to negotiate and make any necessary amendments to finalise the proposed grants of the abovementioned rights-of-way and easements, and to sign and seal such documentation as is required to effect the transactions contemplated above.*

Seconded by Cr Duke and carried unanimously.

Cr Whittington left the meeting at 9:06pm.

11.11 PATTERSON SPORTSGROUND – LEASE & LICENCE ARRANGEMENTS WITH EAST TORRENS BASEBALL CLUB, EAST TORRENS PAYNEHAM LACROSSE CLUB & CANINE BEHAVIOURAL SCHOOL

REPORT AUTHOR: Manager, Governance, Legal & Property
GENERAL MANAGER: General Manager, Governance & Community Affairs
CONTACT NUMBER: 8366 4507
FILE REFERENCE: qA2043 qA2044 qA72876
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to present the draft Lease and Licence arrangements between the Council and the East Torrens Baseball Club, the East Torrens Payneham Lacrosse Club and Canine Behavioural School for use of Patterson Sportsground, for the Council's consideration and approval.

BACKGROUND

In September 1980, the former City of Payneham entered into agreements with the East Torrens Payneham Baseball Club Incorporated and the East Torrens Payneham Lacrosse Club Incorporated, to lease the Clubrooms located at Patterson Sportsground. Each Lease was for a term of 15 years commencing on 1 April 1980 and expiring on 30 September 1994. The agreements provided for the Lacrosse Club to use the Clubrooms between 1 April and 30 September in each year and for the Baseball Club to use the Clubrooms between 1 October and 31 March in each year, to align with their respective seasons. The starting annual rental was \$3,836.60 and the Clubs were responsible for maintenance of the Clubrooms.

Both Clubs have remained in a holding over arrangement under these previous Lease arrangements as new lease arrangements were not entered into with the Council upon expiry in 1994.

In more recent years, the Council has been entering into six (6)-monthly Licence agreements with each Club for use of the playing fields at Patterson Sportsground each year. As with the Lease arrangements, the Lacrosse Club is entitled to use the playing fields between 1 April and 30 September and the Baseball Club is entitled to use the fields between 1 October and 31 March in a given year. These Licence agreements are renewed every year and provide for non-exclusive use of the playing fields by the Club (i.e. the playing fields are to be made available to other users outside the times of use by the Clubs). The Council is responsible for maintenance and irrigation of the playing surface and charges each Club a Licence fee equivalent to 12.5% of the cost incurred by the Council for maintenance in the previous year (equating to total reimbursement of 25% of the Council's costs).

In April 2019, the Council also entered into a Licence agreement with Canine Behavioural School Inc. ('CBS') for use of the Sportsground once a week for dog training classes. This was initially agreed to on a trial basis, as CBS had to vacate their previous premises due to issues with outdoor lighting and were looking for new facilities. However, CBS have found Patterson Sportsground to be an ideal location for their activities and have continued to use the Sportsground under six (6)-monthly Licence agreements since that time. CBS would like to continue using the Sportsground into the near future and have the support of the Baseball and Lacrosse Clubs.

In terms of the long-term plans for Patterson Sportsground, the Council recently endorsed a Master Plan for the upgrade of existing facilities at the Payneham Memorial Swimming Centre (located adjacent to the Sportsground) and Patterson Sportsground, including the Clubrooms, playing fields and the Payneham Youth Centre.

The Clubroom building at the Sportsground is an ageing facility and will require upgrade in the near future to remain usable and fit for purpose. It is anticipated that the redevelopment of this building will occur as part of the Master Plan implementation. However, some minor maintenance works were recently undertaken to replace the gutters, eave linings, down pipes and sections of roofing together with internal painting and replacement of the air conditioning system, which will extend the usable life of the building more several more years.

As such, in the interim, it is recommended that new Lease and Licence arrangements are entered into with the Baseball and Lacrosse Clubs to formalise their use of the Clubrooms and playing fields for a period of five (5) years. In addition, the Council may wish to consider entering into a short-term Licence arrangement with CBS over this same period.

The draft Lease and Licence arrangements with the Baseball Club are contained within **Attachment A**, the draft Lease and Licence arrangements with the Lacrosse Club are contained within **Attachment B** and the draft Licence with CBS is contained within **Attachment C** to this report.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The following Objectives and Strategies from *CityPlan 2030* are relevant to the proposed Lease and Licence arrangements:

Outcome 1: Social Equity

Objective 1.3 An engaged and participating community.

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

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

- 1.4.1 Encourage physical activity and support mental health to achieve healthier lifestyles and well-being.
- 1.4.3 Encourage the use of spaces and facilities for people to meet, share knowledge and connect with each other.

Outcome 2: Cultural Vitality

Objective 2.5 Dynamic community life in public spaces and precincts.

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

FINANCIAL AND BUDGET IMPLICATIONS

At present, the Baseball Club and the Lacrosse Club do not pay rent for use of the Clubrooms at Patterson Sportsground. Although rent was initially charged upon entering into the Lease in 1980, it appears that this ceased at some point in time. Peppercorn rental arrangements are not uncommon with respect to the leasing of other clubrooms at Council-owned sporting facilities, including Payneham Oval and Norwood Oval, particularly where the building and facilities are ageing and have limited remaining useful life.

It is proposed to retain the peppercorn rental arrangement under the draft Lease of the Clubrooms to each Club for the next five (5) year period, until such time as the facility is redeveloped. The Council will remain responsible for the structural maintenance of the Clubrooms and the Clubs will remain responsible for the day-to-day maintenance and repairs.

With respect to the use of the playing fields at Patterson Sportsground by the Lacrosse and Baseball Clubs, each Club currently pays an annual Licence Fee that equates to 12.5% of the costs incurred by the Council for maintenance and irrigation of the playing surface in the previous year (equating to coverage of 25% of the Council's costs in total). This Licence Fee arrangement is proposed to be continued under the draft Licences with each Club for the next five (5) year period.

With respect to the use of the playing field by CBS, CBS currently pays a Licence Fee of \$10 per week, based on three (3) hours of usage per week over a six (6) month period. This Fee reflects the Casual Reserve Hire Fees for dog obedience groups hiring Council reserves on a short-term basis, and is inclusive of the electricity consumption costs for CBS' use of the lights at the Sportsground.

As the Baseball and Lacrosse Clubs are charged directly for electricity consumption at the Sportsground, the Council has been reimbursing each Club for the electricity costs resulting from CBS' usage of the Sportsground in each six (6) month period. It is proposed that this reimbursement arrangement with respect to electricity costs will continue.

Under the draft Licence with CBS, it is proposed that the starting Licence Fee will be \$10.50 per session (GST inclusive), subject to annual review and to be increased by the fixed rate of two per cent (2%) per annum. In the event that the proposed Times of Use under the Licence are altered to add additional training sessions on other days, the Licence Fee will be increased at a rate of \$10.50 (GST inclusive) (subject to review) for each additional session.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Patterson Sportsground is a well-utilised facility with a strong sporting community and history of use by the Baseball and Lacrosse Clubs. Both Clubs are committed to the continued use and development of this site into the future and are open to developing partnerships with other organisations such as CBS to expand the use and accessibility of the facility for the community.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Entering into new Lease and Licence arrangements with the Baseball and Lacrosse Clubs ensures that these documents accurately reflect the current use of the premises by the Clubs, together with ensuring compliance with contemporary legislative, insurance, indemnity and maintenance requirements. This is particularly important given the age of the existing Lease documents, which have been in holding over since 1994. Lease and Licence agreements with each of the Clubs also serve to reduce the Council's exposure to claims from third parties that suffer injury or loss whilst at the premises.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**

Not Applicable.

- **Community**

Community consultation on the proposed Lease agreements with the Baseball and Lacrosse Clubs for use of the Clubrooms is not required under Section 202 of the *Local Government Act 1999*, as the Lease is not for a term greater than five (5) years and is authorised by the Council's *Sporting Facilities – Community Land Management Plan*.

Consultation will be required on the proposed Licence agreements with the Baseball and Lacrosse Clubs and with CBS for use of the playing fields, as the Council's *Sporting Facilities – Community Land Management Plan* does not currently authorise licences of sporting facilities for a term greater than one (1) year (on the basis that this is ordinarily a sufficient duration for a licence). However, it is preferable that the Licence arrangements in this case are also for a term of five (5) years to align with and operate for the same term as the Lease arrangements for the Clubrooms.

Public notices will be published in The Advertiser and on the Council's website for a minimum period of twenty-one (21) days to advertise the proposed Licence arrangements and invite comments from the community.

- **Staff**

General Manager, Governance & Community Affairs

- Acting Manager, City Assets

- **Other Agencies**

Not Applicable.

DISCUSSION

East Torrens Baseball Club and East Torrens Payneham Lacrosse Club

Proposed Lease and Licence

The East Torrens Baseball Club (formerly the East Torrens Payneham Baseball Club) and the East Torrens Payneham Lacrosse Club, have been located at Patterson Sportsground since the 1980s, when the former City of Payneham entered into a Lease agreement with both Clubs for use of the Clubrooms for a term of 15 years. Both Clubs have remained at Patterson Sportsground since that time sharing the use of the Clubrooms, each for six (6)-months of the year. Both Clubs also enter into six (6)-monthly Licence agreements with the Council for use of the playing fields at Patterson Sportsground each year.

It is proposed to update and formalise these arrangements in new Lease and Licence agreements to be entered into with each Club. A Lease will be maintained over the Clubrooms, giving each Club exclusive use and responsibility for day-to-day management of the building. A Licence will be maintained over the playing fields, giving each Club use of the fields during specified times of use, with the fields to be available for other users outside of these times.

The draft Lease and Licence arrangements with the Baseball Club are contained within **Attachment A** and the draft Lease and Licence arrangements with the Lacrosse Club are contained within **Attachment B** to this report.

Key terms

As is currently the case, the Lacrosse Club will be entitled to use the Clubrooms and playing fields between 1 April and 30 September in a given year and the Baseball Club will be entitled to use the premises between 1 October and 31 March in a given year. The two (2) Clubs are well-practised at managing the handover between these periods and have a good working relationship with one another.

A five (5)-year term is proposed for both the Lease and Licence arrangements in order to provide the Clubs with security of tenure. In addition, this will reduce the administrative burden of the Clubs and the Council needing to enter into a new Licence arrangement every year. Aligning the term of the Lease and Licence is recommended given the use of the Clubrooms and playing fields by the Clubs are inherently connected. Both arrangements will also then come up for review at the same time upon conclusion of the five-(5) year term. Equally, if breach or termination of one of the agreements occurs, the other arrangement will also automatically be subject to breach or termination provisions.

A redevelopment clause has also been included in both the Lease and Licence to enable the Council to terminate both agreements with six (6) months' notice to the Clubs, in the event that the Council proposes to redevelop Patterson Sportsground as part of the implementation of the Master Plan (or otherwise) prior to the end of the five (5)-year term.

The proposed Lease and Licence agreements have otherwise been prepared on standard terms for community sporting facilities and enable both Clubs to continue their existing activities at the site – namely, operation and administration of their respective Club from the Clubrooms and the playing and practising of Baseball and Lacrosse and associated activities, fundraising and events.

Rent and Maintenance Obligations

With respect to the Clubrooms, the Council is responsible for the structural maintenance and insurance of the building and the Club is responsible for day-to-day maintenance and repairs and insurance of all equipment, fixtures and fittings. On the basis that the Clubrooms are an ageing facility that require significant structural work to continue to be fit for purpose, and taking into consideration that as part of the Master Plan of Patterson Sportsground (which includes the proposed redevelopment of the Clubroom building), it is proposed to continue the existing peppercorn rental arrangement for the five (5) year term of the Lease.

As noted above, some maintenance works were recently undertaken by the Council to replace the building's gutters, eave linings, down pipes and sections of roofing, along with internal painting and replacement of the air conditioning system, to extend the usable life of the building more several more years and provide a 'clean slate' for the start of the new Lease term. A comprehensive Maintenance Schedule has also been prepared for the Clubrooms building and attached to the Lease, which outlines the responsibilities of the Club and the Council in relation to building maintenance moving forward. This has not previously been in place and will greatly assist in managing any building maintenance issues that arise over the next five (5) years.

With respect to the playing fields, the Council will remain responsible for maintenance and irrigation of the playing surface and will continue to recover a portion of the maintenance and water supply costs incurred by the Council from each Club as an annual Licence Fee. Namely, each Club will continue to be required to pay 12.5% of the costs incurred by the Council for maintenance of the playing fields in the previous year (equating to coverage of 25% of the Council's costs in total).

The Baseball Club is also responsible for certain remediation works to the playing fields at the end of each Baseball season, including removal of the home run fence, non-permanent backstop netting and the pitching mounds and diamonds.

Other users

The Licence agreement with each Club acknowledges that the playing fields at Patterson Sportsground, are subject to an historical agreement entered into between the Minister for Education and Child Development and the Council in 1966, under the provisions of the *Recreation Grounds (Joint Schemes) Act 1947*. These arrangements were most recently varied and confirmed by way of a Deed between the Minister and the Council dated 26 October 2013.

That Deed permits the playing fields to be used by students of the adjoining DECD school as a playground and a recreation and sports area between the hours of 8.00am and 5.00pm on school days and between the hours of 8.00am and 12pm on Saturdays during school terms, and at such other times agreed between the Council and the School Principal. However, the Baseball and Lacrosse Clubs are given priority during the times of use set out in their Licence agreement with the Council. Both Clubs have advised that the School continues to use the playing fields during the week within school hours but not on Saturdays and that this usage has not presented them with any issues to date.

The Licence agreement with each Club also acknowledges that the playing fields are subject to a licence agreement between the Council and CBS which permits CBS to use the field on Monday evenings. This is discussed in more detail below.

Community Land requirements

Where a proposed lease or licence of Community Land is not authorised by the Council's relevant *Community Land Management Plan* or is for a term greater than five (5) years, community consultation is required under Section 202 of the *Local Government Act 1999* prior to entering into the arrangement.

Patterson Sportsground is subject to the Council's *Sporting Facilities – Community Land Management Plan*. This Plan expressly authorises the Council to enter into Lease and Licence agreements for use of the facilities at the Sportsground, provided that these agreements are consistent with the purpose and objectives of the Plan and subject to the maximum term length set out in the Plan (five (5) + five (5) years for Leases and one (1) year for Licences).

Both the proposed Lease and Licence agreements with the Baseball and Lacrosse Clubs are consistent with the purpose, objectives and management strategies set out in the *Sporting Facilities – Community Land Management Plan*. Namely, to:

- provide opportunities for informal and formal community and sporting activities, social interaction and connection, and physical activity;
- facilitate provision of recreational and educational activities across the City;
- permit a broad range of land uses and activities in appropriate locations to promote dynamic community life;
- pursue opportunities for more efficient, equitable and innovative use of Council land and facilities; and
- explore opportunities for increased, varied and shared use of Council reserves and facilities through suitable occupancy arrangements.

With respect to the maximum term length, the proposed Lease term of five (5) years for the Clubrooms, falls within the maximum term length set out in the Plan. In addition, because it does not exceed five (5) years, community consultation in relation to the proposed Lease is not required under Section 202 of the Act. However, the proposed Licence term of five (5) years for the playing fields exceeds the maximum one (1)-year term length set out in the Plan.

In most cases, a six-(6) month to one-(1) year Licence term is sufficient for user groups wanting to use Council sporting facilities, particularly where they are trialling this for the first time. In addition, this shorter term ensures that open space sporting facilities are not 'locked up' for long periods of time by individual user groups. However, it is appropriate and preferable that the Licence arrangements with the Baseball and Lacrosse Clubs for the playing fields at Patterson Sportsground are for a term of five (5) years in recognition of the long-term use of this site by both Clubs, and to align with the five (5)-year Lease term with respect to the Clubrooms.

As a result, community consultation will be required with respect to the proposed Licence agreements with the Baseball and Lacrosse Clubs for use of the playing fields.

Canine Behavioural School

Established in 2005, CBS is a not-for-profit organisation that focuses on training dogs using positive reinforcement and force-free methods. The organisation has grown from a handful of trainers and students to a nationally recognised centre of excellence for dog training courses and training people to become accredited dog trainers. The focus of CBS' programs is not only on skills training for dogs, but also on educating people to be responsible dog owners in the community.

CBS runs a 9-week dog training program for four (4) terms each year at four (4) different levels – Bronze, Silver, Gold and Diamond. Since the end of 2019 (over 6 six (6) terms), CBS has trained 336 dogs and owners in Bronze, 117 in Silver, 99 in Gold and 31 in Diamond. 45 of these participants came from within the City of Norwood Payneham & St Peters.

As a not-for-profit organisation, CBS relies on Volunteers to provide all of its administrative, educational and teaching work and currently has 53 Volunteers. Participants in the weekly dog training classes are charged \$110 (new participants) or \$80 (existing participants) for a nine (9)-week term which includes the classes and a take-home manual. By way of comparison, other commercial dog training organisations in Adelaide charge around \$200 for a seven (7)-week term. CBS' two (2) year accredited 'Aspiring Instructor Program' is provided free of charge to Volunteers.

CBS also has strong links with other dog training and education organisations within the community including the RSPCA and the University of Adelaide's Bachelor of Science (Animal Behaviour) Program, which CBS supports by allowing students in the course to gain 150 hours of practical experience with CBS.

More information about CBS and its activities, including a letter of recommendation from the Program Coordinator at Adelaide University, is contained within **Attachment D**.

Use of Patterson Sportsground

Canine Behaviour School Incorporated ('CBS') first approached the Council about using Patterson Sportsground in April 2019, when they were looking for a new temporary facility after having to leave their previous site at Trinity Gardens Primary School (where they had been for 15 years) as a result of an issue with the venue's floodlights, which were critical for CBS' outdoor night-time training sessions. Following an initial six (6)-month trial and with the support of the Baseball and Lacrosse Clubs, CBS has continued to use the playing fields at Patterson Sportsground once a week during school terms for three (3) hours on a Monday evening for their dog training classes. CBS also uses the clubrooms for meetings once a month, with this casual hire arrangement managed by the Baseball and Lacrosse Clubs.

CBS has found Patterson Sportsground to be an ideal facility for their activities and would like to continue using the facility into the future. In addition, they have expressed their interest to be involved in and to contribute to any proposed redevelopment of the site as part of the Master Plan, alongside the Baseball and Lacrosse Clubs. In recent consultation with the Baseball and Lacrosse Clubs, they have confirmed that they are supportive of CBS continuing to use Patterson Sportsground into the future.

CBS recently contributed \$3,500 to the lighting upgrade at Patterson Reserve coordinated by the Lacrosse Club, which saw a new light tower installed on the eastern side of the playing field, vastly increasing the usable outdoor space at night time for both groups.

Continued support of CBS and their usage of Patterson Sportsground is also consistent with several of the objectives set out on the Council's *2019-2024 Dog and Cat Management Plan* – namely, the continued education of the community in relation to responsible dog ownership, particularly in relation to learning strategies to manage dog behaviour. Through their training and education programs of both dogs, owners and dog trainers, CBS directly contributes to these objectives. In addition, CBS has expressed interest in developing educational content and running presentations on responsible dog ownership topics for the Council and the local community – having successfully run education sessions for the City of Charles Sturt previously.

Proposed Licence

At present, CBS enters into six (6)-monthly Licence agreements with the Council for use of the playing fields. In order to provide greater security of tenure for CBS, and in recognition of their desire to continue using the site on a longer-term basis, it is proposed to enter into a Licence agreement for an initial term of two (2) years with options to renew for a further term of two (2) years and one (1) year (five (5) years in total). Exercise of these rights of renewal will be subject to and conditional upon the consent of the Council which may be withheld at its absolute discretion. Structuring the Licence term in this manner will provide both CBS and the Council with flexibility to withdraw from the agreement prior to the conclusion of the five (5) year term if it is no longer working.

The draft Licence agreement with CBS is contained within **Attachment C** to this report.

The Licence is drafted on similar terms to the proposed Licence agreement with the Baseball and Lacrosse Clubs and provides for CBS to continue using Patterson Sportsground to run their dog training classes and related activities on Monday evenings, or at any other times agreed with the Council and the Baseball and Lacrosse Clubs. The Special Conditions to the Licence acknowledge that the Baseball and Lacrosse Clubs retain priority of use of the Sportsground during their nominated times of use and require ongoing cooperation between these user groups.

No specific maintenance obligations are imposed on CBS in relation to their use of the Sportsground given they only use the area for three (3) hours per week and the nature of their use is low intensity and unlikely to cause damage to the playing surface. However, they are required to ensure that they leave the area in the condition it was in prior to their use, including the collection and removal of all solid waste from dogs. The Baseball and Lacrosse Clubs have advised that this has been managed very well to date and there have been no issues in this respect.

The Licence also provides for CBS to continue using the storage container installed on the western boundary of the Sportsground for storage of their equipment (including, e.g., plastic chairs and mats, cones, dog training equipment and tables). The storage container is necessary as there is limited storage within the existing Clubrooms at the Sportsground, which are already at capacity with Baseball and Lacrosse equipment. The use of the storage container is at the risk of CBS in all respects and the Council is not liable for any loss, damage or theft in relation to CBS' equipment or the container.

CBS currently pays a Licence Fee of \$10.00 per week for use of Patterson Sportsground, based on three (3) hours of usage per week on a Monday evening. This Fee reflects the Casual Reserve Hire Fees for dog obedience groups hiring Council reserves on a short-term basis, and is inclusive of the electricity consumption costs for CBS' use of the lights at the Sportsground. These electricity costs are then reimbursed by the Council to the Baseball and Lacrosse Clubs respectively, as the Clubs are invoiced directly for all electricity costs at the Sportsground. It is proposed that this reimbursement arrangement with respect to electricity costs will continue.

Under the draft Licence with CBS, it is proposed that the starting Licence Fee will be \$10.50 per session (GST inclusive), subject to annual review and to be increased by the fixed rate of two per cent (2%) per annum. In the event that the proposed Times of Use under the Licence are altered to add additional training sessions on other days, the Licence Fee will be increased at a rate of \$10.50 (GST inclusive) (subject to review) for each additional session.

It is proposed to retain this nominal Licence Fee on the basis that CBS is a not-for-profit organisation and due to the low-intensity nature of their proposed use, which is unlikely to cause damage to the playing surface (which might otherwise justify a contribution to the Council's maintenance costs for the playing surface, as is the case with sporting groups).

Community Land requirements

As noted above in relation to the proposed Licence Agreements with the Baseball Club and the Lacrosse Club, the proposed Licence with CBS for use of the Patterson Sportsground playing field for a term of five (5) years will require community consultation under the Council's *Sporting Facilities – Community Land Management Plan*, as it exceeds the maximum one (1)-year Licence term length set out in the Plan.

The proposed Licence with CBS is consistent with the purpose, objectives and management strategies set out in the *Sporting Facilities – Community Land Management Plan*. Namely, to:

- provide opportunities for informal and formal community and sporting activities, social interaction and connection, and physical activity;
- facilitate provision of recreational and educational activities across the City;
- permit a broad range of land uses and activities in appropriate locations to promote dynamic community life;
- pursue opportunities for more efficient, equitable and innovative use of Council land and facilities; and
- explore opportunities for increased, varied and shared use of Council reserves and facilities through suitable occupancy arrangements.

Taking this into consideration, and in the interests of providing greater security of tenure to CBS and consistency with the five (5)-year Licence term proposed for the Baseball and Lacrosse Clubs, it is considered appropriate and preferable that a five (5)-year Licence term is also entered into with CBS for use of Patterson Sportsground.

OPTIONS

The Council could determine not to enter into the proposed Lease or Licence arrangements with the Baseball and Lacrosse Clubs. In this case, the existing Lease arrangements with the Clubs for use of the Clubrooms, which are significantly outdated, will remain in place. In addition, the Council will be required to continue entering into a new Licence with each Club for use of the playing fields every six (6) months.

In the interests of updating the Lease arrangements and reducing this administrative burden, and to provide the Clubs with greater security of tenure until the Master Plan process for Patterson Sportsground is finalised, it is recommended that the Council enters into the proposed Lease and Licence arrangements for a term of five (5) years with both of the Clubs.

In respect to the proposed Licence with CBS for use of the playing field at Patterson Sportsground, the Council could determine not to enter into the proposed two (2) + two (2) + one (1) year arrangement and to enter into a shorter-term Licence, or to continue issuing six (6)-monthly Licence agreements to CBS. However, in the interests of providing greater security of tenure and in recognition of the ongoing commitment of CBS to the facility (as well reducing the administrative burden of reviewing the Licence arrangement every six (6) months), it is recommended that the Council enters into the proposed Licence agreement with CBS.

CONCLUSION

The Council entered into an arrangement with the East Torrens Payneham Baseball Club Incorporated and the East Torrens Payneham Lacrosse Club Incorporated to Lease the Clubrooms at Patterson Sportsground in September 1980 for a term of 15 years. Following expiry of these arrangements in 1994, new Lease documents were never prepared and both Clubs remain in a holding over arrangement with respect to the Clubrooms. Both Clubs also currently enter into six (6)-monthly Licence arrangements with the Council for use of the playing fields at Patterson Sportsground, for Baseball and Lacrosse season respectively. In the interests of updating and formalising these arrangements, and providing both Clubs with greater security of tenure for the immediate future and until such time as the Master Plan for Patterson Reserve is completed, it is proposed to enter into new Lease and Licence agreements with both Clubs for a term of five (5) years.

In addition, it is proposed to enter into a short-term Licence with Canine Behavioural School for the use of the playing fields once a week for their dog training sessions, for an initial term of two (2) years with rights of renewal for a further two (2) years and one (1) year. CBS has been using Patterson Sportsground since April 2019 and wishes to continue using the facility into the near future and has the support of the Baseball and Lacrosse Clubs.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council hereby surrenders the following Lease Agreements in respect to Patterson Sportsground:
 - a. Memorandum of Agreement dated 22 September 1980 between the Corporation of the City of Payneham and the East Torrens Payneham Baseball Club Incorporated; and
 - b. Memorandum of Agreement dated 22 September 1980 between the Corporation of the City of Payneham and the East Torrens Lacrosse Club Incorporated,on and from the date of execution of the new Lease Agreements between the Council and the East Torrens Baseball Club Incorporated and the East Torrens Payneham Lacrosse Club Incorporated as contained within **Attachment A**.
 2. That the Mayor and Chief Executive Officer be authorised to execute on behalf of the Council, the following Lease Agreements in respect to Patterson Sportsground:
 - a. the Lease Agreement between the Council and the East Torrens Baseball Club Incorporated as contained within **Attachment A**; and
 - b. the Lease Agreement between the Council and the East Torrens Payneham Lacrosse Club Incorporated as contained within **Attachment B**,and that the Chief Executive Officer be authorised to make any minor amendments required to finalise these Lease Agreements in a form suitable for execution.
 3. That the Council endorses the following draft Licence Agreements in respect to Patterson Sportsground:
 - a. the Licence Agreement between the Council and the East Torrens Baseball Club Incorporated as contained within **Attachment A**;
 - b. the Licence Agreement between the Council and the East Torrens Payneham Lacrosse Club Incorporated as contained within **Attachment B**; and
 - c. the Licence Agreement between the Council and the Canine Behavioural School Inc. as contained within **Attachment C**,for the purpose of community consultation under Section 202 of the *Local Government Act 1999* (SA).
 4. That, following completion of the community consultation period and subject to the receipt of any submissions during that period, the Mayor and Chief Executive Officer be authorised to execute on behalf of the Council the abovementioned Licence Agreements and that the Chief Executive Officer be authorised to make any minor amendments required to finalise the Licence Agreements in a form suitable for execution.
 5. That the Council notes that if any responses are received in the community consultation period, such responses will be presented to the Council along with the abovementioned Licence Agreements for the Council's consideration and final approval.
-

Cr Whittington returned to the meeting 9:08pm.

Cr Minney moved:

1. *That the Council hereby surrenders the following Lease Agreements in respect to Patterson Sportsground:*
 - a. *Memorandum of Agreement dated 22 September 1980 between the Corporation of the City of Payneham and the East Torrens Payneham Baseball Club Incorporated; and*
 - b. *Memorandum of Agreement dated 22 September 1980 between the Corporation of the City of Payneham and the East Torrens Lacrosse Club Incorporated,*

on and from the date of execution of the new Lease Agreements between the Council and the East Torrens Baseball Club Incorporated and the East Torrens Payneham Lacrosse Club Incorporated as contained within Attachment A.
2. *That the Mayor and Chief Executive Officer be authorised to execute on behalf of the Council, the following Lease Agreements in respect to Patterson Sportsground:*
 - a. *the Lease Agreement between the Council and the East Torrens Baseball Club Incorporated as contained within Attachment A; and*
 - b. *the Lease Agreement between the Council and the East Torrens Payneham Lacrosse Club Incorporated as contained within Attachment B,*

and that the Chief Executive Officer be authorised to make any minor amendments required to finalise these Lease Agreements in a form suitable for execution.
3. *That the Council endorses the following draft Licence Agreements in respect to Patterson Sportsground:*
 - a. *the Licence Agreement between the Council and the East Torrens Baseball Club Incorporated as contained within Attachment A;*
 - b. *the Licence Agreement between the Council and the East Torrens Payneham Lacrosse Club Incorporated as contained within Attachment B; and*
 - c. *the Licence Agreement between the Council and the Canine Behavioural School Inc. as contained within Attachment C,*

for the purpose of community consultation under Section 202 of the Local Government Act 1999 (SA).
4. *That, following completion of the community consultation period and subject to the receipt of any submissions during that period, the Mayor and Chief Executive Officer be authorised to execute on behalf of the Council the abovementioned Licence Agreements and that the Chief Executive Officer be authorised to make any minor amendments required to finalise the Licence Agreements in a form suitable for execution.*
5. *That the Council notes that if any responses are received in the community consultation period, such responses will be presented to the Council along with the abovementioned Licence Agreements for the Council's consideration and final approval.*

Seconded by Cr Dottore and carried unanimously.

Cr Sims left the meeting at 9:11pm.

Cr Sims returned to the meeting at 9:12pm.

Adjournment of Council Meeting

At 9:10pm Cr Sims moved:

That the Council meeting be adjourned for 5 minutes.

Seconded by Cr Callisto and carried unanimously.

Resumption of Council Meeting

At 9:17pm the Council meeting resumed.

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 - C

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 – (4 May 2021)
(A copy of the Minutes of the Norwood Parade Precinct Committee meeting is contained within **Attachment A**)
- St Peters Child Care Centre & Pre-School Committee – (24 May 2021)
(A copy of the Minutes of the St Peters Child Care Centre & Pre-School Committee meeting is contained within **Attachment B**)
- Audit Committee – (24 May 2021)
(A copy of the Minutes of the Audit Committee meeting is contained within **Attachment C**)

ADOPTION OF COMMITTEE MINUTES

- **Norwood Parade Precinct Committee**

Cr Whittington moved that the minutes of the meeting of the Norwood Parade Precinct Committee held on 4 May 2021, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Patterson and carried unanimously.

- **St Peters Child Care Centre & Pre-School Committee**

Cr Moorhouse moved that the minutes of the meeting of the St Peters Child Care Centre & Pre-School Committee held on 24 May 2021, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Moore and carried unanimously.

- **Audit Committee**

Cr Minney moved that the minutes of the meeting of the Audit Committee held on 24 May 2021, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Stock and carried unanimously.

13. OTHER BUSINESS

13.1 The Parade and George Street Scramble Crossing

Cr Duke moved:

1. *That the Council re-affirms its previous decision regarding the configuration of George Street, Norwood, which is to retain two way traffic and that it has no intention of permanently closing George Street, Norwood.*
2. *The Council advises Parkade Pty Ltd and 166 The Parade Pty Ltd of this decision.*

Seconded by Cr Dottore and carried unanimously.

13.2 Chief Executive Officer's Performance Review - Personal Explanation – Mayor Robert Bria

Mayor Bria sought leave of the meeting to make a Personal Explanation in relation to the Chief Executive Officer's Performance Review.

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

Cr Whittington moved:

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

Seconded by Cr Callisto and carried unanimously.

Mayor Bria's Personal Explanation

I refer to the Personal Explanation given by Cr Sims at the Council Meeting held on Monday, 3 May 2021. There were comments made in that Personal Explanation, in which I was misrepresented.

Cr Sims' comments appeared to be carefully constructed to minimise the seriousness of his actions, while at the same time, intended to characterise my complaint as petty.

As part of his comments, Cr Sims said:

"Elected Members might appreciate my puzzlement as to why it took Mayor Bria at least six months to make this complaint, and if, it was such an egregious breach, why it was not addressed long before."

I wish to advise the Council I made a complaint in early November 2020, such was my concern about Cr Sims' conduct, but in particular, his egregious breach of confidentiality.

In response to Cr Sims' statement that, *"These events happened over seven months ago and I do not recall breaching any confidence,"* I present the Council with specific details of his breach.

In the days that followed the Ordinary Council meeting on 3 August 2020, Ms Mara contacted Mr Adam Kennedy, formerly of AME Recruiting, regarding his appointment by the Council to conduct the 2020 Chief Executive Officer's Performance Review.

During their conversation Mr Kennedy informed Ms Mara that only hours before that Council meeting, Cr Sims contacted him and advised that the staff recommendation in the confidential report regarding the Chief Executive Officer's Performance Review to be considered by the Council that evening, was that he (Mr Kennedy) be re-appointed as the independent consultant to conduct the review.

Mr Kennedy subsequently sent Ms Mara an email detailing other issues raised by Cr Sims during their conversation that day. Mr Kennedy also confirmed to me what he told Ms Mara about his conversation with Cr Sims; that is, Cr Sims' breach of confidentiality.

Exactly why Cr Sims felt the need, or believed he had the authority, to contact Mr Kennedy regarding this matter, particularly given its confidential nature, is not clear.

These are questions only Cr Sims can, and I believe, *must* answer.

Therefore, I completely reject Cr Sims' claim that he "*may have inadvertently*" breached confidentiality.

In my view, it was a deliberate call to Mr Kennedy strategically timed to coincide with the consideration of the confidential report that same day.

Finally, Cr Sims chose to direct his so-called 'apology' to Elected Members rather than to the Chief Executive Officer.

This reinforces my considered view that Cr Sims has not demonstrated any genuine remorse for his actions to potentially undermine the integrity of the 2020 Chief Executive Officer's Performance Review process and, in my view, that he has no respect for the Chief Executive Officer.

13.3 Confidential - Council Related Matter

Cr Whittington 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, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate Services, Manager, Governance, Legal & Property and Executive Assistant, Chief Executive Officer & Mayor] 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 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 Stock and carried unanimously.

Cr Minney moved:

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

Seconded by Cr Moore and carried unanimously.

14. CONFIDENTIAL REPORTS

14.1 COUNCIL RELATED MATTER

RECOMMENDATION 1

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

- (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 announcement has been made.

Cr Moore 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, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate Services, Manager, Governance, Legal & Property and Executive Assistant, Chief Executive Officer & Mayor], 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 Minney and carried unanimously.

Cr Patterson 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 has been made.

Seconded by Cr Stock and carried unanimously.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 10:09pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)