

Council Meeting Minutes

4 April 2022

Our Vision

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

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

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

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



City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

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

Staff Mario Barone (Chief Executive Officer)
Lisa Mara (General Manager, Governance & Community Affairs)
Sharon Perkins (General Manager, Corporate Services)
Teri Hopkins (Manager, Governance & Legal)
Keke Michalos (Manager, Economic Development & Strategic Projects)
Jared Barnes (Project Manager, Urban Design & Special Projects)
Paul Mercorella (Acting Manager, City Assets)
Scott Dearman (Project Manager, Assets)
Tina Zullo (Administration Officer, Governance & Community Affairs)

APOLOGIES Cr John Callisto

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Kevin Duke.

3. CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 23 MARCH 2022

Cr Minney moved that the minutes of the Special Council meeting held on 23 March 2022 be taken as read and confirmed. Seconded by Cr Knoblauch and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 7 March	<ul style="list-style-type: none">• Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Tuesday, 8 March	<ul style="list-style-type: none">• Filmed a video for Council Website, European Café, Norwood.
Saturday, 12 March	<ul style="list-style-type: none">• Attended the 'Melodies in the Park' concert, Joslin Reserve, Joslin.
Tuesday, 15 March	<ul style="list-style-type: none">• Attended a meeting with Mr Jeff Tate (Chair, ERA Water) and Terry Sutcliffe (General Manager, ERA Water), Mayor's Office, Norwood Town Hall.
Tuesday, 15 March	<ul style="list-style-type: none">• Attended an Information Session: Payneham Memorial Swimming Centre, Mayor's Parlour, Norwood Town Hall.
Wednesday, 16 March	<ul style="list-style-type: none">• Attended an Information Session: 2022-23 Budget – Operating and Capital Projects, Mayor's Parlour, Norwood Town Hall.
Thursday, 17 March	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer, Mr Mario Maiola and Mrs Maiola, Mayor's Office, Norwood Town Hall.
Monday, 21 March	<ul style="list-style-type: none">• Presided over a Citizenship Ceremony, Norwood Concert Hall.
Monday, 21 March	<ul style="list-style-type: none">• Attended a meeting with the General Manager, Governance & Community Affairs and Events Officers, Mayor's Office, Norwood Town Hall.
Wednesday, 23 March	<ul style="list-style-type: none">• Presided over a Special Council Meeting, Council Chamber, Norwood Town Hall.
Wednesday, 23 March	<ul style="list-style-type: none">• Attended an Information Session: ERA Water, Mayor's Parlour, Norwood Town Hall.
Thursday, 24 March	<ul style="list-style-type: none">• Attended a meeting with the Volunteers Co-ordinator, Mayor's Office, Norwood Town Hall.
Thursday, 24 March	<ul style="list-style-type: none">• Attended an on-site meeting with a resident, Felixstow.
Friday, 25 March	<ul style="list-style-type: none">• Attended the Judging for the 2022 Eastside Business Awards, Solstice Media, Adelaide.
Monday, 28 March	<ul style="list-style-type: none">• Attended a Special Audit Committee meeting, Mayor's Parlour, Norwood Town Hall.
Thursday, 31 March	<ul style="list-style-type: none">• Attended the Farewell Afternoon Tea for the Manager, Development Assessment, Norwood Town Hall.
Friday, 1 April	<ul style="list-style-type: none">• Attended the Monthly ERA Mayors Breakfast Meeting, Luigi Delicatessen, Adelaide.
Saturday, 2 April	<ul style="list-style-type: none">• Attended the 'Symphony in the Park' concert, Richards Park, Norwood.
Monday, 4 April	<ul style="list-style-type: none">• Attended a meeting with Mr James Steven MP, Federal Member for Sturt with the Chief Executive Officer and Executive Assistant, James Stevens Electoral Office, Norwood.

5. DELEGATES COMMUNICATION

- Cr Whittington advised that on Wednesday 30 March 2022, she attended a meeting of the Eastern Health Authority Board via electronic communication.
- Cr Knoblauch advised that on Monday 28 March 2022, he attended the Annual General Meeting of the Marden Senior College Governing Council, which was followed by the regular monthly meeting.
- Cr Minney advised that on Thursday 17 March 2022, he attended an ERA Water meeting.
- Cr Duke advised that on Sunday 27 March 2022 he attended, on behalf of Mayor Bria, the Trophy presentation at the Payneham Cricket Club.

6. QUESTIONS WITHOUT NOTICE

Nil

7. QUESTIONS WITH NOTICE

**7.1 QUESTIONS WITH NOTICE – THE PARADE & GEORGE STREET SCRAMBLE CROSSING -
SUBMITTED BY CR KEVIN DUKE**

NOTICE OF MOTION: The Parade & George Street Scramble Crossing
SUBMITTED BY: Cr Kevin Duke
FILE REFERENCE: qA1040 qA62339
ATTACHMENTS: Nil

BACKGROUND

Cr Duke has submitted the following Questions with Notice:

1. What were the total legal expenses incurred by Council with regard to The Parade and George Street Scramble Crossing?
2. Is this matter out of confidence and able to be conveyed to the public?

REASONS IN SUPPORT OF QUESTION

Nil

RESPONSE TO QUESTION

PREPARED BY GENERAL MANAGER, GOVERNANCE & COMMUNITY AFFAIRS

Judicial Review Proceedings - Parkade Pty Ltd and 166 The Parade Pty Ltd

In June 2020, Parkade Pty Ltd and 166 The Parade Pty Ltd represented by Botten Levison Lawyers, filed an *Originating Application for Review* (the Application) (ie judicial review proceedings), in respect to the Council's decision made at its meeting held on 18 December 2019, regarding The Parade and George Street *Scramble Crossing* (the *Scramble Crossing*).

Notwithstanding the legal proceedings which were in place as a result of the action taken by Parkade Pty Ltd and 166 The Parade Pty Ltd, on 17 September 2020, the Council's Chief Executive Officer attended a meeting with the Chief Executive Officer of the Department of Infrastructure & Transport (DIT), at the request of the Chief Executive Officer of DIT, regarding the *Scramble Crossing*.

At this meeting, the Council's Chief Executive Officer was advised that a decision had been made to construct dedicated right hand turn lanes to accommodate filtered turns in conjunction with the introduction of the *Scramble Crossing* and that an "agreement" had been reached between the State Government and Parkade Pty Ltd and 166 The Parade Pty Ltd, to fund and construct these works.

Immediately following the meeting, a letter dated 17 September 2020, was emailed to the Council's lawyers, KellidyJones by Botten Levinson Lawyers, advising of the "agreement" which it was asserted had been made between the State Government and Parkade Pty Ltd and 166 The Parade Pty Ltd. In addition, Parkade Pty Ltd and 166 The Parade Pty Ltd sought an order to discontinue the judicial review proceedings against the Council with no order as to costs. This was on the basis that due to the "agreement" being reached with the Minister for Infrastructure and Transport, the proceedings were then 'otiose' (ie. serving no practical purpose or result) and each party should bear the costs that they had incurred to that point.

Subsequently, a request from the Council was forwarded to Botten Levinson Lawyers seeking information from Botten Levinson Lawyers to assist the Council in understanding how and on what basis the said “agreement” was reached between Parkade Pty Ltd and 166 The Parade Pty Ltd and the Minister. The Council requested the following information from both Botten Levinson Lawyers and DIT:

1. *copies of all documents that your clients rely upon in asserting the existence of the agreement with the Minister, including, but not limited to, letters, emails and other communications that support the creation, negotiation and/or entering into the said agreement;*
2. *a copy of the Minister’s decision that is referred to in paragraph 4 of your letter;*
3. *details of any powers exercised by the Commissioner of Highways (‘Commissioner’) in accordance with Section 26 of the Highways Act 1926 (‘the Act’), and*
4. *details of any direction the Minister has given to the Commissioner under Section 13 of the Act.*

No information regarding the “agreement” or documentation (ie a plan of the proposed works), was provided to the Council either by DIT or Botten Levinson Lawyers.

On 12 October 2020, Parkade Pty Ltd and 166 The Parade Pty Ltd agreed to discontinue the proceedings against the Council on the basis that costs be reserved and as such, on 14 October 2020, the Final Order of Discontinuance with no order to costs was issued by the Supreme Court of South Australia. Noting however that the Council had incurred costs associated with the judicial review proceedings instigated by Parkade Pty Ltd and 166 The Parade Pty Ltd.

Pre-Action Disclosure Proceedings – The Council

On the basis that the Council did not receive any information regarding the “agreement” or documentation, on 14 October 2020, the Council lodged an application for pre-action disclosure. The Affidavit for Pre-Action Disclosure was subsequently served upon the Minister for Infrastructure and Transport, Commissioner of Highways and Botten Levinson Lawyers.

On 28 October 2020, a response in relation to the Affidavit for Pre-Action Disclosure was filed in the Supreme Court by the Minister for Infrastructure and Transport and the Commissioner of Highways. A response was also filed by the Department for Infrastructure and Planning’s, Director, Legal and Statutory Services, in support of the Minister’s and Commissioner of Highways’ response.

The response filed on behalf of the Minister for Infrastructure and Transport and the Commissioner of Highway, stated that:

- 1.1.2.1 *The Applicant is not entitled to be consulted or given procedural fairness in respect of any authorisation given by the Second Respondent to the Third and Fourth Respondent in respect of a road that the Second Respondent has the care, control and management of under the Highways Act 1926 (SA);*

Notwithstanding the above, the Department’s Director, Legal and Statutory Services indicated that there were in excess of 500 documents which would fall within the scope of the application for pre-action disclosure.

Put simply, the end result was that whilst there did appear to be a number of documents which related to the matter, neither the Minister for Infrastructure and Transport or the Commissioner for Highways, had any intention of providing any information or documentation to the Council regarding the arrangements with Parkade Pty Ltd and 166 The Parade Pty Ltd.

As the Council was unable to obtain clear and unequivocal answers from the Minister and the Commissioner and the inconsistencies in the responses provided by the parties, including the assertion by the Crown Solicitor’s Office that a decision had not been made with respect to the inclusion of right-turn lanes, yet at the same time advised that DIT had in excess of 500 documents relevant to the Council’s Affidavit for Pre-Action Discovery. The Council was left no alternative but to consider its position on behalf of the community.

Essentially, as the owner of the road and in the absence of any consultation with the Council, the Council had been “*denied procedural fairness and an extraneous decision has been made to its detriment.*”

On 11 November 2020, the Council resolved to commence judicial review proceedings against the Minister for Infrastructure and Transport and/or the Commissioner of Highways in relation to The Parade and George Street Scramble Crossing.

Judicial Review Proceedings – The Council

On 23 June 2021, the Council's legal proceedings against the Minister for Infrastructure and Transport and the Commissioner of Highways and Parkade Pty Ltd and 166 The Parade Pty Ltd commenced in the Supreme Court, before the Hon Justice Parker.

Following three (3) days of proceedings from 23 June until 25 June 2021, on Friday, 2 July 2021, the Hon Justice Parker dismissed the Council's Application for Review.

The injunction preventing the commencement of any works to The Parade/George Street intersection was also lifted.

In delivering his decision to dismiss the Council's Application, the Hon Justice Parker did not provide his reasons for his decision. He did however advise that he would provide his written reasons within the next few weeks.

The usual manner of delivering a decision associated with court proceedings is to provide written reasons (ie the "judgment"). The written reasons provide the rationale for the decision and are the basis of the judgment. The written reasons also provide the basis of being able to determine if there are grounds to appeal.

The absence of written reasons (and no indication at all from the Hon Justice Parker of the reasons for the decision), created a frustrating and difficult situation for the Council as it was not clear on what basis the decision was made to dismiss the Council's Application.

On 12 July 2021, to protect the Council's position, the Council resolved to lodge a a Notice of Appeal with the Court of Appeal. It was also felt that the lodgement of the Notice of Appeal may place pressure on the Minister, the Commissioner of Highways and the private traders, to refrain from undertaking roadworks until the Appeal was determined or otherwise resolved.

Notice of Appeal – The Council

The Notice of Appeal was filed with the Court of Appeal on 22 July 2021.

On 12 August 2021, the Hon Justice Parker provided his written reasons in support of his Judgment which was delivered on 2 July 2021.

On 27 September 2021, following consideration of the Hon Justice Parker's written reasons in support of the decision, an analysis of the Judgment which was undertaken and the legal advice which was provided by the Council's lawyers, the Council resolved to discontinue the Appeal.

From the commencement of the legal proceedings, the Council was cognisant that this matter has far more broader implications for Local Government in South Australia than just this Council. For every Council where the Commissioner of Highways has decision-making powers over roads in a Local Government Area, the manner in which the Commissioner makes decisions that affect a Local Government area, and how the Commissioner engages with the local Council when making such decisions, is relevant to all Councils in South Australia.

The decision to discontinue the Appeal was made acknowledging that whilst the Appeal was worthy of progressing in terms of clarifying the matter for Local Government, it would not result in the Council achieving its outcome – to retain the previous configuration of the intersection and to retain The Parade's ambience and "sense of place".

Legal Costs

The Council's legal costs were \$186,736.00

In addition, the Council paid the following settlement costs:

- \$120,000 to Parkade Pty Ltd and 166 The Parade Pty Ltd in full and final settlement of the matter; and
- \$115,000 to the Crown Solicitor's Office in full and final settlement of the matter.

This matter is now finalised and all Council documentation, with the exception of legal advice provided to the Council by the Council's lawyers, relating to the matter is no longer confidential.

8. DEPUTATIONS

8.1 DEPUTATION – USE OF JOSLIN RESERVE

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA1041 qA63849
ATTACHMENTS: Nil

SPEAKER/S

Mr Nick Brook

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Mr Nick Brook has written to the Council requesting that he be permitted to address the Council in relation to the use of Joslin Reserve.

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

Mr Nick Brook addressed the Council in relation to this matter.

9. PETITIONS
Nil

10. WRITTEN NOTICES OF MOTION
Nil

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 CONCEPT PLAN FOR THE DUNSTAN ADVENTURE PLAYGROUND

REPORT AUTHOR: Project Manager, Urban Design & Special Projects
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4506
FILE REFERENCE: qA76253
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to present to the Council for its consideration and endorsement, the draft Concept Plan which has been developed for the Dunstan Adventure Playground in St Peters.

BACKGROUND

Dunstan Adventure Playground is located adjacent to Winchester Street and Eleventh Avenue, St Peters and is bordered by dwellings and the River Torrens Linear Park. Dunstan Adventure Playground is approximately 5,000 square metres in size and is split over two (2) levels (i.e. street level and Linear Park level). The existing play equipment includes a long metal slide down the hill slope, climbing equipment, various swings, swinging log, monkey bars, suspended rope bridge, rope tower and flying fox. There is a small car park located at the north-eastern corner of the reserve, but no toilets. The landscaping primarily comprises of mature eucalyptus trees and small grassed areas. The O-Bahn public transport corridor runs adjacent to the playground and Stephen Terrace is the closest main road, which connects the City of Norwood Payneham & St Peters with the Town of Walkerville.

The Dunstan Adventure Playground was built by the former Town of St Peters and opened on 18 September 1976. The Playground is named in honour of the late local Member of Parliament, the Hon Don Dunstan, who was the Premier at the time and assisted by securing the State Government to allocate funds of \$23,000 towards the original project.

Dunstan Adventure Playground is a high profile reserve within the City, however the undulating nature of the site on which the playground is located and the age and condition of the equipment has resulted in safety issues. Given the playgrounds prominence in the community, connection with the River Torrens Linear Park and the adventure theme it is already known for, the redevelopment of Dunstan Adventure Playground has the opportunity to further enhance the significance of this space as a regional playground.

As part of the 2021-2022 Budget, the Council allocated \$100,000 to prepare a concept design, detail design and construction documentation for the Dunstan Adventure Playground. Subsequently, Clover Green Space was appointed in November 2021, to prepare the concept design, detail design and construction documentation for the Project.

This report outlines the process undertaken in the development of the draft Concept Plan and the key elements and recommendations for the Dunstan Adventure Playground Redevelopment (the Project). The Council's endorsement of the draft Concept Plan is now sought prior to progressing the Project to the detail design and construction documentation stages.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the Council's *City Plan 2030, Shaping Our Future Mid Term Review 2020* are provided below.

Outcome 1: Social Equity

An inclusive, connected, accessible and friendly community.

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

Objective 1.3 An engaged and participating community.

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

Outcome 2: Cultural Vitality

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

Objective 2.2 A community embracing and celebrating its social and cultural diversity.

Objective 2.4 Pleasant, well designed, and sustainable urban environments.

Outcome 4: Environmental Sustainability

A leader in environmental sustainability.

Objective 4.2 Sustainable streets and open spaces.

Objective 4.3 Thriving and healthy habitats for native flora and fauna.

The Dunstan Adventure Playground Redevelopment aligns with the following Council strategies and plans.

Open Space Strategy

The Council's *Open Space Strategy* designates Dunstan Adventure Playground as a 'Regional Open Space' in the hierarchy of open space. The Regional Open Space designation refers to areas of open space which attract people from outside the Council area and appeal to a wider cross-section of the community. For Dunstan Adventure Playground, this attraction is due to its size, special features (i.e. big slide) and location along the River Torrens / Karrawirra Pari Linear Park Trail.

In regards to the Dunstan Adventure Playground, the *Open Space Strategy* recommends providing toilets and upgrading the fencing along Winchester Avenue with bollards so that pedestrian and bicycle access is further encouraged, but vehicle access remains restricted.

Playground Strategy

The Council's *Playground Strategy Report* classifies Dunstan Adventure Playground as a Level 1 (Regional) playground and also identifies it as one (1) of five (5) 'innovative playgrounds' within the City of Norwood Payneham & St Peters to be developed to a higher standard and have a particular theme or character. Dunstan Adventure Playground is recommended to maintain and strengthen its adventure theme and cater for both young and older aged children.

The *Playground Strategy* recommends the following ideas and directions for Dunstan Adventure Playground:

- address equipment quality and safety issues;
- upgrade the existing equipment and incorporate other adventure based innovations (within safety requirements);
- further integrate shade and landscaping;
- improve disability access;
- manage trees and avoid *Eucalyptus* tree branches from overhanging playground equipment; and
- improve signage and promotion.

FINANCIAL AND BUDGET IMPLICATIONS

The *2021-2031 Long-term Financial Plan* includes \$1 million for the redevelopment of the Dunstan Adventure Playground, which is inclusive of design and construction costs. The project budget included in the *Long-term Financial Plan* was set prior to any site investigations or design work being undertaken, and includes \$450,000 secured as part of the State Government's *Open Space Grant Funding Program*.

On this basis, the Council allocating the following expenditure for the Project:

- 2021-2022: \$100,000 (design); and
- 2022-2023: \$900,000 (construction).

A recently prepared cost estimate for the Concept Plan undertaken by Chris Sale Consulting (Cost Consultants) indicates that the Project construction cost may actually be in the vicinity of \$1.65 million to \$1.75 million. The estimate is based upon a traditional lump sum contract and cost escalations in the market, but excludes latent conditions and cost escalation beyond 2022.

In addition to the current construction budget allocation of \$900,000, there is approximately \$385,000 allocated for asset renewal of the existing playground equipment, which would bring the total construction budget available for the Project to \$1.285 million.

A number of strategies will be considered as part of the detail design and construction documentation stages to manage the Project within the available budget. Value management will be undertaken to reduce project costs, where practical. In addition and where possible, Council staff will seek additional external funding from Federal and/or State Government partners (e.g. Green Adelaide) for components of the Project. In this respect, some proposed Project components, such as the path realignment and lighting, may be able to be undertaken as part of the River Torrens Linear Park Trail Project.

EXTERNAL ECONOMIC IMPLICATIONS

Recent State and Federal Government stimulus funding for infrastructure projects has created a large demand for professional services, consultants and contractors to undertake projects. The high demand has resulted in a shortage of labour and materials in some industries, with some companies turning down work or advising significant delays to complete work or supply materials. COVID-19 and the War in the Ukraine are also having an impact on the availability of goods and inflation. It is expected that the market will be less competitive and that costs will continue to escalate over the short to medium term.

SOCIAL ISSUES

Local residents have reported cars parking at the playground after hours on occasion and possible suspicious anti-social behaviours and activities. It is therefore recommended that lighting is installed in the car park as part of the Project. There is also an expectation from the wider community that the Project will include a public toilet.

CULTURAL ISSUES

Currently, there are no formally identified Aboriginal sites in the Dunstan Adventure Playground. However, it is acknowledged that the River Torrens / Karrawirra Pari is an important natural resource that was traditionally utilised by the Kaurna people for water, fish and other foods, materials and camping places. It is also acknowledged that Aboriginal sites or objects may exist in the proposed redevelopment area.

The Council's former Cultural Heritage Officer prepared a site history for the Dunstan Adventure Playground in December 2021, a copy of which is contained in **Attachment A**. The project site history identifies an important Kaurna burial site nearby, on the southern side of the Tennyson Bridge at the corner of Tenth Avenue and Stephen Terrace. This burial site includes the service station, residential houses on Tenth Avenue and extends downstream along the River Torrens / Karrawirra Pari past the Gilberton Swing Bridge to the St Peters Billabong and the Hackney Caravan Park.

ENVIRONMENTAL ISSUES

The project site history (contained in **Attachment A**) explains that in 1956-1957, the South Australian Highways Department widened the Tennyson Bridge on Stephen Terrace. The engineering works involved major earthworks and dumping of materials. A rubbish tip and depot on the site of the Dunstan Adventure Playground, was established circa this time by the Town of St Peters. Not only was material from the construction site around the Tennyson Bridge deposited there, incinerated refuse material from the East Torrens Destructor Trust in Norwood was used to build up river embankments in this area.

As part of the design process, a preliminary soil assessment for the Dunstan Adventure Playground site was undertaken in December 2021. Five (5) locations across the site were core drilled and sampled to determine both the geotechnical properties and chemical status of underlying soils. At the five (5) locations investigated, it was found that:

- topsoil material is present to an average depth of 0.2 metres below the ground surface;
- below the topsoil layer, there are a number of uncontrolled fill layers containing clays, silts, sands and gravels with numerous non-soil inclusions (i.e. contaminants) in the form of ash, cinders and fragments of bricks, asphalt and some refuse;
- uncontrolled fill materials range in depth from 1.9 metres to in excess of 4.0 metres below ground surface; and
- chemical analysis indicates the presence of contamination by polycyclic aromatic hydrocarbons (or PAHs, which is a class of chemicals that occur naturally in coal, crude oil and gasoline and which result from the burning of these resources) in fill materials at a depth of 1 metre below ground level. The PAH concentration present at one (1) location indicated a potential for unacceptable risk to human health if the impacted fill materials were to be accessible to site users as surficial soil.

Site contamination has been identified as a project risk. However, it should be noted there is currently no evidence to indicate an unacceptable risk to human health as known contamination is too deep to be accessed by or come into contact with recreational users at the site.

To better understand and identify the contamination risks, Council staff and the design team are currently working with environmental consultants to ascertain the extent of contamination across the site and develop strategies and a plan for any handling and movement of soils identified with elevated concentrations of contaminants, identify remedial and physical controls should contaminated soil materials be required for on-site reuse and minimise disposal of contaminated soils. The project team will also review the design during the detail design and documentation stages in an attempt to minimise earthworks and excavation on site as one of the risk control strategies.

RESOURCE ISSUES

The Council's staff are managing the delivery of the Project. Clover Green Space has been engaged by the Council and is leading a multi-disciplinary consultant team to undertake the concept and detail design and documentation for the Project.

Council staff and consultants have recently been impacted by COVID-19 quarantine and isolation requirements resulting in a loss of productive work time and delays to the Project. As a result, the forecasted project delivery timeframe has been revised as indicated in **Table 1** below.

TABLE 1: PROJECT DELIVERY TIMEFRAME

<i>Milestone</i>	<i>Original Date</i>	<i>Revised Date</i>
Development of Concept Plan	December 2021	April 2022
Detailed Design & Documentation	April 2022	July 2022
Tendering and Assessment	July 2022	September 2022
Construction Start	August 2022	October 2022
Construction End	December 2022	May 2023

Council Staff have notified the State Government's Open Space Team of the potential delay to the project and requested a variation to the grant deed so that the expiry date is changed from 1 January 2023 to 1 July 2023. The Open Space Team has advised that given the completion date is still nine (9) months away, that the Council revisits the timing of the delivery of the Project in the third quarter of 2022 and seeks an extension of time at this point, if required.

RISK MANAGEMENT

Risks associated with external economic conditions and environmental and resource issues have been discussed in previous sections. A Safety in Design Report and Risk Management Plan will be prepared and updated regularly during the detailed design and documentation phases for the Project.

COVID-19 IMPLICATIONS

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

CONSULTATION

- **Elected Members**

A workshop with Elected Members was held on 1 March 2022. At this workshop, consultants from Clover Green Space presented the community engagement process and outcomes as well as two (2) early concept design options. The preferred concept design option with general comments from the workshop is contained in **Attachment B**.

- **Community**

The community consultation and engagement strategy and process to develop the Concept Plan for the Project included:

- postcard distribution on Tuesday 23 November 2021 to 1632 households in St Peters and Joslin (a copy of which is contained in **Attachment C**). Approximately 800 additional postcards were delivered to households in Stepney, Evandale and College Park on Friday 26 November 2021.
- online information available on the Council's website, including a survey which was available from Tuesday 23 November 2021 to Tuesday 14 December 2021;
- a community information session held at the Dunstan Adventure Playground on Saturday 4 December 2021; and
- a consultation activity with students from the Adelaide East Primary School on Thursday 2 December 2021.

A detailed description of the community engagement activities and analysis of community comments and input is available on pages 7-16 of the draft Concept Design Report, a copy of which is contained in **Attachment D**.

Due to the restricted timeframe available to deliver this Project, a streamlined consultation process was adopted. The community consultation and engagement was held at the start of the Project to ascertain the community's expectations. A second round of consultation is not proposed. However, the Concept Design Report will be made available on the Council's website for public information and all consultation participants will be notified of the status of the Project following the Council's decision.

- **Staff**

Relevant staff members from the Economic Development & Strategic Projects, City Assets and City Services units have been involved in providing input to the project. Relevant staff will continue to be involved through the detailed design and documentation, procurement and construction stages of the Project.

- **Other Agencies**

The Kaurna Yerta Aboriginal Corporation (KYAC) has been notified of the Project. Two (2) engagement workshops have been held with KYAC directors to ensure that any potential Aboriginal heritage sites or objects are protected at the Dunstan Adventure Playground site. Additionally, the Project team has been working with KYAC to appropriately identify and develop project outcomes which will recognise and celebrate Kaurna heritage and history as outlined in *City Plan 2030, Shaping Our Future Mid Term Review 2020, Strategy 2.2.1*.

DISCUSSION

The process undertaken by Clover Green Space to develop the Concept Plan and which is detailed in the draft Concept Design Report (contained in **Attachment D**) is set out below:

1. review site history information and existing site conditions;
2. undertake site investigations to identify site issues and opportunities;
3. prepare community engagement materials and participate in community engagement activities, including consultation with local school students and Kaurna stakeholders;
4. review, analyse and summarise community and stakeholder input;
5. develop design principles and key design themes informed by community and stakeholder input;
6. develop the draft concept design options;
7. workshop the draft concept design options with Kaurna stakeholders and Elected Members; and
8. revise and refine the draft concept design options to develop a Concept Plan for Council endorsement.

The proposed Concept Plan is illustrated on page 20 of the draft Concept Design Report contained in **Attachment D**. The section detail (page 21), 3D visualisations (pages 22-23), precedent imagery (page 24, 27-28), art and interpretation opportunities (pages 25-26) contained in the draft Concept Design Report further illustrate the design intent, elements and materials proposed for the Dunstan Adventure Playground Redevelopment.

The Concept Plan for the Dunstan Adventure Playground Redevelopment proposes:

- improvement to the Playground entry at Winchester Street, including removal of the existing chain mesh fencing and installation of bollards to the park edge, new paving and signage;
- creation of a safer shared path connection between the Playground and the River Torrens Linear Park Trail, including new path lighting;
- retention of the existing rope bridge and climbing structure at the lower level of the Playground, which are in good condition;
- replacement and upgrade of existing play equipment to comply with Australian Standards, including:
 - a 19 metre long, stainless steel slid with a new entry tower,
 - a flying fox cableway;
 - two (2) sets of swings; and
 - in-ground trampoline(s).
- introduction of natural play elements, including boulders and balancing logs, climbing posts, running water feature, and rock and log hill scramble.
- installation of public toilets, picnic settings and shelters, barbecue and additional park furniture (e.g. seats, bike racks);
- integration of art and interpretation opportunities to recognise Kaurna culture and language; and
- new tree plantings, irrigation system and landscaping.

The Concept Plan proposes rock terracing to better stabilise the existing steep embankment that separates the two (2) playground levels and to do this in a way that blends with the surrounding environment and encourages 'adventure' play and interaction. The inclusion of toilets and picnic facilities will allow people to spend longer periods of time using the Playground and interacting with nature. New graded paths, rubber softfall and play equipment will create a more accessible and inclusive playground for a wider range of ages and abilities to enjoy. Importantly, an iconic slide and other beloved play elements such as swings and a flying fox will be included as desired by the community.

Improvements to the existing car park were considered as part of the upgrade. Unfortunately, the size of the carpark cannot be increased without loss or damage to several mature trees. The existing carpark also cannot be made more efficient in order increase off-street car parking capacity. As a result, there are no changes proposed to the existing car park. However, the entry improvements will create better separation and safety for pedestrians and motorists. Additionally, a light is proposed for the car park to create a well-lit environment after dark.

OPTIONS

The Council has three (3) options available.

Option 1

The Council can resolve to endorse the Concept Plan for the Dunstan Adventure Playground Redevelopment, which will enable the detail design and construction documentation to be progressed.

The Concept Plan was developed by the Council's Consultant (Clover Green Space) using a robust and detailed consultation process ensuring Elected Members, key Council staff, Kaurna stakeholders and the wider community were given an opportunity to identify the key issues which needed to be considered and addressed and provide input into the playground elements and features to be included in the Redevelopment.

Given the current condition of the Playground, community expectations and the fact that the State Government has contributed \$450,000 towards the redevelopment of the Dunstan Adventure Playground, it is recommended that the Council endorses the Concept Plan contained in **Attachment D**.

Option 2

The Council can resolve not to endorse the Concept Plan for the Dunstan Adventure Playground. If the Concept Plan is not endorsed, the Project cannot promptly progress to detail design and construction documentation. Discontinuation or delay to the Project will likely require the Council to forfeit the State Government's *Open Space Grant Program* funding and disappoint community expectations. For these reasons, this option is not recommended.

Option 3

The Council can amend the Concept Plan for the Dunstan Adventure Playground and endorse the amended Concept Plan. However, if any amendments are proposed, the potential effects to the Project budget and delivery timeframe and community expectations should be considered.

Option 1 is the recommended option.

CONCLUSION

The process used in the developing the draft Concept Plan, the relevant details pertaining to the key elements of the draft Concept Plan, and the proposed funding and risks to the delivery of the Project have been set out in this report. The Council's endorsement of the draft Concept Plan is now sought. This will enable the project team to progress to the detail design and documentation stage of the Project.

COMMENTS

Nil.

RECOMMENDATION

1. That the Concept Plan for the redevelopment of the Dunstan Adventure Playground, which is included in the Concept Design Report contained in Attachment D to this report, be endorsed by the Council.
 2. That the Chief Executive Officer be authorised to make any minor amendments to the Dunstan Adventure Playground Concept Design Report resulting from consideration of this report, and as necessary to finalise the document in a form suitable for public release.
 3. That the Council notes that staff will now instruct Clover Green Space to commence the detail design and construction documentation stages of the Project based on the endorsed Concept Plan and supporting information in the Dunstan Adventure Playground Concept Design Report.
-

Cr Moorhouse declared a perceived conflict of interest, as he had written to the Project Manager, Urban Design & Special Projects with a few suggestions for the Concept Plan. Cr Moorhouse advised that he would remain in the meeting and take part in the decision-making process with an open mind.

Cr Moore moved:

- 1. That the Concept Plan for the redevelopment of the Dunstan Adventure Playground, which is included in the Concept Design Report contained in Attachment D to this report, be endorsed by the Council.*
- 2. That the Chief Executive Officer be authorised to make any minor amendments to the Dunstan Adventure Playground Concept Design Report resulting from consideration of this report, and as necessary to finalise the document in a form suitable for public release.*
- 3. That the Council notes that staff will now instruct Clover Green Space to commence the detail design and construction documentation stages of the Project based on the endorsed Concept Plan and supporting information in the Dunstan Adventure Playground Concept Design Report.*

Seconded by Cr Moorhouse and carried unanimously.

11.2 REVIEW OF POLICIES

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA61370
ATTACHMENTS: A - E

PURPOSE OF REPORT

The purpose of the report is to present a number of policies which have been reviewed to the Council for adoption.

BACKGROUND

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

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

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

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

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

A review of all Council Policies commenced in 2018 and as a result all Policies have been reviewed, a number of new Policies have been adopted and a number of Policies have been revoked.

A list of all Council Policies is contained within **Attachment A**.

The following Policies are now scheduled to be reviewed:

1. Access & Inclusion (**Attachment B**);
2. Community Information (**Attachment C**);
3. Conditions of Library Use (**Attachment D**); and
4. Library Collection Development (**Attachment E**).

Where required, the Policies have been amended to ensure that the Policies meet current standards and reflect the Council's position on the respective matters.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

DISCUSSION

Access & Inclusion Policy

The *Access & Inclusion Policy* is an existing Policy.

In 2018, following the adoption of the *Access & Inclusion Strategy – A City for All*, which provides direction for creating an accessible and inclusive community for citizens of all aged, abilities and culture, the *Access & Inclusion Policy* was reviewed and updated to align with the Strategy.

The aim of the Policy is to facilitate wellbeing outcomes for citizens of all ages, abilities and backgrounds through accessible and inclusive services, programs facilities and infrastructure. The Policy also addresses the Council's legislative responsibilities under the *Commonwealth Disability Discrimination Act 1992*. The primary objective of the *Commonwealth Disability Discrimination Act 1992* is to eliminate as far as possible, discrimination against citizens on the grounds of disability.

Following the review of the current Policy, only minor amendments and formatting changes are recommended.

A copy of the draft *Access & Inclusion Policy* is contained within **Attachment B**.

Community Information Policy

The *Community Information Policy* is an existing Policy.

The Policy outlines how the Council plays a role in supporting community groups and organisations to promote their services, events and activities by assisting with the distribution of community information through its various communication tools, to link these vital events, programs and services to the community.

Following the review of the Policy, minor updates have been made to reflect changes to the contemporary mechanisms the Council now utilises to support the dissemination of community information to the community.

A copy of the draft *Community Information Policy* is contained within **Attachment C**.

Conditions of Library Use Policy

The *Conditions of Library Use Policy* is an existing policy.

The Policy sets out the Conditions on which the Council will provide access to the Libraries (and their buildings) to the community, in order to provide a safe, healthy and positive environment for both customers and staff. The Conditions of Use aim to ensure that the behaviour of citizens using and accessing Library services, facilities, or programs is reasonable and does not infringe upon the amenity, wellbeing, safety, or rights of other users and staff.

Following the review of the Policy, only minor grammatical updates have been made to the Policy and its Conditions.

A copy of the draft *Conditions of Library Use Policy* is contained within **Attachment D**.

Library Collection Development Policy

The *Library Collection Development Policy* is an existing policy.

The Policy sets out how the Council will develop and maintain its Library collection through a framework to assist with the introduction or removal of resources from the collection.

Following the review of the Policy, only minor changes have been made to the content to reflect the updated adoption dates of the One Card Network Operations Guide – Collection Maintenance which is referred to in the Policy.

A copy of the draft *Library Collection Development Policy* is contained within **Attachment E**.

OPTIONS

The Council can determine not to endorse the draft Policies, however as the draft Policies have been prepared to meet legislative requirements, and manage particular matters in accordance with the Council's position, it is recommended that the Council adopts the draft Policies as presented.

CONCLUSION

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

COMMENTS

As the changes to the policies reflect minor amendments and those changes have not altered the intent or key requirements of the policies, it is recommended that the Council determine that the draft policies do not require public consultation as part of this review.

There is no legislative requirement to consult in respect to the attached policies.

RECOMMENDATION

That the following Policies be adopted:

- Access & Inclusion (**Attachment B**);
 - Community Information (**Attachment C**);
 - Conditions of Library Use (**Attachment D**); and
 - Library Collection Development (**Attachment E**).
-

Cr Whittington moved:

That the following Policies be adopted:

- Access & Inclusion (**Attachment B**);
- Community Information (**Attachment C**);
- Conditions of Library Use (**Attachment D**); and
- Library Collection Development (**Attachment E**).

Seconded by Cr Minney and carried unanimously.

Section 2 – Corporate & Finance
Reports

11.3 MONTHLY FINANCIAL REPORT – FEBRUARY 2022

REPORT AUTHOR: Manager, Finance
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 February 2022.

BACKGROUND

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

RELEVANT STRATEGIC DIRECTIONS AND POLICIES

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. This report is based upon the proposed Mid-Year Budget review which forecasts an Operating Surplus of \$185,000.

For the period ended February 2022, the Council's Operating Surplus is \$2.782 million against a budgeted Operating Surplus of \$1.874 million resulting in a favourable variance of \$0.908 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 February 2022, the Council's Operating Surplus is \$2.782 million against a budgeted Operating Surplus of \$1.874 million resulting in a favourable variance of \$0.908 million.

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

- Employee Expenses are \$337,000 (3%) favourable to budget. There are several vacant apprentice positions, which has resulted in a \$86,000 favourable variance. Field staff recruitment of apprentices to fill the vacancies has commenced. The residual variance to budget is driven by several other factors, short term vacancies, timing of leave being taken compared to budget and variances in the rate of pay being paid to new staff members compared to budget.
- Energy Expenses are \$80,000 (19%) favourable to budget due to timing related issues with our provider issuing adjustment notes against various facilities. It is anticipated that this timing difference will be resolved before the end of the financial year.
- User Charges are \$151,000 (7%) unfavourable to the budget, which is due primarily a decrease in income at the St Peters Child Care Centre and Preschool (\$69,000) as a result of room closures due to COVID-19 exposures and the gap fee above the government subsidy being waived combined with a number of smaller timing differences across the Councils facilities for hire.
- Legal Expenses are \$155,000 unfavourable to the budget, which is due primarily to the finalisation of the George Street Scramble Crossing. As Elected Members may recall it was identified as part of the mid-year budget update that the finalisation of this action had yet to be quantified and was therefore not adjusted for as part of the update.
- 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 February 2022 Monthly Financial Report be received and noted.

Cr Sims moved:

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

Seconded by Cr Granozio and carried unanimously.

Section 3 – Governance & General Reports

11.4 NOMINATIONS TO EXTERNAL BODIES - APPOINTMENT OF COUNCIL REPRESENTATIVE TO MARDEN SENIOR COLLEGE GOVERNING COUNCIL

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2146
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of the report is to advise the Council of an invitation which has been received from the Marden Senior College for the Council to nominate an Elected Member for appointment to the Marden Senior College Governing Council.

BACKGROUND

Nil

DISCUSSION

The Principal of the Marden Senior College has written to the Council requesting the appointment of a representative from the City of Norwood Payneham & St Peters to the College's Governing Council.

The Constitution of the College's Governing Council has provision for the appointment of three (3) Community Members, including representatives from the University of South Australia and the City of Norwood Payneham & St Peters.

The City of Norwood Payneham & St Peters is currently represented by Councillor Garry Knoblauch.

Councillor Knoblauch has advised that he would like to continue as this Council's representative.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

RECOMMENDATION

That Councillor _____ be appointed as the City of Norwood Payneham & St Peters' representative to the Marden Senior College Governing Council.

Cr Dottore moved:

That Councillor Garry Knoblauch be appointed as the City of Norwood Payneham & St Peters' representative to the Marden Senior College Governing Council.

Seconded by Cr Stock and carried unanimously.

11.5 GREATER ADELAIDE REGION ORGANISATION OF COUNCILS (GAROC) ANNUAL BUSINESS PLAN 2022-2023

REPORT AUTHOR: General Manager Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA59226
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the invitation from the Local Government Association of South Australia Greater Adelaide Region Organisation of Council (GAROC), for the Council to provide comments regarding the GAROC's draft Annual Business Plan 2022-2023.

BACKGROUND

As Elected Members may recall, the Greater Adelaide Region Organisation of Councils (GAROC) Committee was formally established through the new LGA Constitution in October 2018. The Terms of Reference for the GAROC stipulates that the role of GAROC is to *provide advocacy, policy initiation and review, leadership, engagement and capacity building for the benefit of metropolitan South Australian councils and their communities.*

In addition and in accordance with the GAROC Terms of Reference, the GAROC has prepared a Strategic Plan for the 2019-2023 period and a draft Annual Business Plan for 2022-2023. The four (4) year Strategic Plan identifies the key objectives that GAROC are seeking to progress on behalf of Member councils, while the Annual Business Plan identifies the key actions that the GAROC will be seeking to progress on an annual basis.

A copy of the draft Annual Business Plan 2022-2023 is contained within **Attachment A**.

The GAROC has invited Councils to provide comments regarding the draft Annual Business Plan 2022-2023 (the Plan) for GAROC's consideration prior to finalising the draft Plan.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
General Manager, Urban Planning & Environment
Manager, Economic Development & Strategic Projects
- **Other Agencies**
Not Applicable.

DISCUSSION

As set out in the 2019-2023 GAROC Strategic Plan, “*the GAROC Committee supports the LGA to ‘advocate, assist and advance’ the interests of Local Government by:*”

1. *supporting the activities of the LGA at a regional level;*
2. *promoting communication between Members and the LGA;*
3. *advocating in respect of matters which affect the GAROC Regional Group;*
4. *encouraging engagement of Members within the GAROC Regional Group with GAROC and the*
5. *LGASA; and*
6. *participating in policy development and implementation.*

In addition to the above, the GAROC has developed the following guiding principles that it intends to operate under:

1. *Be community centered and put people first in decision making;*
2. *Prioritise and address issues that are common across the metropolitan region;*
3. *Carefully consider items of business from any Member of the metropolitan area or items raised independently by GAROC Members, for consideration by the LGA Board of Directors or at a General Meeting;*
4. *Collaborate closely with the LGA and SAROC on issues that matter to metropolitan councils; and*
5. *Be nimble, agile and responsive to the needs of metropolitan councils.*

GAROC has identified the following three (3) priorities to guide the work of GAROC over the next twelve months:

1. Planning

Continuing to advocate and inform the forthcoming independent review of the *Planning, Development and Infrastructure Act 2016*, the *Planning & Design Code* and the review of the *30 Year Plan for Greater Adelaide*.

Outcome: Planning system, policies and legislation reflect leading practice, facilitate better design outcomes and support local decision making.

Council Response

This priority is supported. As this Council is aware, the introduction of the *Planning, Development and Infrastructure Act 2016* and *Planning & Design Code*, has resulted in significant reforms to the planning system in South Australia. Whilst many of the reforms have been positive including the transition to electronic assessment of Development Applications via the SA Planning Portal and the introduction of a central repository for planning policy via the *Planning & Design Code*, some of the reforms have had unintended detrimental consequences and have led to poor development outcomes.

For instance, the reforms have ‘watered down’ previously bespoke planning policies contained in Council Development Plans that were critical to guiding good development outcomes in different Council areas and this has led to some ad hoc and questionable medium and high density development outcomes and poor infill development scattered across much of metropolitan Adelaide.

In addition, some of the reforms have disproportionately reduced community and Local Government input in the development assessment process leading to a loss of democratic rights, weakened heritage protection including the ability to list representative items in the future and created an unnecessarily complex framework for assessing development applications, making the system difficult to understand for citizens.

Given the direct influence that planning legislation and documents like the *30 Year Plan for Greater Adelaide* have on how our cities develop and continue to evolve over time, it is critical that GAROC takes a leading role in informing any reviews of the legislation and recent planning reforms as they have the capacity to strongly influence the reviews.

2. Economic Development

Progressing advocacy on our proposals for the red-tape taskforce and small-bars pilot initiative.

Continuing to collaborate with metropolitan councils with research and engagement on the best-practice use and the cost-effective procurement of evidence-based data for economic development purposes.

Outcome: Supporting metropolitan councils to play their important role in stimulating the economic and social recovery of their communities in post COVID-19 recovery.

Council Response

In 2021, as part of the review of the GAROC’s 2021-2022 Annual Business Plan, the Council, in its submission, advised GAROC that:

One of the greatest demands for our businesses within the City of Norwood Payneham & St Peters, is for the provision of a business support service and advisory service to help business owners and operators obtain the professional advice and support that they need to continue running their business.

Whilst many business owners are very good at delivering their product, many business owners don’t know what they don’t know. The ability to be able to offer this advisory service to businesses and help them navigate the challenges, could be the difference between survival and failure. Some of the key areas or advice include accounting, legal, planning and human resources. The Council’s Economic Development Strategy has recognised the need for this support service and has included an action for the Council to explore opportunities to establish a Business Advisory Service.

GAROC could support and advocate for:

- opportunities for the provision of shared advice services through the metropolitan region;
- funding opportunities for Councils to support and promote their local business communities post COVID-19; and
- the LGA to promote services which are available for businesses.

Whilst the Economic Development outcome is reflective of the current status of the economy both locally and nationally, the priorities outlined under the Economic Development theme, will not deliver benefits to businesses in the City of Norwood Payneham & St Peters. To this end, there needs to be a stronger focus on initiatives that provide immediate support to businesses.

This position is still relevant to this City and therefore, it is proposed that the Council advises GAROC that it does not support its proposed priority for 2022-2023 and reiterate the Council's position in terms of Economic Development.

3. Stormwater

Undertake further engagement with councils and commission independent research to inform further advocacy and policy positions.

Outcome: Improving stormwater management by increased funding in the Stormwater Management Fund and asking the Stormwater Management Authority to lead a stormwater reform process.

Council Response

This priority is supported on the basis that it is important for the Stormwater Management Authority (the SMA), to lead stormwater reform to ensure an integrated stormwater network across Local Government boundaries.

Currently, Councils are responsible for both minor drainage and trunk drainage with long term planning outcomes for trunk drainage undertaken by way of a Stormwater Management Plan in collaboration between the SMA and Councils within the catchment. In practise, this is reliant on all Councils agreeing to participate in the Stormwater Management Plan.

Where Councils fail to prepare a Stormwater Management Plan, Council projects are not funded by the SMA. This is a disadvantage to Councils willing to participate in a Stormwater Management Plan where their neighbouring Councils are not.

The GAROC have advised that the actions outlined in the draft Annual Business Plan are achievable within the proposed scope of GAROC's Budget which is made available through the Local Government Association of South Australia's Research and Development Scheme.

GAROC have advised that they are seeking advice from Councils on which of the issues covered in the draft Annual Business Plan should be considered priority issues and therefore which areas the GAROC should be focussing on and directing its resources.

To assist the Council a draft response incorporating the comments set out in this report has been prepared for the Council's consideration and is contained within **Attachment B**.

OPTIONS

The Council can choose to provide comments to the GAROC regarding the draft Annual Business Plan for the 2022-2023 period or decline the opportunity.

It is recommended that the Council does provide its comments to GAROC to ensure the Council's views are considered as part of the development of the GAROC's Annual Business Plan.

CONCLUSION

The Greater Adelaide Region Organisation of Councils (GAROC) has been established under the LGA's Constitution to review and develop policy positions for Local Government and provide strategic advice to the LGA Board. It is therefore important that any Annual Business Plan developed by the GAROC align with its Terms of Reference to ensure compliance with the LGA's Constitution.

COMMENTS

Nil.

RECOMMENDATION

That the *GAROC Annual Business Plan 2022-2023 Submission*, as contained within Attachment B to this report, be forwarded to the Greater Adelaide Region Organisation of Councils in response to the request for comments from Councils regarding the draft Annual Business Plan 2022-2023.

Cr Moore moved:

That the GAROC Annual Business Plan 2022-2023 Submission, as contained within Attachment B to this report, be forwarded to the Greater Adelaide Region Organisation of Councils in response to the request for comments from Councils regarding the draft Annual Business Plan 2022-2023 with the following amendments:

1. *Planning*

The first paragraph be deleted and replaced with the following:

This priority is supported. As this Council is aware, the introduction of the Planning, Development and Infrastructure Act 2016 and Planning & Design Code, has resulted in significant reforms to the planning system in South Australia. Some of the reforms have had unintended and intended detrimental consequences and have led to poor development outcomes.

3. *Stormwater*

The inclusion of the following:

The issues regarding street water catchments and the impacts beyond Council boundaries have been referred to the Local Government Association previously by this Council for discussion, in terms of the development of a policy position regarding this issue.

Cr Sims left the meeting at 7.38pm.

Seconded by Cr Minney.

Cr Sims returned to the meeting at 7.40pm.

The motion was put and carried unanimously.

11.6 ERA WATER – DRAFT 2022-2025 STRATEGIC PLAN

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4539
FILE REFERENCE: qA87866
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to present ERA Water's draft *2022-2025 Strategic Plan* for consideration and comment.

BACKGROUND

As Elected Members are aware, ERA Water is a Regional Subsidiary established under Section 43 of the *Local Government Act 1999*.

The Constituent Councils are the City of Burnside, the City of Norwood, Payneham & St Peters and the Town of Walkerville.

The primary focus of the Constituent Councils in establishing ERA Water, is to construct and operate a stormwater harvesting and re-use system. The stormwater is treated to a standard that is suitable for the irrigation of open spaces and streetscapes.

The ERA Water Charter requires ERA Water to prepare and adopt a Strategic Plan to guide its activities and communicate its strategic directions and prioritise actions.

The draft Strategic Plan covers the period from 2022-2025.

The ERA Water Audit Committee considered the draft Strategic Plan at its meeting held on 16 December 2021 and resolved to endorse the draft Plan (refer to **Attachment A**).

The draft Strategic Plan reflects the directions which have been discussed by the Board and with the three (3) Constituent Councils over the last 12 months. The draft Strategic Plan has been discussed with the Chief Executive Officer and Finance Managers of the Constituent Councils.

A copy of the draft Strategic Plan is contained in **Attachment B**.

RISK MANAGEMENT

Nil

COVID-19 IMPLICATIONS

Nil

CONSULTATION

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

DISCUSSION

The draft Strategic Plan is structured in the following sections:

- purpose;
- key influences on ERA Water's activities;
- the strategic directions which ERA Water proposes to follow;
- the four (4) objectives which ERA Water will follow in the delivery of its activities; and
- how these will be achieved through various priority actions.

The draft Strategic Plan also contains performance measures which will assist the ERA Water Board in monitoring implementation of the Plan and which will be reported annually in the ERA Water's Annual Report.

The draft Strategic Plan has set the following objectives for ERA Water:

- Objective 1: Maximise Performance of the Scheme
- Objective 2: Ensure sufficient supply of water
- Objective 3: Improve financial sustainability
- Objective 4: Further develop key relationships.

A review of the draft Strategic Plan has been undertaken and it has been determined that the Plan has clearly articulated the purpose and objectives of establishing ERA Water.

The draft Strategic Plan is a well-structured document containing very measured and practical actions which, if and when fully implemented, will consolidate ERA Water as a viable and financially sustainable entity.

Improving communications with Constituent Councils, as the owners of ER Water, is also a practical outcome.

OPTIONS

The Council can either endorse the draft Plan as submitted or suggest any recommended changes which it believes are appropriate.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

That the Board of ERA Water be advised that the Council endorses the draft *2022-2025 Strategic Plan*.

Cr Minney moved:

That the Board of ERA Water be advised that the Council endorses the draft 2022-2025 Strategic Plan.

Seconded by Cr Dottore and carried unanimously.

12. ADOPTION OF COMMITTEE MINUTES

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

PURPOSE OF REPORT

The purpose of the report is to present to the Council the Minutes of the following Committee Meetings for the Council's consideration and adoption of the recommendations contained within the Minutes:

- **Quadrennial Public Art Assessment Panel – (21 March 2022)**
(A copy of the Minutes of the Norwood Parade Precinct Committee meeting is contained within **Attachment A**)
- **Audit Committee – Special Meeting – (28 March 2022)**
(A copy of the Minutes of the Norwood Parade Precinct Committee meeting is contained within **Attachment B**)

ADOPTION OF COMMITTEE MINUTES

- **Quadrennial Public Art Assessment Panel**

Cr Dottore moved that the minutes of the meeting of the Quadrennial Public Art Assessment Panel held on 21 March 2022, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Whittington and carried unanimously.

- **Audit Committee – Special Meeting**

Cr Minney moved that the minutes of the Special Meeting of the Audit Committee held on 28 March 2022, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Stock and carried unanimously.

13. OTHER BUSINESS

13.1 Personal Explanation – Cr Scott Sims – Facebook Post

Cr Sims sought leave of the meeting to make a Personal Explanation in relation to public comments he made on social media (Facebook).

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

Cr Duke moved:

That Cr Sims' Personal Explanation be recorded in the minutes in its entirety.

Seconded by Cr Granozio and carried unanimously.

Cr Scott Sims' Personal Explanation

I wish to address a complaint made by Mr Dehane Fletcher to the Council recently regarding some public comments I made within the social media environment - specifically Facebook.

The Council might be aware of Mr Fletcher's frustration with and disappointment at the Council's service with regard to his particular complaints.

In my attempt to defend the Council, I acknowledge that I responded in a tone and manner that could, reasonably, have been read as intemperate and disrespectful.

I acknowledge that I was in error and in that, in this instance, I did not meet the high professional standards expected of an Elected Member.

I offer a sincere apology to Mr Fletcher and to the Council.

13.2 Personal Explanation – Cr Scott Sims – Behaviour at Council Meeting

Cr Sims sought leave of the meeting to make a Personal Explanation in relation to his behaviour at a recent Council meeting.

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

Cr Duke moved:

That Cr Sims' Personal Explanation be recorded in the minutes in its entirety.

Seconded by Cr Stock and carried unanimously.

Cr Scott Sims' Personal Explanation

I wish to address a complaint by the Mayor regarding my behaviour at a recent Council meeting. The episode in question was with regard to the Mayor's response to a Personal Explanation by Cr Patterson.

While my disappointment and frustration at the Mayor's approach to the matter stands, I acknowledge that my behaviour was not appropriate.

I acknowledge that I should not have interrupted the meeting as I did.

Frustration and disappointment is no excuse for inappropriate and unprofessional behaviour as an Elected Member. Accordingly, I offer a sincere apology to the Council.

14. CONFIDENTIAL REPORTS

**14.1 TENDER SELECTION REPORT – NORWOOD TOWN HALL AIR CONDITIONING UPGRADE
STAGE 2**

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:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and that the Council is satisfied that, in 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 Stock moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Corporate Services, Manager, Governance & Legal, Acting Manager, City Services, Project Manager, Assets and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

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

Seconded by Cr Minney and carried.

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 Dottore and carried unanimously.

14.2 TRINITY VALLEY DRAINAGE UPGRADE – PRELIMINARY DESIGN UPDATE

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, discussion and minutes be kept confidential until this matter is finalised.

Cr Dottore moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present present [Chief Executive Officer, General Manager, Governance & Community Affairs, General Manager, Corporate Services, Manager, Governance & Legal, Acting Manager, City Services, Project Manager, Assets 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 Patterson and carried unanimously.

Cr Patterson moved:

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

Seconded by Cr Knoblauch and carried unanimously.

14.3 COUNCIL RELATED MATTER

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report 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, Governance & Community Affairs, General Manager, Corporate Services, Manager, Governance & Legal and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

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

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

Seconded by Cr Duke and carried unanimously.

Cr Stock 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 Minney and carried unanimously.

14.4 APPOINTMENT TO THE TRAFFIC MANAGEMENT & ROAD SAFETY COMMITTEE

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

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

Cr Stock left the meeting at 8.43pm.

Cr Dottore moved:

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

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

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

Seconded by Cr Duke and carried unanimously.

Cr Stock returned to the meeting at 8.45pm.

Cr Dottore moved:

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

Seconded by Cr Knoblauch and carried unanimously.

14.5 CONCEPT SELECTION FOR THE QUADRENNIAL PUBLIC ART COMMISSION

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report and discussion be kept confidential until all affected parties have been formally advised of the Council's decision.

Cr Patterson moved:

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

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

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

Seconded by Cr Whittington and carried unanimously.

Cr Sims left the meeting at 8.49pm.
Cr Sims returned to the meeting at 8.50pm.

Cr Patterson moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and discussion be kept confidential until all affected parties have been formally advised of the Council's decision.

Seconded by Cr Minney and carried unanimously.

14.6 COUNCIL RELATED MATTER

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report, discussion and minutes be kept confidential until the commencement of the Project.

Cr Patterson moved:

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

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

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

Seconded by Cr Knoblauch and carried unanimously.

Cr Stock moved:

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report, discussion and minutes be kept confidential until the commencement of the Project.

Seconded by Cr Patterson and carried unanimously.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 9.06pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)