

Council Meeting Minutes

7 February 2022

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

Council Members

Mayor Robert Bria
Cr Kevin Duke (*via electronic communication*)
Cr Evonne Moore (*via electronic communication*)
Cr Garry Knoblauch (*via electronic communication*)
Cr John Minney (*via electronic communication*)
Cr Carlo Dottore (*via electronic communication*)
Cr Kester Moorhouse (*via electronic communication*)
Cr Connie Granozio (*via electronic communication*)
Cr Mike Stock (*via electronic communication*)
Cr Scott Sims (*connected to the meeting via electronic communication at 7.04pm*)
Cr Fay Patterson (*via electronic communication*)
Cr Sue Whittington (*via electronic communication*)
Cr John Callisto (*via electronic communication*)
Cr Christel Mex (*via electronic communication*)

Staff

Mario Barone (Chief Executive Officer)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Sharon Perkins (General Manager, Corporate Services)
Lisa Mara (General Manager, Governance & Community Affairs) (*via electronic communication*)
Keke Michalos (Manager, Economic Development & Strategic Projects) (*via electronic communication*)
Eleanor Walters (Manager, Urban Planning & Sustainability) (*via electronic communication*)
Scott Dearman (Project Manager, Assets) (*via electronic communication*)
Chris McDermott (Manager, City Services)
Rico Palombella (Project Manager, Civil)
Marina Fischetti (Executive Assistant, Urban Services)
Tina Zullo (Administration Officer, Governance & Community Affairs)

APOLOGIES Nil

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Mike Stock.

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 17 JANUARY 2022

Cr Whittington moved that the minutes of the Council meeting held on 17 January 2022 be taken as read and confirmed. Seconded by Cr Moorhouse and carried.

4. MAYOR'S COMMUNICATION

Monday, 17 January	<ul style="list-style-type: none">• Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Tuesday, 18 January	<ul style="list-style-type: none">• Attended an onsite meeting with the Acting General Manager, Urban Services; and Works Coordinator, Civil Maintenance, Gage Street, Firlie.
Wednesday, 26 January	<ul style="list-style-type: none">• Presided over the 2022 Australia Day Awards and Citizenship Ceremony, St Peters Street, St Peters.
Friday, 28 January	<ul style="list-style-type: none">• Radio Interview, ABC 891.
Tuesday, 1 February	<ul style="list-style-type: none">• Attended the Commissioning Service for Bishop Tim Harris as the new Rector of St Matthew's Anglican Church, Marryatville.
Wednesday, 2 February	<ul style="list-style-type: none">• Attended a site meeting with Cr Connie Granozio, Cr Mike Stock, Manager, Traffic and Integrated Transport and Mr Bob Maloney (President, Norwood, Payneham & St Peters Residents Association), Trinity Gardens.
Wednesday, 2 February	<ul style="list-style-type: none">• Attended a meeting with Cr John Callisto and Cr Christel Mex.
Thursday, 3 February	<ul style="list-style-type: none">• Attended a dinner with Mr Dipak Dhamala, Honorary Consul-General for Nepal and Ms Adriana Christopoulos (Chair, South Australian Multicultural Affairs Commission), Taste of Nepal, Kensington.
Friday, 4 February	<ul style="list-style-type: none">• Attended a Breakfast meeting with Eastern Region Alliance (ERA) Mayors, Luigi Delicatessan, Adelaide.

5. DELEGATES COMMUNICATION

Cr Mex advised that on Tuesday 1 February 2022, she attended the Commissioning Service for Bishop Tim Harris as the new Rector of St Matthew's Anglican Church, Kensington.

Cr Sims connected to the meeting via electronic communication at 7.04pm.

6. QUESTIONS WITHOUT NOTICE

Nil

7. QUESTIONS WITH NOTICE

**7.1 QUESTIONS WITH NOTICE – WEBBE STREET CARPARK ADDITION OF SECOND LEVEL -
SUBMITTED BY CR FAY PATTERSON**

NOTICE OF MOTION: Webbe Street Car Park
SUBMITTED BY: Cr Fay Patterson
FILE REFERENCE: qA1040
ATTACHMENTS: Nil

BACKGROUND

Cr Patterson has submitted the following Question with Notice:

What is the status of the Council resolution to assess the feasibility of providing another level of car parking on the Webbe Street car park?

REASONS IN SUPPORT OF QUESTION

I do not support another level of car parking being provided at Webbe Street, due to the traffic it would generate. However, soon after I was elected, a resident contacted me to ask about improving pedestrian access through the car park from Edward Street. Staff advised that the most appropriate way to progress this was for this to be included in the feasibility assessment for another level on Webbe Street, which was already a resolution of Council, with a \$50,000 budget. That was some three (3) years ago but the resolution has not yet been implemented.

**RESPONSE TO QUESTION
PREPARED BY CHIEF EXECUTIVE OFFICER**

This project was scheduled to be commenced in 2021, however, due to other priorities (as determined by the Council) and staff workload, this project is scheduled to be undertaken and completed by the end of the 2021-2022 financial year.

At this stage, the Council is not being asked whether it supports or does not support the feasibility of constructing additional levels to the Webbe Street carpark.

This will be determined once the feasibility has been completed and considered by the Council. If it is feasible to construct additional level(s), then the decision to proceed will also be contingent on cost and other Council priorities.

Issues such as pedestrian access and general improvements to the design of the carpark, will be considered as part of the feasibility assessment.

7.2 QUESTIONS WITH NOTICE – PROGRESS OF RESOLUTIONS OF COUNCIL – SUBMITTED BY CR FAY PATTERSON

NOTICE OF MOTION: Progress of Resolutions of Council
SUBMITTED BY: Cr Fay Patterson
FILE REFERENCE: qA1040
ATTACHMENTS: Nil

BACKGROUND

Cr Patterson has submitted the following Question with Notice:

Apart from financial updates, what reporting or KPIs are available to Elected Members to monitor the progress of resolutions of Council?

REASONS IN SUPPORT OF QUESTION

As well as being the Corporation's decision-making body, Council is also its Board of Management. Understanding how many resolutions remain outstanding would be useful to Elected Members in terms of resource pressures, such as when deciding whether to put forward a new Motion that staff will need to implement. Resolutions that have been funded but not implemented also have an impact on the operating budget and if certain resolutions are not being progressed because priorities have changed, Elected Members could improve the budgetary process by seeking to rescind such resolutions. However, I am unaware of any formal method for Elected Members to monitor the progress, or lack of progress, of Council resolutions.

**RESPONSE TO QUESTION
PREPARED BY CHIEF EXECUTIVE OFFICER**

The status of the Council resolutions is provided in the Action Sheet and Reports Outstanding Register which is distributed to Elected Members in the Weekly Communique.

The Action Sheet and Reports Outstanding register provides the status of all Council resolutions and as part of this reporting, all completed actions are documented.

If this question relates to projects (as opposed to resolutions) the status of projects is also communicated to Elected Members in the Weekly Communique. In addition, the status of projects is reported through the monthly Budget report and a comprehensive status report at the Third Budget Review.

A more comprehensive reporting framework is on the agenda to be implemented.

8. **DEPUTATIONS**
Nil

9. **PETITIONS**
Nil

10. **WRITTEN NOTICES OF MOTION**

10.1 CITY OF NORWOOD PAYNEHAM & ST PETERS BUILT HERITAGE STRATEGY AND ACTION PLAN – SUBMITTED BY MAYOR ROBERT BRIA

NOTICE OF MOTION: City of Norwood Payneham & St Peters Built Heritage Strategy and Action Plan
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 Council endorses, in principle, the development of a City of Norwood Payneham & St Peters Built Heritage Strategy and Action Plan.
2. That staff present a report regarding the development of a Built Heritage Strategy and Action Plan at the Ordinary Council meeting on 7 March 2022.

REASONS IN SUPPORT OF MOTION

Heritage is and one of the great strength of the City of Norwood Payneham & St Peters. As the oldest suburban municipality in Australia, our City has a rich history. This includes our City's built heritage, which has led to our membership of the League of Historical Cities. The City can be very proud of its record and achievements, which have only been possible with the strong and support of the community. For example, community support was critical in successfully listings 73 State Heritage Places, 661 Local Heritage Places and more than 1464 Contributory Items over the past three decades.

As Members will recall, at its meeting held on 5 October 2021 the Council considered two Notices of Motion related to increasing levels of protection our City's built heritage. Since that time, I have reflected on how these two new initiatives fit in what the work that has already been already undertaken in this area. To date, the Council has never had an over-arching strategic document that clearly sets out our City's approach to managing, preserving, promoting and celebrating our City's built heritage.

I believe the development of a concise Built Heritage Strategy and Action Plan will fill that void. Specifically, it will enable Council to identify its priorities for action and articulate its values regarding built heritage, as well and establish better linkages between the heritage elements of our City, as well as provide a medium to long term plan preserve and protect heritage, fund cultural heritage projects and create better visibility within our community in regards to heritage management.

Examples of Councils that have a Heritage Strategy, include the City of Yarra (Melbourne), which takes in the inner-city suburbs of Carlton, Richmond and Collingwood. The City of Yarra City Council's Heritage Strategy (2019-2030) refers to the historical context, community context and legislative and policy context, and Strategic context. The strategy has linkages to the City of Yarra's Strategic Plan and other relevant strategies, as well as the Victorian Government's heritage agencies and policies.

If supported, the City of Norwood Payneham & St Peters will be only one of a handful of Councils in South Australia, including Barossa Council, that have a Heritage Strategy and will reinforce our reputation as a leader in this area.

Finally, I have had a number of discussions about this proposal with Council's planning staff, who agree that the development of such a brief Built Heritage Strategy be developed as a priority. I am advised that the development of a strategy will not require additional funding and can be completed by May or June 2022 using existing resources.

STAFF COMMENT
PREPARED BY GENERAL MANAGER, URBAN PLANNING & ENVIRONMENT

The preparation of an overarching Built Heritage Strategy and Action Plan is supported by staff. If the scope and content of the Strategy and Action Plan is brief, it can be prepared in a relatively short timeframe and within existing resources.

A report addressing the two Notices of Motions related to increasing levels of protection our City's built heritage that the Council endorsed in October 2021, is being prepared for the March 2022 Council meeting. If the Council endorses Mayor Bria's Notice of Motion, staff will include commentary and options for the preparation of a Built Heritage Strategy and Action Plan as part of the Heritage Protection Options report to be presented to the Council.

The preparation of a concise Built Heritage Strategy and Action Plan will provide a guiding framework for heritage protection actions and will outline the council's vision and priority areas for heritage protection. Such a document could also be used to communicate and promote to the community, what the Council values about built heritage, what challenges it faces in this space and what actions it intends pursuing to further enhance heritage protection across the City. In addition, such a strategy can and should be integrated with the preparation of any future Cultural Heritage Strategic documents, as built heritage represents an important class of cultural assets and reflects the physical manifestation of the Council's cultural development over time.

Cr Whittington moved:

- 1. That Council endorses, in principle, the development of a City of Norwood Payneham & St Peters Built Heritage Strategy and Action Plan.*
- 2. That staff present a report regarding the development of a Built Heritage Strategy and Action Plan at the Ordinary Council meeting on 7 March 2022.*

Seconded by Cr Mex and carried unanimously.

10.2 FELIXSTOW TRAFFIC MANAGEMENT ISSUES – SUBMITTED BY CR FAY PATTERSON

NOTICE OF MOTION: Felixstow Traffic Management Issues
SUBMITTED BY: Cr Fay Patterson
FILE REFERENCE: qA1039
ATTACHMENTS: Nil

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

NOTICE OF MOTION

1. That part 1a) of the decision of the Traffic Management & Road Safety Committee, made at its meeting held on 21 December 2021 regarding the Petition – Felixstow Traffic Management Issues, as follows:

1) *That the Committee endorses the following approach to address the concerns outlined in the Petition:*

a. *Staff will undertake detailed design investigations to confirm that the series of T-junction rearrangements in Langman Grove, as depicted on the plans contained in Attachment D, are feasible. If feasibility is confirmed, the funding required to install the devices will be sought as part of the Council's third quarter budget review for 2021-2022 so as to enable the devices to be installed in conjunction with the finalisation of roadworks in Langman Grove, as soon as possible.*

be deferred in its implementation until the following options have been reviewed in consultation with Campbelltown and Norwood Payneham St Peters Bicycle User Groups and reported to Council; with the purpose of the review being to reduce safety impacts on active transport modes.

- i. One-way road closure on Langman Grove prohibiting westbound traffic, with bicycle and bus exemption
- ii. As above with “authorised vehicles exempted”, using a permanent camera coupled with automated number plate recognition software for enforcement and to allow local residents of Felixstow and Campbelltown to be exempted from the road closure
- iii. Actibump smart speed management
- iv. Any other treatments identified during the review that the Manager, Traffic & Integrated Transport believes are warranted
- v. Design amendments to mitigate impacts on cyclists.

2. That part of unexpended staff expenses as advised at the last budget update be allocated to employ a traffic engineer to assist the Manager, Traffic & Integrated Transport for three days a week until the end of the financial year.

REASONS IN SUPPORT OF MOTION

1. All three traffic engineers on the Traffic Management and Road Safety Committee agreed at the last meeting that the pavement bar treatment proposed for Langman Grove will reduce safety for cyclists. Nonetheless, the proposal was adopted due to the lack of alternatives available to traffic engineers. However, there are a number of factors that were not well tested in a staff report that was prepared in a very timely manner following the Felixstow residents' petitioning of Council.

Firstly, proposed options excluded a bus/bicycle exempt road closure because of the need to maintain a “through movement” from Campbelltown to Felixstow. This through movement was prioritised because right turn opportunities into Lower Northeast Road during peak periods were considered unacceptably inconvenient for Campbelltown residents. However, the assumptions underlying this position were not tested.

- Felixstow residents claimed, and Campbelltown residents have confirmed to me, that Campbelltown/Felixstow is a shortcut from Darley Road to OG Road. Drivers use this as it is faster than using Lower Northeast Road. As a result, protecting the “through movement” also prioritises rat-running through Campbelltown and Felixstow, past Marden Primary School in Campbelltown and several community uses in our council area. And protecting this movement does nothing to reduce traffic volumes on Langman Grove, which was one of the outcomes the Felixstow residents’ petition asked for.
- While turning right into Lower Northeast Road is indeed difficult in the morning peak, the traffic lights at Payneham/Glynburn/Montacute Roads tend to break up north-east bound traffic. As a result, if Campbelltown residents cannot turn right, they can easily turn left and move into right-turn lanes in the centre of Lower Northeast Road, from which it is safe and easy to U-turn.
- Following the meeting, a Felixstow resident advised that DIT was considering withdrawing articulated buses from the Langman Grove route due to low patronage. This could affect the feasibility of a road closure design with bus exemption.

It was stated that a road closure would require a wider traffic study to understand the impacts. However, the only legislated requirement is to advise a neighbouring Council if, as in this case, their road network will be affected.

Secondly, it was considered that engaging with DIT to consider innovative treatments would take too long for this to be feasible. However:

- The pavement bar proposal is designed to suit the 40km/h speed zone proposal. It will only have an effect on speeds once this measure has been approved and implemented, and indeed should arguably not be installed until this time, as the new pavement bars are more aggressive than the previous treatment. The DIT approval process for a 40km/h zone gives us time to at least raise innovative treatments with DIT. In the interim, the traffic management associated with road works along Langman Grove can be maintained.
- The traffic treatments available through traditional Local Area Traffic Management have not changed much in decades. In many of the suburbs that are now petitioning council about traffic issues, LATM devices have already been installed but traffic volume and speed issues are greater than ever. To address these problems effectively, we need new options.
- Several councils in metropolitan Adelaide have installed cameras as part of parking management. Automated number plate recognition technologies are well established, being used by SAPOL and private parking contractors. Using this technology to enforce a limited road closure offers the opportunity of allowing local traffic ongoing and easy access while very effectively discouraging rat-running, without having to rely on police deployment. And as cameras are enforcement rather than traffic control devices, DIT authority for this should not be required. This approach could be useful in other parts of our council area.
- Actibump is a Swedish technology that has been used in Western Australia at the University of Curtin – whose campus has a larger footprint than Perth’s CBD – since 2018¹. The success of their first trials have encouraged them to install several more. Actibump uses a camera to check approach vehicle speed and if the vehicle is travelling too fast, activates a small trench, giving an unpleasant jolt to drivers similar to going over a speed bump (but less likely to cause damage to speeding cars.) As it can exempt buses and only activates if cars are travelling over the speed limit, it has no impact on cars driving at/under the speed limit and doesn’t have the negatives of speed bumps. It is reportedly far more effective in generating compliance with speed limits than speed bumps and although not cheap, far fewer are required on a given stretch of road.

¹ See <https://highways.today/2019/01/14/actibump-success-australia/>

Thirdly, despite the potential impacts on cyclists from drivers squeezing past at pavement bar locations, no design measures were considered in the staff report to improve safety. The Manager, Traffic & Integrated Transport made an extraordinary effort to provide additional design work in time for the Committee meeting, so the lack of this design refinement is not unreasonable. Nevertheless, if pavement bars remain the preferred option, then the final design needs to try to reduce safety impacts on affected road users as much as possible.

2. The staff report noted that dealing with Felixstow's traffic management any further would have an impact on the ability to address day-to-day issues. Since this Motion requests further consideration, and noting that a new petition regarding traffic was received at the January meeting, this Motion seeks to provide the CEO with licence to resource both day-to-day and emerging traffic issues.

STAFF COMMENT

PREPARED BY MANAGER, TRAFFIC & INTEGRATED TRANSPORT

Whilst it is acknowledged that the proposed traffic management solution may not be the best-practice approach to cater for cyclists, it is important to understand that Langman Grove is not wide enough to provide separate bicycle lanes unless on-street parking was removed. Given that the removal of parking along both sides of Langman Grove, would create other impacts, this was not considered feasible or indeed logical. Therefore, the only alternative is for cyclists and motorists to share the road space (unless a cyclist chooses to ride on the footpath or the River Torrens Linear Park Shared Path). The intent of the proposed treatments, is that the slow points at each junction (intersection) would reduce the speed differential between vehicles and cyclists and therefore, provide a safer environment for cyclists. The pavement bars are located only at junctions which allows for a vehicle to pass a cyclist in the mid-block sections.

The staff report which was presented to and considered by the Traffic Management & Road Safety Committee in December 2021, regarding proposed traffic management treatments for Langman Grove, was prepared in a short timeframe as noted by Cr Patterson, however, the recommendations have been well considered, following several months of investigations into traffic management issues in the locality. That is, this issue was being investigated before the petition was received.

Various traffic management solutions were considered, tested and discussed in the report presented to the Committee, over a long period of time, but a feasible solution, other than the solution which was received and endorsed by the Committee, was not found due to the narrow width of the Langman Grove vehicle carriageway and the need to provide for articulated bus movements. Speed cushions were considered as these can be used on bus routes and narrow roads, but were not recommended because these result in significant noise impact to adjacent residents as vehicles drive over them. Previous installations of road humps has resulted in residents being unable to sleep due to the noise, and as such, the use of road humps as speed attenuation measures was not considered as a viable solution in this locality.

The recommended solution of slow points at T-junctions is a new traffic management device that proved to be feasible for Langman Grove and was only recently endorsed by DIT as a viable solution in its Code of Technical Requirements. The proposed slow points would suit a 40km/h area-wide speed limit but it is not conditional that the speed limit be implemented simultaneously.

Liaison with the South Australian Public Transport Authority (SAPTA), a division of the Department for Infrastructure & Transport (DIT), was undertaken during the concept design phase which determined that the traffic intervention design needed to be based on allowing for an 18m articulated bus to drive along Langman Grove. In light of Cr Patterson's comment that DIT had informed a resident (unnamed) that articulated buses may be withdrawn due to low patronage, SAPTA was contacted again for confirmation of its position.

The reply received is set out below:

"In order to maximise the use of the fleet that we have, to operate all of the services across a weekday, we need to allow any vehicle type to operate on all routes in the network. There are some services that we specifically designate to be articulated vehicles because we know that the larger capacity is needed to carry all of the passengers (school trips being a good example) but we don't designate a particular type of vehicle due to low patronage.

If we started restricting which vehicles could be used on certain routes, then we would need more vehicles in the fleet to operate the same number of trips. We don't have the funds to expand our fleet of vehicles for this to occur at this stage".

The advice from SAPTA confirms that their view has not changed and that any traffic intervention design for Langman Grove, needs to cater for access by an 18-metre articulated bus. I also note that the bus route that travels along Langman Grove, runs between the Paradise and the Marion Interchanges and that other sections of this route may in fact have high patronage.

Installing a road closure (except for buses and bikes) at Wicks Avenue (the border between NPSP and the Campbelltown City Council), would significantly reduce traffic from further upstream and could encourage sustainable transport options. However, it is important to note that Langman Grove is not just an access street to residential properties in Langman Grove, but also provides wider-district access to Felixstow Reserve, East Marden Primary School, Felixstow Community School, Payneham Swimming Centre, Youth Centre, Payneham Library and *The Briars* Special Early Learning Centre. Given the street layout and lack of alternative options, a road closure is an extreme solution as it would likely impact many residents of both Local Government Areas, by reducing permeability and shifting traffic to other local streets in Felixstow. Therefore, it would be careless to install a road closure in this location without undertaking a study to understand the resulting traffic, safety and social impacts. This solution is considered to be unnecessary.

With respect to part 2 of the Notice of Motion, it should be noted that during periods of high workload, external traffic engineering assistance can and has been sought to assist the Manager, Traffic & Integrated Transport to undertake the Council's traffic management function. For example, a qualified and experienced traffic engineer, was engaged in December 2021 to assist the Manager, Traffic & Integrated Transport on an 'as needed' basis during this current financial year. The funding for this assistance has been sourced from the current budget allocation for traffic engineering matters and if required, further funding can be requested from the Council through the third quarter budget review. It is considered that the current approach by staff obviates the need for any further allocation of resources to deal with traffic management issues during the current financial year.

If the Notice of Motion is endorsed, the preparation of a comprehensive review of additional options would need to be outsourced to a Traffic Engineering Consultant as the additional workload cannot be catered for within existing resources.

Mayor Bria declared a perceived conflict of interest, as his father lives near Wicks Avenue. Mayor Bria advised that he would remain in the meeting and take part in the decision-making process with an open mind.

Cr Patterson moved:

1. *That part 1a) of the decision of the Traffic Management & Road Safety Committee, made at its meeting held on 21 December 2021 regarding the Petition – Felixstow Traffic Management Issues, as follows:*

1) *That the Committee endorses the following approach to address the concerns outlined in the Petition:*

a. *Staff will undertake detailed design investigations to confirm that the series of T-junction rearrangements in Langman Grove, as depicted on the plans contained in Attachment D, are feasible. If feasibility is confirmed, the funding required to install the devices will be sought as part of the Council's third quarter budget review for 2021-2022 so as to enable the devices to be installed in conjunction with the finalisation of roadworks in Langman Grove, as soon as possible.*

be deferred in its implementation until the following options have been reviewed in consultation with Campbelltown and Norwood Payneham St Peters Bicycle User Groups and reported to Council; with the purpose of the review being to reduce safety impacts on active transport modes.

- i. One-way road closure on Langman Grove prohibiting westbound traffic, with bicycle and bus exemption*
- ii. As above with "authorised vehicles exempted", using a permanent camera coupled with automated number plate recognition software for enforcement and to allow local residents of Felixstow and Campbelltown to be exempted from the road closure*
- iii. Actibump smart speed management*
- iv. Any other treatments identified during the review that the Manager, Traffic & Integrated Transport believes are warranted*
- v. Design amendments to mitigate impacts on cyclists.*

The motion lapsed for want of a seconder.

Cr Patterson moved:

2. *That part of unexpended staff expenses as advised at the last budget update be allocated to employ a traffic engineer to assist the Manager, Traffic & Integrated Transport for three days a week until the end of the financial year.*

The motion lapsed for want of a seconder.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 THE FUTURE OF SINGLE-USE PLASTIC IN SOUTH AUSTRALIA

REPORT AUTHOR: Sustainability Officer
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4532
FILE REFERENCE: qA1771
ATTACHMENTS: A – B

PURPOSE OF REPORT

The purpose of the report is to seek the Council's endorsement of a response to the State Government's Discussion Paper, '*Turning the tide 2021: the future of single-use plastic in South Australia*'.

BACKGROUND

In February 2019, the State Government released a Discussion Paper titled '*Turning the Tide on Single-use Plastic Products*' and sought ideas on measures to better protect the environment from impacts associated with single-use plastic products.

In February 2020, the draft *Single-use and Other Plastic Products (Waste Avoidance) Bill 2020*, was released for public consultation. The Bill was subsequently introduced into Parliament on 30 April 2020. The ascension of the Bill into law prohibits the sale, supply and distribution of certain single-use plastic products and establishes a framework for adding other products to the list of prohibited items in the future. The legislation was prepared to implement the State Government's announcement in July 2019, that it would address the impacts of single-use plastic products and make South Australia the first state to ban single-use plastics.

Due to the impacts of COVID-19 during 2020, the prohibition of sale, supply and distribution of a select number of single-use plastic products, was deferred until 1 March 2021, with a ban on several other single-use plastic products announced for 1 March 2022.

Products prohibited since 1 March 2021, include single-use plastic straws, cutlery and stirrers.

Products to be prohibited from 1 March 2022, include expanded polystyrene cups, bowls, plate and clamshell containers and oxo-degradable plastic bags. Prior to 2021, the Council's dog waste bags were made from oxo-degradable plastic with sixty per cent of recycled plastic content. However, in August 2021, the Council switched to supplying compostable dog waste bags at council reserves and parks as an alternative in preparation for the implementation of the legislation.

The current Discussion Paper, '*Turning the tide 2021: the future of single-use plastic in South Australia*', is calling for submissions on what additional single-use plastic products should be added to the legislation of prohibited items, in what the State Government is calling Stage 3 (no later than 1 March 2023); Stage 4 (no later than 1 March 2024); and Stage 5 (no later than 1 March 2025).

A copy of the Discussion Paper is contained in **Attachment A**.

Following consideration of feedback received during the consultation period, the legislation will likely be amended to include additional single-use plastic products.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 4: Environmental Sustainability

A leader in environmental sustainability

Objective 4.1: Sustainable and efficient management of resources.

Strategy 4.1.2 Investigate and implement innovative waste reduction and education initiatives.

Objective 4.4: Mitigating and adapting to the impacts of climate change.

Strategy 4.4.1 Lead initiatives to reduce the City's ecological footprint and carbon emissions.

FINANCIAL AND BUDGET IMPLICATIONS

Nil

EXTERNAL ECONOMIC IMPLICATIONS

Government intervention is required in relation to the banning of single-use plastic products. The demand for these products will not likely change on a large scale, through consumer choice alone. As such, the *Single-use and Other Plastic Products (Waste Avoidance) Bill 2020*, was introduced to prohibit the sale, supply and distribution of certain single-use plastic products and provide a framework to allow additional products to be added. There will be economic implications and requirements for suppliers and consumers, to swap to a reusable, recyclable or compostable alternative. The potential economic benefits of a more resource-efficient and circular approach, have not yet been realised through the introduction of the legislation.

SOCIAL ISSUES

Plastic is an important material in the economy and everyday lives of citizens. It has enabled the health industry to save countless lives through medical innovation as well as facilitating safe food storage, producing light and innovative materials, and reducing food waste. However, the current production, use and disposal of plastics is harming our environment. Virgin plastics, mostly single-use, are produced at a low cost and have become, prolific in our society and are causing long-lasting negative impacts on our environment. Plastic production, litter and disposal in landfill is causing detriment to marine ecosystems, biodiversity and potentially human health, causing global concern.

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Countless studies show that plastic, in particular single-use plastics, have high carbon emissions which are contaminating our soil and water; choking, starving and entangling our wildlife, polluting our waterways and oceans; and filling our landfills.

RESOURCE ISSUES

Nil

RISK MANAGEMENT

The risk of not submitting a response to the State Government Discussion Paper is that the Council's views on additional items to be prohibited through the *Single-use and Other Plastic Products (Waste Avoidance) Bill 2020* will not be considered.

By submitting a response to the Discussion Paper, the Council's views will be considered.

COVID-19 IMPLICATIONS

As stated previously, due to the impacts of COVID-19 during 2020 the prohibition of sale, supply and distribution of a select number of single-use plastic products was not implemented until 1 March 2021.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.

- **Staff**
Not Applicable.
- **Other Agencies**
East Waste

DISCUSSION

The purpose of the most recent Discussion Paper, *Turning the tide 2021: the future of single-use plastic in South Australia*, is to seek community feedback on what additional single-use plastic products should be prohibited through the *Single-use and Other Plastic Products (Waste Avoidance) Bill 2020*.

The State Government has identified a range of single-use plastic products that have reusable, recyclable or compostable alternatives that could be included and is seeking to understand what additional products need to be addressed and what impact that will have on businesses and the community.

Although many materials (paper and cardboard, glass, metal, and rigid plastics) are recyclable through kerbside waste collection services offered by the Local Government sector, there are many products manufactured, distributed and sold in South Australia that cannot be recycled through the kerbside collection system and these items should be either prohibited through legislation; or manufacturers, suppliers and sellers required to take responsibility for these items through mechanisms such as product stewardship schemes.

The Discussion Paper proposes the following timelines to prohibit the sale, supply and distribution of selected single-use plastic products:

Stage 3 (no later than 1 March 2023)

- plastic bags (heavyweight and plastic produce bags);
- plastic balloon sticks and ties;
- plastic-stemmed cotton buds;
- plastic confetti; and
- plastic pizza savers.

Stage 4 (no later than 1 March 2024)

- single-use plastic cups (including coffee cups);
- plastic lids on single-use cups (including coffee cup lids); and
- single-use plastic food containers, bowls and plates.

Stage 5 (no later than 1 March 2025)

- fruit stickers;
- other expanded polystyrene (EPS) consumer food and beverage containers;
- EPS trays used for meat, fruit and other food items for retail sale; and
- pre-packaged and attached products (e.g. straws and cutlery).

Four (4) other single-use plastic products are identified in the Discussion Paper but no action (prohibition) is proposed at this stage of the legislation review, as the State Government is of the view there are no suitable reusable, recyclable or compostable alternatives to:

- balloons;
- plastic soy sauce fish;
- plastic beverage plugs; and
- plastic bread tags.

The draft response from the Council, contained in **Attachment B**, addresses the above products, alternatives and the proposed timeframes for prohibiting as well as the products with no actions proposed. A summary of the draft response is included in the table below.

TABLE 1: SUMMARY OF DRAFT RESPONSE TO DISCUSSION PAPER

Item	Government Propose Action	Council's Suggestion
Plastic bags	Prohibit plastic produce bags (in front of the counter only) no later than 1 March 2023 (Stage 3) with compostable or other alternatives.	Prohibit plastic produce bags (in front and behind the counter) no later than 1 March 2023 (Stage 3) with compostable or 'bring your own' as alternatives (not recyclable).
	Prohibit heavyweight plastic shopping / carrier bags to be replaced with 'bring your own' or recyclable alternatives no later than 1 March 2024 (Stage 4)	Prohibit heavyweight plastic shopping / carrier bags to be replaced with 'bring your own' or recyclable alternatives no later than 1 March 2023 (Stage 3)
Single-use plastic cups (including coffee cups)	Prohibit and replace with 'bring your own'; 100% recyclable through widely available service; and or compostable alternatives no later than 1 March 2024 (Stage 4).	Prohibit and replace with 'bring your own'; and or compostable alternatives (not recyclable) no later than 1 March 2024 (Stage 4).
	Feature clear and prominent labelling regarding which bin(s) to place in.	Feature clear and prominent labelling regarding which bin(s) to place in.
Plastic lids on single-use cups (including coffee cups)	Prohibit and replace with recyclable; and or compostable alternatives no later than 1 March 2024 (Stage 4).	Prohibit and replace with 'bring your own', and or compostable alternatives (not recyclable) no later than 1 March 2024 (Stage 4).
	Feature clear and prominent labelling regarding which bin(s) to place in.	Feature clear and prominent labelling regarding which bin(s) to place in.
Single-use plastic food containers, bowls and plates	Prohibit and replace with 'bring your own'; 100% recyclable through widely available service; and or compostable alternatives no later than 1 March 2024 (Stage 4).	Prohibit and replace with 'bring your own'; and or compostable alternatives (not recyclable) no later than 1 March 2024 (Stage 4).
	Feature clear and prominent labelling regarding which bin(s) to place in.	Feature clear and prominent labelling regarding which bin(s) to place in.
Plastic balloon sticks and ties	Ban and replace with recyclable or compostable alternatives no later than 1 March 2023 (Stage 3).	Ban no later than 1 March 2023 (Stage 3).
	Not proposing to ban balloons.	Ban all types of balloons (plastic, latex, foil-lined etc.) no later than 1 March 2023 (Stage 3)
Plastic-stemmed cotton buds	Ban and replace with compostable or reusable alternatives no later than 1 March 2023 (Stage 3).	Ban and replace with compostable or reusable alternatives no later than 1 March 2023 (Stage 3).
		Feature clear and prominent labelling regarding which bin(s) to place in.
Fruit stickers	Ban and replace with non-plastic option or no sticker as not required by law no later than 1 March 2025 (Stage 5)	Ban and replace with non-plastic option or no sticker as not required by law no later than 1 March 2023 (Stage 3)
Plastic confetti	Ban and replace with compostable alternative no later than 1 March 2023 (Stage 3)	Ban and replace with compostable alternative no later than 1 March 2023 (Stage 3).
		Also include plastic streamers to be banned.

Item	Government Propose Action	Council's Suggestion
Plastic pizza savers	Ban and replace with compostable alternative no later than 1 March 2023 (Stage 3)	Ban and replace with compostable alternative no later than 1 March 2023 (Stage 3)
Plastic soy sauce fish	Limited sustainable alternatives, no prohibition at this stage. Encourage education and awareness for consumers on responsible disposal of the product in its current form.	Prohibit plastic soy sauce fish and foil sachets no later than 1 March 2025 (Stage 5).
Plastic beverage plugs	Limited alternatives, no ban at this stage. Continue to review and encourage pursue alternative options.	Reusable or compostable alternative or altered lid to negate the need for the plug. Prohibited in line with single-use plastic cups and lids in Stage 4 (no later than 1 March 2024)
Plastic bread tags	Viable alternatives at scale are still emerging, with no prohibition at this stage.	Recyclable or compostable alternatives are available. Prohibited in Stage 4 (no later than 1 March 2024). Also, prohibit plastic bread ties with metal strips.
Other (EPS) consumer food and beverage containers	Align with National Packaging Targets and prohibit no later than 1 March 2025 (Stage 5)	Lead by example and prohibit no later than 1 March 2023 (Stage 3)
EPS trays used for meat, fruit and other food items for retail sale	Align with National Packaging Targets and prohibit no later than 1 March 2025 (Stage 5)	Lead by example and prohibit no later than 1 March 2023 (Stage 3)
Pre-packaged and attached products	Align with National Packaging Targets and prohibit no later than 1 March 2025 (Stage 5)	Lead by example and prohibit no later than 1 March 2023 (Stage 3)

The draft response provides further feedback on one product that is not included in the Discussion Paper at all, takeaway plastic-lined or plastic windowed cardboard food containers (e.g. noodle and burger boxes). It is suggested that the Council's position be similar to its position on other products listed, in that any product that contains food (or beverages) should be reusable or compostable, not recyclable, to avoid contamination of waste streams and simplifies of products. There are 100% cardboard options on the market that do not have plastic windows or are plastic-lined, which means the container (e.g. noodle and or burger boxes) can be plastic in an organic bin (with or without food scraps).

Another consideration raised in the Discussion Paper is public litter bins and the lack of organics and recycling options in public places across South Australia. The Council's submission highlights that there are limited public organics and recycling bins, because of the high level of contamination. The high level of contamination is due to single-use plastic takeaway, disposable and or packaged items being disposed of in public spaces. Many of these items are confusing, made from multiple components, soiled with food and or beverage and placed incorrectly into bins, therefore the public bins can only be serviced as waste to landfill. The *Single-use and Other Plastics (Waste Avoidance) Act 2020*, has the potential to deal with many of the problematic items that contribute to the high level of contamination in public litter bins which could enable local government to provide organics and or recycling bins in public spaces in the future.

Given the above context, it is recommended that the Council advocates that any product that contains food or beverages should be reusable or compostable, not recyclable, to avoid contamination of waste streams. It would also simplify waste disposal of these items for citizens (e.g. consumers should not have to separate organic or liquid contents from recyclable containers while out in public spaces in order to place the items in corresponding bins).

In addition to products that contain food or beverages being compostable, it is recommended that the Council support the introduction of the requirement for clear labelling on all takeaway packaging as this will assist consumers with correct disposal of items in public spaces and / or at home, reducing contamination of waste to landfill and assist Local Government with providing organic and or recycling bins in public places.

OPTIONS

The Council has the following options with respect to how it responds to the Discussion Paper, '*Turning the tide 2021: the future of single-use plastic in South Australia*'.

Option 1

The Council can resolve to endorse the draft response to the State Government on the Discussion Paper contained in **Attachment B**.

This option is recommended.

Option 2

The Council can resolve to endorse the draft response to the State Government on the Discussion Paper contained **Attachment B** with amendments.

Option 3

The Council can resolve to not provide a response to the State Government on the Discussion Paper.

This option is not recommended based on the impact of single-use plastic has on the Council's operations.

CONCLUSION

A response to the Discussion Paper has been prepared, and is contained in **Attachment B**.

COMMENTS

Nil

RECOMMENDATION

That the draft response to the State Government on the Discussion Paper, as contained in **Attachment B**, be endorsed.

Cr Duke moved:

That the draft response to the State Government on the Discussion Paper, as contained in Attachment B, be endorsed.

Seconded by Cr Sims and carried unanimously.

11.2 PUBLICLY ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION LOCATIONS

REPORT AUTHOR: Sustainability Officer
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4532
FILE REFERENCE: qA86799
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the outcome of the community consultation regarding the proposed locations for publicly accessible electric vehicle charging stations on Council owned land, before entering into lease agreements with two private operators.

BACKGROUND

In 2019, the second-highest source of community-generated carbon emissions, at 23%, in the City of Norwood Payneham & St Peters was from transport. There are two main methods to reduce community emissions from transport; firstly, by reducing the usage of internal combustion engine (ICE) vehicles with alternative and active transport modes and secondly, through increased the uptake of electric vehicles (EVs) powered by renewable energy.

A recent community survey by the Electric Vehicle Council showed that 45% of respondents in 2020, stated '*range anxiety*' as a factor that discourages them from buying an electric vehicle. '*Range anxiety*' refers to the consumer concern that electric vehicles do not travel long distances between charges and that there is a lack of available charging stations to make vehicle charging convenient. The provision of EV charging infrastructure in the public realm can help to alleviate '*range anxiety*' for Australian consumers, who are considering an EV as their next car purchase.

In May 2021, a Request for Proposal ('RFP') process was undertaken by staff, inviting proposals from commercial operators for the provision of publicly accessible EV fast-charging stations on Council land (at no cost to the Council). The RFP process aimed to "test the market appetite" for commercial operators to partner with the Council to provide cost-effective EV charging facilities across the Council area.

At its meeting held on 5 October 2021, the Council authorised staff to finalise negotiations with two private operators of publicly accessible EV charging stations on Council land to provide up to sixteen (16) Direct Current (DC) Level 3 EV fast-charging stations. Council staff then worked with the selected operators to investigate suitable locations for the chargers on Council-owned land e.g. roads, reserves and council facilities.

Community consultation for the proposed locations by the operators was required pursuant to Section 202(3) of the *Local Government Act 1999*, as the infrastructure is of a commercial nature and the total proposed lease term exceeds five (5) years.

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

1.2.1 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

4.1.3 Employ and promote energy efficiency initiatives and renewable energy resources

4.1.4 Promote the use of sustainable, active and low emissions transport modes

4.4.1 Lead initiatives to reduce the City's ecological footprint and carbon emissions.

FINANCIAL AND BUDGET IMPLICATIONS

Nil

EXTERNAL ECONOMIC IMPLICATIONS

Major barriers to the uptake of EVs are the availability of a network of charging infrastructure, affordability of EVs and support to residents and businesses to enable a local, national and global transition to EV future.

Electric vehicle uptake in Australia is slow when compared to many other developed countries, due to inadequate Government policies and minimal Government incentives for motorists to switch to electric motor vehicles. However, the manufacturers and technology companies are rapidly moving the automotive industry towards an electric future. Growth in uptake could be encouraged by increasing the number of public charging stations around the state and country.

Investment in public EV fast-charging stations by the Council is an initiative aimed at supporting the community in reducing emissions from on-road transport in lieu of private sector investment of public EV charging stations on private land while there is low community uptake of EVs and while bi-directional (vehicle to grid) technology is being introduced into EV models.

SOCIAL ISSUES

Nil

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Carbon emissions have a number of environmental and health effects. Carbon emissions trap heat in the atmosphere, causing hotter than average temperatures resulting in sea level rise, coral bleaching, heat waves, flooding, drought, 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.

Electric vehicles, when charged by renewables, have direct environmental benefits in reducing consumption of fossil fuels and emissions and reducing waste generated from coolants, oils, brake pads, spark plugs, air filters and the like. Australia could eliminate 6% of its total greenhouse gas emissions if all motorists drove a battery EV charged by renewable energy².

RESOURCE ISSUES

All tasks required to support the private operators in providing the publicly accessible EV charging station infrastructure on public land can be undertaken within current resources.

RISK MANAGEMENT

The governance risks associated with providing commercial EV charging stations on public land will be managed through entering into suitable contractual arrangements with each operator with standard requirements relating to insurance, service expectations, public risk and work health and safety protocols.

² Electric Vehicle Council Incorporated, Key Facts, 2018 <https://electricvehiclecouncil.com.au/about-ev/key-facts/>

COVID-19 IMPLICATIONS

There are no COVID-19 implications associated with progressing this initiative.

CONSULTATION

- **Elected Members**

Not applicable.

- **Community**

Community consultation was undertaken within the community from Monday 3 January to Sunday 23 January 2022.

As part of the consultation process, the proposed locations and number of chargers at each location were provided via the Council's website. An online survey was made available via the website as an easy and convenient option for citizens to provide feedback. In addition, information about how citizens could submit written feedback was also provided on the Council's website.

Promotion of the consultation period was provided not only via the Council website but via the Council's social media channels, at the Norwood Town Hall, libraries, community centre, swimming centres and child care.

- **Staff**

Not Applicable.

- **Other Agencies**

Nil.

DISCUSSION

The Council commenced its emission reduction journey over twenty years ago and has implemented a number of sustainability initiatives that work towards reducing corporate carbon emissions. Most recently, as part of reviewing its Strategic Management Plan, *CityPlan 2030: Shaping Our Future*, the Council set a target of "zero corporate carbon emissions by 2030" and endorsed the *Corporate Emissions Reduction Plan* in June 2021.

The Council has since engaged two private operators through a Request for Proposal ('RFP') process to provide commercial EV charging stations infrastructure for the community to access on Council land (e.g. community land and public roads) at no cost to the Council. In October 2021, the Council endorsed entering into Lease arrangements (for a term of up to 15 years) with the two operators, in line with the Council's strategic objectives set out in *CityPlan 2030*, the Smart City Plan, the Corporate Emissions Reduction Plan and Community Plan Management Plans.

The private operators, in partnership with the Council, have subsequently identified six (6) initial locations for the installation of the EV charging station infrastructure. The operators identified the locations by accessing each site against a set of criteria. The criteria consisted of power availability; traffic volume; transport routes; accessibility to parking; location of nearby amenities and facilities; lighting; safety and pedestrian access; and other site requirements / constraints such as visibility, trees and maintenance requirements. The number of charging points at each location was determined by the private operators' infrastructure design / specifications and were subject to power availability, as well as the predicted turnover of parking spaces.

The initial eight (8) chargers at six (6) locations that were identified are listed in Table 1 below and shown in **Attachment A**. These locations are a combination of off and on-street parking spaces. It should be noted that the listed locations are initial locations and does not preclude the Council from consulting the community in the future on other locations for another eight (8) publicly accessible EV charging stations within the City to reach the agreed sixteen (16) chargers proposed.

TABLE 1: PROPOSE LOCATIONS FOR PUBLICLY ACCESSIBLE EV CHARGING STATIONS

Locations	Charger Details
Glynde Corner Carpark, Felixstow 487 Payneham Road Felixstow	Single charger with two charge points (e.g. 2 parking bays)
Payneham Community Centre Carpark, Payneham 374 Payneham Road, Payneham	Single charger with one charge point (e.g. 1 parking bay)
Borthwick Memorial Gardens Carpark, Payneham Corner of Payneham Road and Portrush Road, Payneham	Single charger with one charge point (e.g. 1 parking bay)
Dunston Grove-Linde Reserve Carpark (off Nelson Street), Stepney 62 Nelson Street, Stepney	Single charger with one charge point (e.g. 1 parking bay)
Osmond Terrace, Norwood near Stephen Street (on-street park) Between 120 Magill Road and 11 Osmond Terrace (western side on-street park)	Single charger with one charge point (e.g. 1 on-street park)
Webbe Street Carpark, Norwood – upper level 2-6 Harris Street Norwood	Single charger with two charge points (e.g. 2 parking bays)

Community consultation commenced on Monday 3 January 2022 and comments were sought through the completion of an easy and convenient survey or written responses by no later than 5:00 pm Sunday 23 January 2022.

The survey comprised six (6) questions and each question allowed respondents to agree or disagree with a specific location for the publicly accessible EV charging station to be installed for a term of up to 15 years. If the respondents did not agree, the opportunity to provide their reason/s was given.

In response, the Council received a total of twenty-four (24) submissions, all of which were survey responses via the Council’s website.

All responses which have been received are supportive of the provision of EV charging stations on public land, however, some responses made alternative location suggestions. A copy of the survey responses is contained in **Attachment B** and a summary is set out in Table 2, below.

TABLE 2: SUMMARY OF SURVEY RESPONSES TO COMMUNITY CONSULTATION

Question 1: Do you agree with a publicly accessible EV charger (single charger with two charge points e.g. 2 parking bays) being installed for a term of up to 15 years at Glynde Corner Carpark, Felixstow?	Agree	Disagree
	100%	0%
Question 2: Do you agree with a publicly accessible EV charger (single charger with one charge point e.g. 1 parking bay) being installed for a term of up to 15 years at Payneham Community Centre Carpark, Payneham?	Agree	Disagree
	96%	4%
Question 3: Do you agree with a publicly accessible EV charger (single charger with one charge point e.g. 1 parking bay) being installed for a term of up to 15 years at Borthwick Memorial Gardens Carpark, Payneham?	Agree	Disagree
	83%	17%
Question 4: Do you agree with a publicly accessible EV charger (single charger with one charge point e.g. 1 parking bay) being installed for a term of up to 15 years at Dunston Grove-Linde Reserve Carpark, off Nelson Street, Stepney?	Agree	Disagree
	88%	12%

Question 5: Do you agree with a publicly accessible EV charger (single charger with one charge point e.g. 1 on-street park) being installed for a term of up to 15 years at Osmond Terrace, Norwood near Stephen Street (on-street park)?

Agree	Disagree
96%	4%

Question 6: Do you agree with a publicly accessible EV charger (single charger with two charge points e.g. 2 parking bays) being installed for a term of up to 15 years at Webbe Street Carpark, Norwood – upper level?

Agree	Disagree
88%	12%

The one (1) respondent who disagreed with Question 2, relating to the provision of a single charger (e.g. one parking bay) at the Payneham Community Centre, clarified their response and agreed with the location, but suggested two charge points instead of one.

The private operator identified this location and the number of charging points placed here is constrained by the operator's infrastructure design / specifications and power availability at the site, therefore the provision of an additional charge point at this location is not feasible.

The four (4) respondents who disagreed with Question 3, relating to the provision of a single charger (e.g. one parking bay) at Borthwick Memorial Gardens Carpark, Payneham, disagreed because they were collectively of the opinion that it was a low traffic area and the charger would be better located within the adjacent Marden Shopping Centre or The Parade east.

Borthwick Memorial Gardens Carpark was chosen by the private operator as it meets their set of criteria, which includes consideration of traffic volumes, transport routes, location of nearby amenities and facilities and safety and pedestrian access. It should be noted that the Marden Shopping Centre is privately owned and the Council cannot provide permission to a third party operator to install infrastructure on private land. It is up to the property owner to allow the installation of EV charging infrastructure within its car park. When this information was conveyed to the respondents, they did not disagree with the proposed location.

The three (3) respondents who disagreed with Question 4, relating to the provision of a single charger (e.g. one parking bay) at Dunston Grove-Linde Reserve Carpark, off Nelson Street, Stepney, disagreed because they were collectively of the opinion that adjacent The Avenues Shopping Centre carpark would be a better location.

Again, the Avenues Shopping Centre is privately owned and the Council cannot approve the installation of a third party operator's infrastructure on private land. It is up to the centre management to consider installing EV chargers on their land. Council staff have suggested to operators that they approach centre management, should they be interested in entering into a separate agreement to provide additional EV charging infrastructure. The Dunston Grove-Linde Reserve Carpark (off Nelson Street) is well-used reserve car park that is across the road to The Avenues Shopping Centre, close to the St Peters Library / Youth Centre / Women's Centre / a childcare. When this information was conveyed to the respondents, they did not disagree with the initially proposed location.

The one (1) respondent who disagreed with Question 5, relating to the provision of a single charger (e.g. one on-street park) on Osmond Terrace, Norwood, clarified their response and agreed with the location but suggested two charge points instead of one and additional locations for further chargers to be installed in other parts of the Council area.

The private operator identified this location and the number of charging points proposed at this location as it is constrained by the operator's infrastructure design / specifications and power availability at the site, therefore an additional charge point is not feasible. Other locations within the Council will be considered in time as the demand for EV charging facilities increases and this would also be dependent on supply over time provided on privately owned properties.

The three (3) respondents who disagreed with Question 6, relating to the provision of a single charge with two charge points (e.g. two parking bays) at the Webbe Street Carpark, Norwood, disagreed because they were collectively of the opinion that it should be located on ground level instead of the upper level and they would like more than two charging points.

The number of chargers (e.g. a single charger with two charge points) and the upper level location was chosen by the private operator, as it met their set of criteria which include power availability (access to the main switchboard); traffic volume; lighting; safety and pedestrian access; and other site requirements / constraints such as vehicle turning circles and parking bay length. The main switchboard within the carpark would require significant upgrades to enable additional chargers and the upper-level parking bay locations were the most feasible locations for the charger which still allowed space for a vehicle to safely park within the bay.

In addition, the proposed six (6) locations are initial locations and this does not preclude the Council from installing chargers at other locations for publicly accessible EV charging stations within the City. The provision of EV chargers along The Parade are being considered in conjunction with The Parade Master Planning project, hence why locations on The Parade were not consulted on through this process. When this information was conveyed to the respondents, they did not disagree with the initially proposed location.

Overall, eight (8) general comments were received through the survey about publicly accessible EV charging stations on public land and these submissions were either about additional locations respondents would like to see charging stations in the City (as well as outside the Council area) and their view that the overall number of chargers would need to be increased over time. These comments have been noted and will be considered when investigating future locations with the two private providers.

OPTIONS

The Council has the following options in respect to the implementation of this project:

Option 1:

The Council can endorse the proposed locations outlined in **Table 1** and depicted in **Attachment A** to this report.

Option 2:

Alternatively, the Council can omit or propose further investigation of locations (subject to site feasibility and alignment with the proposed terms of the Lease agreements).

As the proposed locations have been investigated and identified by the two private operators in collaboration with Council staff; and were subject to community consultation, it is recommended that the Council endorse the locations, as outlined in Option 1.

CONCLUSION

Council staff have worked with the two operators to investigate initial locations for the EV charging stations on Council owned land e.g. roads, reserves and council facilities.

In order for the Council to provide publicly accessible EV fast-charging stations on Council owned land (at no cost to the Council) through two commercial operators, a fifteen (15) year Lease agreement is required to be entered into. Before the Lease agreement can be entered into initial locations for commercial infrastructure must be identified and community consultation undertaken pursuant to Section 202(3) of the *Local Government Act 1999*.

The consultation process has concluded and it is evident that the proposal has broad support from those citizens who made submissions. The consultation process has not raised any concerns that require re-consideration or deferment of this project and it is therefore recommended that the Council endorse the finalisation of lease and other relevant agreements with the two private operators for the provision of publicly accessible EV charging infrastructure.

COMMENTS

Both operators will be required to make available no less than two charging sites within two years of the commencement date of their respective Lease agreements. However, both operators have stated that they intend to install all six (6) chargers at eight (8) locations by the end of 2022, if endorsed by the Council.

It should also be noted that in the long term, fuel stations, cinemas, accommodation, supermarkets, shopping centres etc. will have a significant role to play in providing public electric vehicle charging. However, as there has been low uptake of EVs in Australia to date, the private sector is not likely to invest heavily in EV charging infrastructure until there is significant demand, hence the Council has an important leadership role to play in this space. The State Government is also implementing the installation of chargers in strategic locations across the state; and there will be an increase in home charging, as bidirectional charging (or vehicle to grid capacity) becomes available in new EV models.

RECOMMENDATION

1. That the Chief Executive Officer be authorised on behalf of the Council, to negotiate and finalise agreements and leases with *JOLT Charge Pty Ltd* and *Fast Cities Australia Pty Ltd T/A 'Evie Networks'* for the provision of publicly accessible electric vehicle charging stations on Council land at the following locations:

Fast Cities Australia Pty Ltd T/A 'Evie Networks'

- EV charger (single charger with two charge points) at Glynde Corner Carpark, Felixstow; and
EV charger (single charger with two charge points) at Webbe Street Carpark, Norwood – upper level.

JOLT Charge Pty Ltd

- EV charger (single charger with one charge point e.g. 1 parking bay) at Payneham Community Centre Carpark, Payneham;
- EV charger (single charger with one charge point e.g. 1 parking bay) at Borthwick Memorial Gardens Carpark, Payneham;
- EV charger (single charger with one charge point e.g. 1 parking bay) at Dunston Grove-Linde Reserve Carpark (off Nelson Street), Stepney; and
- EV charger (single charger with one charge point e.g. 1 on-street park) at Osmond Terrace, Norwood near Stephen Street

2. That the negotiations be finalised on the commercial terms endorsed by the Council at its meeting held on 5 October 2021 (or such other commercial terms as required and determined by the Chief Executive Officer, which give effect to the terms endorsed by the Council), and that the Mayor and Chief Executive Officer be authorised to enter into and execute on behalf of the Council such agreements as are required to give effect to this resolution.
-

Mayor Bria declared a perceived conflict of interest, as his brother-in-law's family owns the private section of carpark which adjoins the Council-owned section of the carpark. Mayor Bria advised that he would remain in the meeting and take part in the decision-making process with an open mind.

Cr Sims moved:

1. *That the Chief Executive Officer be authorised on behalf of the Council, to negotiate and finalise agreements and leases with JOLT Charge Pty Ltd and Fast Cities Australia Pty Ltd T/A 'Evie Networks' for the provision of publicly accessible electric vehicle charging stations on Council land at the following locations:*

Fast Cities Australia Pty Ltd T/A 'Evie Networks'

- *EV charger (single charger with two charge points) at Glynde Corner Carpark, Felixstow; and EV charger (single charger with two charge points) at Webbe Street Carpark, Norwood – upper level.*

JOLT Charge Pty Ltd

- *EV charger (single charger with one charge point e.g. 1 parking bay) at Payneham Community Centre Carpark, Payneham;*
- *EV charger (single charger with one charge point e.g. 1 parking bay) at Borthwick Memorial Gardens Carpark, Payneham;*
- *EV charger (single charger with one charge point e.g. 1 parking bay) at Dunston Grove-Linde Reserve Carpark (off Nelson Street), Stepney; and*
- *EV charger (single charger with one charge point e.g. 1 on-street park) at Osmond Terrace, Norwood near Stephen Street*

2. *That the negotiations be finalised on the commercial terms endorsed by the Council at its meeting held on 5 October 2021 (or such other commercial terms as required and determined by the Chief Executive Officer, which give effect to the terms endorsed by the Council), and that the Mayor and Chief Executive Officer be authorised to enter into and execute on behalf of the Council such agreements as are required to give effect to this resolution.*

Seconded by Cr Minney and carried unanimously.

Section 2 – Corporate & Finance

Reports

11.3 MONTHLY FINANCIAL REPORT – DECEMBER 2021

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA78171
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding its financial performance for the year ended December 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. The Council adopted a Budget which forecasts an Operating Surplus of \$471,000 for the 2021-2022 Financial Year. The First Budget update reduced the Operating Surplus by \$341,000 to \$130,000 for the 2021-2022 Financial Year.

For the period ended December 2021, the Council's Operating Surplus is \$1.404 million against a budgeted Operating Deficit of \$0.349 million resulting in a favourable variance of \$1.055 million.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

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

DISCUSSION

For the period ended December 2021, the Council's Operating Surplus is \$1.404 million against a budgeted Operating Deficit of \$0.349 million resulting in a favourable variance of \$1.055 million.

The primary drivers for this result have remained consistent to prior months report and are:

- Employee expenses are \$560,000 (6.6%) favourable to the adopted budget which is the result of the following:
 - vacancies at the commencement of the financial year which were anticipated in the Adopted Budget to be filled (\$360,000). The recruitment of the a number of these positions has been finalised and therefore it is expected that this variance will decrease and stabilise;
 - variances resulting from resignations during the First Quarter of the financial year, where the position was not backfilled during the recruitment process (\$60,000); and,
 - cancellation of events at the Norwood Concert Hall as a result of COVID-19 restrictions resulted in the reduction of casual staff hours (\$37,500).

It should be noted that the COVID-19 Pandemic has had a significant impact on the number and quality of candidates within the market for permanent and temporary staff, across all positions and as such it is anticipated that the timeframes to replace staff may in some cases be longer than normal.

- Statutory Charges are \$71,000 favourable to budget, primarily due to high than anticipated revenue being received from the lodgement of Development Applications (\$46,000) combined with a higher than anticipated number of property searches (i.e. statutory property information required as part of property sales transactions) being undertaken (\$11,000) than allowed for in the budget.
- User Charges are \$116,000 unfavourable to the Adopted budget, which is due primarily as a result of the cancelation and deferral of events at the Norwood Concert Hall as a result of COVID-19 restrictions.
- Other income is \$92,000 favourable to budget, primarily due to the one-off receipt of a special distribution from the Local Government Financing Authority (\$33,500) combined with income received as part of insurance claims lodged by the Council (\$26,500), the income associated with insurance claims is offset by an increase in repair costs.
- The timing of actual expenditure on operating projects compared to budget expectations is resulting in a \$130,000 favourable variance. The residual budget variances are due to the accumulation of a number of small timing variances across all areas of the Council with no individually significant variances.

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

OPTIONS

Nil

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

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

Cr Minney moved:

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

Seconded by Cr Moore and carried unanimously.

11.4 ERA WATER 2021-2022 MID-YEAR BUDGET REVIEW

REPORT AUTHOR: General Manager, Corporate Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA87866/A330052
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present to the Council the ERA Water 2021-2022 Mid-year Budget Review for endorsement.

BACKGROUND

ERA Water is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999* (the Act), for the primary purpose of implementing and managing the Waterproofing Eastern Adelaide Project (the Scheme), which involves the establishment of wetland bio-filters, aquifer recharge and recovery, pipeline installations and water storage facilities. ERA Water manages the Scheme and provides recycled stormwater to the Constituent Councils (and other customers) for the irrigation of parks and reserves. The City of Norwood Payneham & St Peters, together with the City of Burnside and the Town of Walkerville make up the Constituent Councils of ERA Water.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Pursuant to Clause 5.1.6 of the Charter, ERA Water must reconsider its annual Budget in accordance with the Act at least (3) times at intervals of not less than three (3) months between 30 September and 31 May (inclusive) in the relevant Financial Year and may with the unanimous approval of the Constituent Councils amend its annual Budget for a Financial Year at any time before the year ends.

FINANCIAL AND BUDGET IMPLICATIONS

As part of the 2021-2022 Annual Budget, the Council forecast a loss from the operations of ERA Water of \$600,263. As a result of the Mid-year Budget Review, ERA Water is now forecasting an operating loss of \$667,323. The Councils share of the loss is \$222,441, an increase of \$22,354, which will be reflected in the Council's Budget forecasts as part of its Mid-Year Budget Review.

A copy of the ERA Water Mid-Year Budget Update is contained in **Attachment A**.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

ERA Water was established to deliver the Waterproofing Eastern Adelaide Project which involved the establishment of wetlands, aquifer recharge and recovery facilities, pipeline installations and water storage facilities. The objective of the Project is to allow for the capture, treatment, storage and delivery of stormwater for irrigation purposes to reduce the reliance on mains water for irrigation in the greater Adelaide region.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

As with any forward estimates, the financial forecasts are based on a set of assumption, which are made with reference to the information available at a point in time.

In preparing the Mid-year review, ERA Water has taken into account a number of external and internal influences and risk which have the potential in limiting ERA Water's ability in achieving the financial outcomes set out in the budget.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**
Cr John Minney is a Member of the ERA Water Board and is aware of the issue.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

Following the Mid-year Budget Review, ERA Water is forecasting an Operating Loss of \$667,000, which is an increase of \$67,000 on the Adopted Budget, which forecast an Operating Loss of \$600,000.

The increase in the Operating loss is being driven by a reduction in the revenue target for external connections, which is now forecast to be \$60,000 (22% of the original budget). The reduction in the external sales budget is being driven by the following factors:

- inability to attract new customers in time for this irrigation season;
- constraints in the irrigation network in terms of the availability of water supply in the specific locations where additional sales opportunities exist;
- delays in the connection to new sites due to the inability to procure parts for construction of the water meters;
- operational issues associated with the Gaza Oval connection; and
- below budget water usage at Pembroke College.

The reduction in external water sales, has been offset by an increase in Constituent Council water sales budget, where it is anticipated, based on past and current water usage, that the City of Burnside will exceed its base level water allocation for this financial year. It should be noted that this is somewhat dependent on weather conditions for the remainder of the summer.

In response to the reduced income, ERA Water has reviewed its operating expenditure and has adjusted the expenditure forecast accordingly. Non-discretionary expenses have been reviewed and reduced to minimise the increase in the forecast Operating Loss.

OPTIONS

The Council can choose endorse or not endorse the ERA Water 2021-2022 Mid-year Budget Review, however, there are no specific issues or activities which present a financial or risk management issue for this Council which warrant the Council taking this course of action.

CONCLUSION

As with any financial estimates, the Mid-year Budget Review is based on a number of assumptions, which have been determined with reference to available information and knowledge at the time of undertaking the review. The increase in the forecast Operating Loss is being driven by ERA Water not being able to secure external water sales, the reasons behind this are set out in this report. In response to the reduced revenue, ERA Water has reviewed its operating expenditure to minimise the impact on the overall operating position.

COMMENTS

Nil.

RECOMMENDATION

That ERA Water be advised that pursuant to Clause 5.1 of the Charter, the Council has considered and approves the 2021-2022 Mid-year Budget Review.

Cr Minney moved:

That ERA Water be advised that pursuant to Clause 5.1 of the Charter, the Council has considered and approves the 2021-2022 Mid-year Budget Review.

Seconded by Cr Dottore and carried unanimously.

Section 3 – Governance & General Reports

11.5 REVIEW OF CONFIDENTIAL ITEMS

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA65013
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present information to the Council regarding the review of the Confidential Items.

BACKGROUND

In accordance with the *Local Government Act 1999* (the Act), Council (and Committee) meetings are open to the public and attendance is encouraged and welcomed.

There are, however, times where the Council (or the Committee), believes it is necessary in the broader community interest to exclude the public from the discussion of a particular matter in accordance with Section 90(3) of the Act.

The public will only be excluded when the need for confidentiality outweighs the principle of open decision making.

In addition to the above, the Act requires the Council to specify the duration of the order (ie determine a suitable period for which the item will remain confidential), and either impose a “release” date or event which will trigger the release of the item or a period after which the Council will review the order and determine if in fact the item should remain confidential.

In accordance with the Act, a review of the Council’s Confidential Items as at 31 December 2021, has been undertaken. A summary of all Confidential Items is set out in the Register of Confidential Items which details the date of the order, the grounds upon which the order was made and whether or not the document has become public by virtue of the resolution.

A copy of the Register of Confidential Items is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

DISCUSSION

A review of the Confidential Items as at 31 December 2021 has been undertaken.

The Council’s last review of the Confidential Items was conducted in September 2021 for the period ending 30 June 2021. A total of 35 items have considered by the Council in “camera” since that time and therefore, these items have been included in the Register of Confidential Items.

Four (4) items are no longer confidential by virtue of the Council’s original resolution which specified a time and/or an event to trigger the release of the item. The details of these items are contained in Attachment A.

There are no items which require the Council’s consideration at this time in terms of whether the Council wishes to release the item or determine that the item should remain confidential, in accordance with the Act, on the basis that the Council has determined that the confidential items as set out in Attachment A are confidential and the Council has determined by virtue of the Council’s original resolution either a specified a time and/or an event to trigger the release of the items.

OPTIONS

The annual review in accordance with Section 91(9) of the Act is simply an administrative review. This does not mean that every confidentiality order needs to be re-made. The only orders that need to be remade are those where the existing order is due to expire and the documents have been assessed against the relevant ground contained in Section 90(3) and determined to be required to remain confidential.

This report, therefore, is presented to the Council for information purposes only.

CONCLUSION

The review of the Council's confidentiality orders ensures compliance with the legislative requirements as set out in Sections 90 and 91 of the *Local Government Act 1999*.

COMMENTS

Nil.

RECOMMENDATION

That the report be received and noted.

Cr Minney moved:

That the report be received and noted.

Seconded by Cr Duke and carried unanimously.

12. ADOPTION OF COMMITTEE MINUTES

Nil

13. OTHER BUSINESS

13.1 Installation of Actibump Smart Speed Management Technology

Cr Moorhouse moved:

That a report investigating the viability of the Council installing Actibump smart speed management technology on Council roads, be presented to the Traffic Management & Road Safety Committee for the Committee's consideration.

Seconded by Cr Mex.

Cr Sims disconnected from the meeting at 8.24pm.

Cr Sims re-connected to the meeting at 8.25pm.

The motion was put and carried.

13.2 Personal Explanation – Cr Fay Patterson – Article Written by Cr Fay Patterson

Cr Patterson sought leave of the meeting to make a Personal Explanation in relation to an article that she has written.

The meeting granted leave for Cr Patterson to make a Personal Explanation.

Cr Patterson provided her Personal Explanation.

Cr Sims moved:

That Cr Patterson's Personal Explanation be recorded in the minutes in its entirety and the three (3) documents referred to in the Personal Explanation be tabled.

Seconded by Cr Moorhouse and carried.

Cr Fay Patterson's Personal Explanation

Last month, the Mayor provided a Personal Explanation in which he expressed the opinion that I had misrepresented the administration in an article I wrote for the Herald. This now forms the only public record on the topic. I wish to table three items to correct this: my Christmas message, the response I received from the administration and my subsequent Herald article, which Elected Members may not have seen as it was not included in the weekly Communique. I will leave it to others to decide whether my article did or did not misrepresent the administration.

To clarify, I did not mention the Mayor's and administration's communications in my Herald article because I found them intolerably offensive. I am a little saddened that the Mayor thinks I portrayed him as callous, when I would've used the words "compassion" and "care" in regard to his approach to me. I thanked him for his concern at the time and I was being sincere.

I mentioned these communications because they represent social norms that most if not all of us would have grown up with. My article is about why I decided not to comply with these norms. But it also highlights something else: how applying social norms to others can have the unintended consequence of censorship. Do I think the administration and Mayor were attempting to stifle discussion about mental health? No, not at all. But could this have been a consequence of their communications with me? Yes, very much so.

The unintended consequences of social norming are relevant not just to mental health. We have seen it again and again in regard to rape, physical and sexual abuse, racism and so on. I will admit, I was surprised to experience this firsthand in regard to something as minor as my Christmas message. In highlighting my experience, my intention was to encourage readers to reflect on their own ideas about mental health and to challenge social norms that would discourage conversation on the topic. Again, I will leave it to others to decide what I actually achieved.

I would ask that this Personal Explanation and tabled items be published in full in the meeting minutes.

In accordance with the resolution set out above, the three (3) documents referred to in Cr Patterson's Personal Explanation – the 2021 Look East Christmas Message, Cr Patterson's article in the East Adelaide Herald dated 23 December 2021 titled 'A message about mental health' and an email from the Council administration dated 4 November 2021, were tabled at the meeting.

13.3 Personal Explanation – Mayor Robert Bria – Article Written by Cr Fay Patterson

Mayor Bria sought leave of the meeting to make a Personal Explanation in relation to an article written by Cr Fay Patterson.

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

Mayor Bria provided his Personal Explanation.

Cr Duke moved:

That Mayor Bria's Personal Explanation be recorded in the minutes in its entirety and the notes and emails referred to in the Personal Explanation be tabled.

Seconded by Cr Callisto and carried.

Division

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

Those in favour:

Cr Duke, Cr Whittington, Cr Minney, Cr Knoblauch, Cr Granozio, Cr Callisto, Cr Moore, Cr Stock, Cr Mex and Cr Dottore.

Those against:

Cr Patterson, Cr Moorhouse and Cr Sims.

The Mayor declared the motion carried.

Mayor Robert Bria's Personal Explanation

At the Ordinary Council meeting held on Monday, 17 January 2022 I made a Personal Explanation in response to an article written by Cr Patterson and published in the East Adelaide Herald newspaper on 23 December 2021.

On Tuesday, 18 January 2022 I received an email from Cr Patterson questioning the inclusion of references to the Council Administration in my Personal Explanation.

In my opinion, Cr Patterson's email was entirely inappropriate.

Firstly, I was surprised that having voted to accept my Personal Explanation, Cr Patterson then sought to question its content.

Secondly, I believe her email demonstrates a lack of respect for my right as an Elected Member to make an unfettered Personal Explanation based on my observations, personal opinion and experience in instances where I believe I have been misrepresented.

I interpret Cr Patterson's email as a request that I alter my Personal Explanation so that it is aligned with her interpretation of events, rather than mine.

In this regard, I believe she tried to improperly influence me and by extension, interfere with due process.

Finally, and perhaps most seriously, I am disturbed with what, in my considered opinion, was the threatening tone of the final sentence of Cr Patterson's email: "I would ask that you carefully consider what you include as part of your personal explanation to be published in the Minutes."

In my opinion, this infers possible retaliatory action against me if my Personal Explanation is included in the Minutes without alteration.

I can confirm to the Council that on Wednesday, 19 January 2022 I responded to Cr Patterson's email advising her that it is my understanding that, legally, there is no opportunity to alter a Personal Explanation after the Council has voted to accept in its entirety. I also advised her that I stand by my Personal Explanation.

In conclusion, is unfortunate that Cr Patterson chose to send me this inappropriate email, rather than reflect on her serious representation of me and the Council Administration in her article and apologise.

I request that the Council accepts this Personal Explanation in its entirety. I am also taking the unusual step of requesting that the notes I took on 5 November 2021 following my conversation with Cr Patterson, as well as the email exchange referred to in my Personal explanation also be accepted in the Minutes.

In accordance with the resolution set out above, Mayor Bria's notes of the conversation with Cr Patterson dated 5 November 2021 and the emails between Cr Patterson and Mayor Bria dated 18 January 2022 and 19 January 2022, were tabled.

14. CONFIDENTIAL REPORTS

14.1 TENDER SELECTION REPORT – ST PETERS STREET UPGRADE PROJECT

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:

(b) information the disclosure of which –

- (i) could reasonably be expected to prejudice the commercial position of the Council; and
- (ii) would, on balance, be contrary to the public interest;

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

RECOMMENDATION 2

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

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Cr Sims 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, Corporate Services, General Manager, Governance & Community Affairs (via electronic communication), Manager, Economic Development & Strategic Projects (via electronic communication), Manager, Urban Planning & Sustainability (via electronic communication), Project Manager, Assets (via electronic communication), Manager, City Services, Project Manager, Civil, Executive Assistant, Urban Services and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(b) information the disclosure of which –

- (i) could reasonably be expected to prejudice the commercial position of the Council; and*
- (ii) would, on balance, be contrary to the public interest;*

by the disclosure of sensitive commercial and financial information 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 Duke and carried.

Cr Knoblauch moved:

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

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Seconded by Cr Stock and carried unanimously.

14.2 TENDER SELECTION FOR THE BORTHWICK PARK CREEK IMPROVEMENTS PROJECT

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:

(b) information the disclosure of which –

- (i) could reasonably be expected to prejudice the commercial position of the Council; and
- (ii) would, on balance, be contrary to the public interest;

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

RECOMMENDATION 2

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

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Cr Minney 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, Corporate Services, General Manager, Governance & Community Affairs (via electronic communication), Manager, Economic Development & Strategic Projects (via electronic communication), Manager, Urban Planning & Sustainability (via electronic communication), Project Manager, Assets (via electronic communication), Manager, City Services, Project Manager, Civil, Executive Assistant, Urban Services and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(b) information the disclosure of which –

- (i) could reasonably be expected to prejudice the commercial position of the Council; and*
- (ii) would, on balance, be contrary to the public interest;*

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

Seconded by Cr Knoblauch and carried unanimously.

Cr Minney moved:

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

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Seconded by Cr Callisto and carried unanimously.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.56pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)