

# Council Meeting Minutes

**1 August 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

1A.	APPOINTMENT OF ACTING MAYOR .....	1
1B.	KAURNA ACKNOWLEDGEMENT .....	1
2.	OPENING PRAYER .....	1
3.	CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 4 JULY 2022 .....	1
4.	MAYOR'S COMMUNICATION .....	2
5.	DELEGATES COMMUNICATION .....	2
6.	QUESTIONS WITHOUT NOTICE .....	2
7.	QUESTIONS WITH NOTICE .....	2
8.	DEPUTATIONS .....	2
9.	PETITIONS .....	2
10.	WRITTEN NOTICES OF MOTION .....	2
10.1	NATURE STRIPS – APPROPRIATE MATERIAL TO BE USED – SUBMITTED BY CR EVONNE MOORE .....	3
10.2	BUNNINGS DEVELOPMENT – 37-43 GLYNBURN ROAD, GLYNDE – SUBMITTED BY CR KEVIN DUKE .....	7
11.	STAFF REPORTS .....	8
	<b>Section 1 – Strategy &amp; Policy</b> .....	<b>9</b>
11.1	WEBBE STREET CARPARK – FEASIBILITY STUDY .....	10
11.2	FELIXSTOW RESERVE BASKETBALL COURT .....	14
11.3	SMART PARKING INITIATIVE – WEBBE STREET CAR PARK, NORWOOD .....	33
11.4	REVIEW OF POLICIES .....	38
	<b>Section 2 – Corporate &amp; Finance</b> .....	<b>43</b>
11.5	MONTHLY FINANCIAL REPORT – JUNE 2022 .....	44
	<b>Section 3 – Governance &amp; General</b> .....	<b>47</b>
11.6	HIGHBURY LANDFILL AUTHORITY REVIEW .....	48
11.7	NOMINATIONS FOR PRESIDENT OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA .....	51
11.8	LOCAL GOVERNMENT ASSOCIATION (LGA) 2022 ANNUAL GENERAL MEETING – APPOINTMENT OF COUNCIL DELEGATE .....	53
11.9	LOCAL GOVERNMENT ASSOCIATION (LGA) 2022 ANNUAL GENERAL MEETING – ITEMS OF BUSINESS .....	54
11.10	NOMINATIONS FOR MEMBERS OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA GREATER ADELAIDE REGION ORGANISATION OF COUNCILS (GAROC) .....	56
11.11	LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA ANNUAL GENERAL MEETING .....	58
11.12	NOMINATIONS TO THE LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA BOARD .....	60
12.	ADOPTION OF COMMITTEE MINUTES .....	62
13.	OTHER BUSINESS .....	63
13.1	LEGAL ADVICE – CR SCOTT SIMS .....	63
14.	CONFIDENTIAL REPORTS .....	63
14.1	COUNCIL RELATED MATTER .....	64
14.2	STAFF RELATED MATTER .....	65
14.3	COUNCIL RELATED MATTER .....	67
15.	CLOSURE .....	68

**VENUE** Council Chambers, Norwood Town Hall

**HOUR** 7.00pm

**PRESENT**

**Council Members** Cr Mike Stock (Acting Mayor)  
Cr Kester Moorhouse  
Cr Evonne Moore  
Cr Garry Knoblauch  
Cr John Minney  
Cr Kevin Duke  
Cr Connie Granozio  
Cr Scott Sims  
Cr Fay Patterson  
Cr Sue Whittington  
Cr John Callisto  
Cr Christel Mex

**Staff** Mario Barone (Chief Executive Officer)  
Carlos Buzzetti (General Manager, Urban Planning & Environment)  
Lisa Mara (General Manager, Governance & Community Affairs)  
Sharon Perkins (General Manager, Corporate Services)  
Chris McDermott (Acting General Manager, Urban Services)  
Keke Michalos (Manager, Economic Development & Strategic Projects)  
Jared Barnes (Project Manager, Urban Design & Special Projects)  
Simonne Whitlock (Communications Officer)  
Marina Fischetti (Executive Assistant, Urban Services)

**APOLOGIES** Mayor Robert Bria  
Cr Carlo Dottore

**ABSENT** Nil

**1A. APPOINTMENT OF ACTING MAYOR**

*Cr Duke moved that Cr Stock be appointed Acting Mayor for this meeting. Seconded by Cr Minney and carried unanimously.*

**1B. KAURNA ACKNOWLEDGEMENT**

**2. OPENING PRAYER**

The Opening Prayer was read by Cr Scott Sims.

**3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 4 JULY 2022**

*Cr Sims moved that the minutes of the Council meeting held on 4 July 2022 be taken as read and confirmed. Seconded by Cr Callisto and carried unanimously.*

#### 4. MAYOR'S COMMUNICATION

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Monday, 4 July	<ul style="list-style-type: none"><li>• Presided over a Council meeting, Council Chamber, Norwood Town Hall.</li></ul>
Tuesday, 5 July	<ul style="list-style-type: none"><li>• Presided over a Private Citizenship Ceremony, Mayor's Office, Norwood Town Hall.</li></ul>
Saturday, 9 July	<ul style="list-style-type: none"><li>• Attended the pre-match function followed by the Norwood versus North Adelaide football match, Norwood Oval.</li></ul>
Monday, 11 July	<ul style="list-style-type: none"><li>• Attended an Information Session: Proposed New Elected Member Training Standards, Mayor's Parlour, Norwood Town Hall.</li></ul>
Monday, 11 July	<ul style="list-style-type: none"><li>• Attended an Information Session: Redevelopment of the Norwood Concert Hall, Mayor's Parlour, Norwood Town Hall.</li></ul>
Monday, 11 July	<ul style="list-style-type: none"><li>• Attended an Information Session: Glynde, Payneham, Firle, Trinity Gardens &amp; St Morris Traffic Study, Mayor's Parlour, Norwood Town Hall.</li></ul>
Tuesday, 12 July	<ul style="list-style-type: none"><li>• Attended a meeting with the General Manager, Governance &amp; Community Affairs; Mr Michael Kelledy and Ms Tracey Riddle (Kelledy Jones Lawyers), Mayor's Office, Norwood Town Hall.</li></ul>
Thursday, 14 July	<ul style="list-style-type: none"><li>• Attended a meeting with the Chief Executive Officer, Mr Paul Di Iulio (President) and Mr James Fantasia (Chief Executive Officer) of the Norwood Football Club, Mayor's Office, Norwood Town Hall.</li></ul>
Friday, 15 July	<ul style="list-style-type: none"><li>• Filmed a video for the Council website, The Parade, Norwood.</li></ul>
Tuesday, 19 July	<ul style="list-style-type: none"><li>• Attended a meeting with the Chief Executive Officer, Cr Minney and Cr Duke, Mayor's Office, Norwood Town Hall.</li></ul>
Friday, 22 July	<ul style="list-style-type: none"><li>• Interview with Ms Farrin Foster (Journalist) <i>Indaily</i>.</li></ul>
Saturday, 23 July	<ul style="list-style-type: none"><li>• Attended the pre-match function followed by the Norwood versus Adelaide SANFL football match, Norwood Oval.</li></ul>

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#### 5. DELEGATES COMMUNICATION

- Cr Whittington advised that on Tuesday 26 July 2022, she attended the Norwood Parade Precinct Committee Meeting.
- Cr Minney advised that on Thursday 21 July 2022, he attended an ERA Water meeting.

#### 6. QUESTIONS WITHOUT NOTICE

Nil

#### 7. QUESTIONS WITH NOTICE

Nil

#### 8. DEPUTATIONS

Nil

#### 9. PETITIONS

Nil

#### 10. WRITTEN NOTICES OF MOTION

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## 10.1 NATURE STRIPS – APPROPRIATE MATERIAL TO BE USED – SUBMITTED BY CR EVONNE MOORE

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**NOTICE OF MOTION:** Nature Strips – Appropriate Material to be Used  
**SUBMITTED BY:** Cr Evonne Moore  
**FILE REFERENCE:** qA1039  
**ATTACHMENTS:** Nil

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

### NOTICE OF MOTION

That staff prepare a report on:

1. the most appropriate material to use on nature strips, taking into account aesthetic, environmental and economic factors as well as current 'best practice' criteria; and
2. an appropriate separation of cementateous fill on nature strips from the base of existing street trees."

### REASONS IN SUPPORT OF MOTION

Councils lay material on nature strips to provide a stable surface for pedestrians to use and to suppress weed growth. More recently the need to provide an appropriate material to support healthy street trees in an era of extra stresses for street trees, including urban infill and climate change, is receiving attention from progressive councils. At present our Council lays dolomite and quartzite on nature strips.

#### Dolomite

Dolomite is a type of limestone containing high levels of magnesium and calcium carbonate. It is alkaline. Adelaide plains soils are generally alkaline. Horticultural advice is that alkaline materials should never be added to alkaline soils to create hyper-alkalinity. The late Peter Cundall, a gardening expert, stated "*Use dolomite only if you've got acidic soils*". (Gardening Australia Fact Sheet, Soil Improvement [www.abc.net.au/gardening/stories/1503292htm](http://www.abc.net.au/gardening/stories/1503292htm)). By laying dolomite, Council is introducing a high level of alkalinity into the top level of nature strips which may interfere with the ability of street trees to absorb soil nutrients.



Dolomite – Frederick Street, Maylands



Dolomite – Sixth Avenue, Peters

Dolomite consists of particles of different size. This allows it to pack down to form an impenetrable barrier between the atmosphere and ground soil. The impermeable dolomite layer:

- (a) prevents rainfall penetrating to street tree roots where the rain is needed; and
- (b) prevents the exchange of gases which tree roots need to make with the atmosphere.

In 2016 the Director of Treenet based at the Waite Campus at the University of Adelaide, Dr. Glenn Williams, advised me that as well as affecting soil pH, *“The critical effect of dolomite is that it is cementaceous material and readily compacts under rainfall and traffic. Behaving this way it will impede the basic performance of tree roots trying to freely access air, water and nutrients.”* (Email 28/11/2016).

Kevin Handreck, B.Sc.M,Ag.Sc., a horticultural consultant and author of several gardening books and scientific papers, recently told me that *“It is the combination of alkalinity with the impervious nature of dolomite that creates most problems.”* (Phone conversation 23/6/2022)

Our Council has recently banned artificial turf on nature strips on the grounds that it retains heat in the summer sun and reduces or prevents the penetration of rain on to street tree roots. Kevin Handreck told me that fake turf can “cook” a street tree’s roots in summer. While Council has banned artificial turf for sound environmental reasons, we continue to lay on nature strips a material which also warms up our footpath environment in summer, prevents the infiltration of rainfall on to street tree roots and blocks gaseous exchange which tree roots need to make with the atmosphere. Our Council should be consistent in its treatment of nature strips and seriously re-consider not laying alkine cementaceous dolomite on them, I submit.

The impervious nature of dolomite repels precious rain and contributes to the growing volumes of stormwater run-off our street gutters have to cope with. In the long term, increasing the absorptive power of our nature strips will contribute to the moistening and health of our nature strip soils and help lessen stormwater run-off.

The report to Council on the Street Verges Planting Policy of 4 July 2022 stated that:

*“Better infiltration of stormwater to improve soil moisture ... can assist in improving the health of street trees and reduces damage to infrastructure due to shallow roots close to footpaths and structures.”*

These benefits would also flow from Council not laying more impervious dolomite on nature strips.

Dolomite has a harsh dark grey metallic appearance which is unattractive in the streetscape. It warms up in the summer sun due to its dark grey colour and its cementaceous quality. Because its particles are different in size, it packs down like cement, ensuring it does not contain air or moisture which would cool it in the summer sun. Dolomite is contributing to the warming of our footpaths in summer.

## **Quartzite**

Quartzite presents as a white or sandy coloured material which reflects the sunlight and does not heat up as much as metallic dolomite does in the summer sun. Sandy coloured quartzite has a softer appearance in the streetscape. The former St Peters Council used quartzite in the form of white gravel. These gravel pieces were larger than the sandy material used by our Council at present. Large gravel pieces of quartzite of roughly similar size allow plenty of rain to penetrate to street tree roots and more than adequate capacity for tree roots to exchange gases with the atmosphere. The disadvantage of large gravel pieces, however, is that they can be kicked off the nature strip. Our Manager, City Services, has advised me that any quartzite we use “needs to pack down”. The quartzite our Council now uses in some suburbs presents as a coarse sandy coloured material. Generally quartzite does not pack down like dolomite does to form an impervious barrier between soil and atmosphere. (Dr.Glenn Williams, Dr. Tim Johnson, Kevin Handreck). This is a big plus for quartzite on nature strips.

However the quartzite material we are now laying down may be as cementaceous as dolomite, I have been advised by the current Director of Treenet, Dr. Tim Johnson, who has looked at quartzite recently laid on the nature strip on Stephen Terrace between Fourth and Fifth Avenues. Dr. Johnson said;

*“This quartzite is a poor quality quarry product which looks like X6, a fine left-over material.”*  
(Telephone conversation 21/7/2022)



**Quartzite – Stephen Terrace, St Peters**



**Quartzite - Stephen Terrace, St Peters**  
(Note proximity of quartzite to young tree)

I was shocked to hear this opinion. Our present Council policy is to lay quartzite in suburbs which were in the former St Peters Council and dolomite in the suburbs governed by the former Payneham and Norwood Councils. This policy was agreed at the council amalgamation in 1997. If we are laying poor quality quartzite in the former St. Peters Council suburbs, this is very disappointing. It means the quartzite we are laying is probably as cement-like in its qualities as dolomite is in preventing rain penetration and gaseous exchange for street tree roots.

### **General Issues**

It is onerous for staff to remember the demarcation lines between different suburbs and in the past few years dolomite has been laid on some nature strips in the streets of suburbs (e.g. Maylands, Evandale) where quartzite should have been laid, to accord with Council policy. It is probably time for Council to adopt a consistent approach across the whole Council area.

On the issue of weed-suppression, Dr. Tim Johnson of Treenet told me;

*“I’ve had a bit to do with weeds on verges over the past 30+ years in councils, and bare earth, dolomite and X6-style backfill materials are some of the worst to control. Porous coarse sands and gravels can actually reduce weed growth as they act a little like mulches, but there is no such thing as a maintenance-free verge.”* (email 22/7/2022)

Treenet, the State tree research body at the Waite Institute, has information on its Website about materials for council use on nature strips. Dr Johnson directed me to Mitcham Council’s adoption of granitic sand which looks attractive and packs down while allowing rainfall penetration and gaseous exchange.



**Granitic Sand – Price Avenue, Clapham  
(Mitcham Council)**



**Granitic Sand – Price Avenue, Clapham  
(Mitcham Council)**

This motion does not seek to have any existing verge material removed *en masse* retrospectively. Dolomite will remain on our nature strips for decades. This motion does however seek a review of the material our Council uses in future, and if we do decide to keep laying cementaceous material on nature strips, that we review how closely we lay it to the trunks of existing street trees to ensure their future health.

### **Strategic Plan**

Council aspires to be an environmental leader:

- 4.1.1 Make better use of water resources including the harvesting and re-use of stormwater.
- 4.1.6 Manage stormwater to reduce the risks of flooding.
- 4.2.1 Improve the amenity and safety of streets for all users including reducing the impact of urban heat island effect.
- 4.2.2 Protect, **enhance** and expand public open space (emphasis added)
- 4.4.2 Undertake climate change adaption initiatives for our assets, public spaces, services and operations.

There are also a host of relevant provisions in Council's Tree Strategy which I have not had the time or energy to pull out to quote.

### **STAFF COMMENT**

#### **PREPARED BY GENERAL MANAGER, URBAN PLANNING & ENVIRONMENT**

A report, as requested, will be provided to the Council.

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*Cr Moore moved:*

*That staff prepare a report on:*

1. *the most appropriate material to use on nature strips, taking into account aesthetic, environmental and economic factors as well as current 'best practice' criteria; and*
2. *an appropriate separation of cementaceous fill on nature strips from the base of existing street trees.*

*Seconded by Cr Sims and carried unanimously.*

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**10.2 BUNNINGS DEVELOPMENT – 37-43 GLYNBURN ROAD, GLYNDE – SUBMITTED BY CR KEVIN DUKE**

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**NOTICE OF MOTION:** Bunnings Development – 37-43 Glynburn Road, Glynde  
**SUBMITTED BY:** Cr Kevin Duke  
**FILE REFERENCE:** qA1039 DA 22014444  
**ATTACHMENTS:** Nil

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

**NOTICE OF MOTION**

1. That staff prepare a report setting out the process which is required to be followed by Bunnings in respect to the implementation of Development Application Number 22014444, which was approved by the Council Assessment Panel on 20 July 2022, with particular reference to the process associated with access from Penna Avenue to the site.
2. That the report referred to in Point 1 above be presented to the Special Council Meeting to be held on 22 August 2022.

**REASONS IN SUPPORT OF MOTION**

Through the assessment process associated with this development application, a number of concerns have been raised in respect to the effect the development will have on the local amenity in terms of traffic management and parking.

This report seeks to ensure the Council is appraised of the issues associated with the development and the impact it will have on the local industries and residential streets through the generation of a huge amount of traffic and proposed strategies to manage these matters, both during the construction phase and final completion of the development.

**STAFF COMMENT**

**PREPARED BY GENERAL MANAGER, URBAN PLANNING & ENVIRONMENT**

A report, as requested, will be provided to the Council.

---

*Cr Duke moved:*

1. *That staff prepare a report setting out the process which is required to be followed by Bunnings in respect to the implementation of Development Application Number 22014444, which was approved by the Council Assessment Panel on 20 July 2022, with particular reference to the process associated with access from Penna Avenue to the site.*
2. *That the report referred to in Point 1 above be presented to the Special Council Meeting to be held on 22 August 2022.*

*Seconded by Cr Minney and carried unanimously.*

**11. STAFF REPORTS**

## **Section 1 – Strategy & Policy**

### **Reports**

## 11.1 WEBBE STREET CARPARK – FEASIBILITY STUDY

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**REPORT AUTHOR:** Manager, Economic Development & Strategic Projects  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 83664509  
**FILE REFERENCE:** qA92250  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to present to the Council for its consideration, the results of the Feasibility Study for the construction of additional levels on the Webbe Street Carpark.

### BACKGROUND

The Council allocated \$50,000 to investigate the construction feasibility of building additional level/s on the Webbe Street Car Park. The objective of the Project was to assess the structural capacity of the existing car park to determine if the structure can accommodate one or more additional levels and to obtain high level cost estimates, as well as any other changes that may be necessary and/or warranted to manage traffic.

The Webbe Street Car Park was originally designed in 1989 by PPK Engineers. Following construction of the carpark in 2003, the car park was extended to the north along the Harris Street boundary and a dedicated ramp and bridge over Webbe Street, to gain vehicular and pedestrian access to the roof level of the Norwood Place Shopping Complex, was constructed at the eastern end of the car park. This extension was designed by Hardy Milazzo Architects and KBR, Structural Engineers.

The construction of the ramp and bridge over Webbe Street, was in response to the upgrade of the Norwood Pace Shopping Centre, where the Council entered into negotiations with the owners of the Shopping Centre to facilitate the proposed development, as the proposal involved the use of Council owned land (namely the Webbe Street Car Park). The upgrade also involved a land swap to allow for the development of the Shopping Centre, including additional space below ground level to create an efficient layout for the undercroft car parking deck in exchange for land, which allowed the Council to provide additional office space for the Council's Offices.

As part of the original design and the 2003 extension, it was envisaged that the Webbe Street Car Park would be able to be extended to incorporate a second and a third level, if required.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes, Objectives and Strategies of the Council's Strategic Management Plan, CityPlan 2030, are outlined below:

**Social Equity: An inclusive, connected, accessible and friendly community.**

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

Strategy 1.1.2 Maximise access to services, facilities, information and activities.

Strategy 1.1.3 Design and provide safe, high quality facilities and spaces for all people.

### FINANCIAL AND BUDGET IMPLICATIONS

A total of \$50,000 has been allocated by the Council to undertake investigations into the capacity of the Webbe Street Car Park to accommodate additional levels for car parking. To date, a total of approximately \$27,000 has been spent in the engagement of dwp Australia and KBR Engineering, to undertake the structural assessment and develop the Schematic Design.

The preliminary cost estimate based on the Schematic Design contained in **Attachment A**, is in the order of \$7.4M. This equates to a cost per car park of approximately \$30,500, which is on par with the average construction cost of open deck multi-storey car parking spaces in the Adelaide Metropolitan area.

The 2022-2023 Adopted Budget has not provided for any funding in addition to the initial funding allocation of \$50,000, which has been carried forward from previous budgets.

Given that the Council has no allocated budget for this Project and that the construction of additional levels on the Webbe Street Car Park have not been considered as part of the Council's Long Term Financial Plan, there is no requirement for the Council to make a decision in respect to the on-ground works at this point in time. It is therefore recommended that consideration of any further works be deferred. However, should the Council resolve to proceed with the Project, the Council will be required to prepare a Prudential Report, as required under Section 48 of the *Local Government Act 1999*. An appropriately qualified consultant will need to be engaged to prepare the report, which will not only address the economic feasibility for the Council to undertake the investment required but will also consider all of the issues associated with the construction of these additional levels, including reputational risks. The estimate cost of preparing a Prudential Report is in the order of \$20,000.

## **EXTERNAL ECONOMIC IMPLICATIONS**

Over the last three decades the substantial enlargement of regional shopping centres, such as Westfield Tea Tree Plaza, Westfield Marion and Burnside Village has put significant pressure on traditional main streets such as The Parade to reinvent themselves and provide a range of experiences and conveniences in order to compete. However, with the recent shift towards higher density inner metropolitan living, a greater emphasis on introducing and implementing economic development strategies and promoting shopping local, has meant that main streets such as The Parade have been able to maintain their retail vitality and metropolitan significance.

## **SOCIAL ISSUES**

Not Applicable.

## **CULTURAL ISSUES**

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

Should the Council resolve to undertake the detail design and construction of additional levels on the Webbe Street Car Park, it is envisaged that this Project will be managed by Council Staff. However, given the number of major projects currently being delivered by the Council, the capacity of staff to undertake a Project of this scale, at this point in time, is very limited. Furthermore, given the current budget constraints, resolving to proceed with this Project will require the Council to resolve to defer the delivery of one or more other projects equivalent to the value of this Project.

## **RISK MANAGEMENT**

At this stage, given that the Project is only at the feasibility stage, the full extent of the risks to the Council have not been identified. However, given the significant cost associated with the delivery of this Project, it is critical that prior to the Council committing to any additional investment in the Webbe Street Car Park, that the Council prepares a Section 48 Prudential Report and through that process, identifies all of the potential risks for the Council, including the impact of traffic along Webbe Street, Harris Street and George Street.

Section 48 of the *Local Government Act 1999*, requires the Council to obtain and consider a Prudential Report before the Council engages in any project where the Council considers the Project to be necessary or appropriate.

## COVID-19 IMPLICATIONS

At this this stage there are no Covid-19 implications associated with this Project.

## CONSULTATION

- **Elected Members**  
Not Applicable.
- **Community**  
There has been no community consultation regarding this matter.
- **Staff**  
Manager, City Assets  
Manager, Governance & Legal  
Project Manager
- **Other Agencies**  
Not Applicable.

## DISCUSSION

In May 2022, dwp Australia (formerly Hardy Milazzo Architecture) and KBR Engineering were engaged to undertake a structure assessment of the car park to verify whether the existing structure is able to support any additional floors and to develop a concept plan for the purposes of obtaining first order cost estimates. The basis for engaging dwp and KBR Engineering is that these consultants have previously been involved with the design of the car park and therefore have the relevant documentation available for reference.

The structural assessment (contained in **Attachment B**), which was undertaken by KBR indicates that the structure can accommodate an additional two (2) levels however, the existing structure will require some minor strengthening work, as the Structural Codes relating to Earthquake Design and Concrete Materials have been upgraded since the carpark was original designed and constructed in 1989. The exact extent of strengthening work will depend on several variables, including the dimensions of the additional levels, the weight of the extensions, geotechnical conditions and accurate modelling of the variable heights of the existing ground floor columns.

Following the completion of the structural assessment dwp Australia prepared the Schematic Design, which is contained in **Attachment A**. The Schematic Design illustrates how the two (2) additional levels can be accommodated, recognising that there are other possible options for the layout of the car parking spaces and the circulation of the vehicles.

There are currently 301 car parking spaces in the Webbe Street Car park spread out over the two (2) levels (ie ground level and first floor). The additional two (2) levels will increase the total number of car parks by 242, resulting in a total of 543 spaces – which comprises of 12 disabled spaces, 138 spaces on the Ground Floor, 127 spaces on Level 1, 127 spaces on Level 2 and 139 spaces on Level 3.

In the proposed Schematic Design, the additional levels do not impinge on the existing ramp and vehicular access bridge to the Norwood Place roof top carpark. However, should this project proceed with one or both of the additional levels, discussions with the owners of the Parkade Pty Ltd will be required to identify their future development intentions for Norwood Place. These discussions will assist in determining the location of the ramps.

## Construction Logistics

The construction period for the additional two (2) floors is approximately six (6) months and it is anticipated that the car park will need be closed during that time due to public safety issues. In addition, it may also be necessary to close parts of Webbe Street and/or Harris Street for some periods of time to enable access for the delivery of materials and for concrete pours. As the car park will be closed access to the Norwood Place roof top car park will also be closed, which will place additional pressure on the carparking in and around The Parade.

## **Funding Model**

Given the significant cost of the Project, the Council would need to determine how the additional levels are funded. These options range from the Council totally funding the Project without any revenue to cover the expenditure, through to the Council funding the Project and recovering costs through charging for car parking. Given that all major car parks in the heart of The Parade (with the exception of Webbe Street, which is owned and run by the Council) are all paid car parks.

The model for charging would need to be investigated, however it is envisaged that providing a period of free parking (ie 2-3 hours) would be the preferred model, as it would align with the current model used by Norwood Place. However, given the recent State Government announcement that it intends to introduce new legislation to block a proposal by Westfield to charge customers for parking at Tea Tree Plaza – there may be some opposition to introducing further paid parking along The Parade, particularly if the car park is owned and operated by the Council.

Under the State Government's proposed Bill, which will apply to any shopping centre in the State over 34,000 square metres, operators will be required to apply to charge for parking but would need to first go through a community consultation process, arranged through the relevant local council, before it is approved. The State Government has indicated that its intent is to be able to apply the legislation retrospectively, which means that it could impact shopping centre operators who have been charging car parking fees for years.

## **OPTIONS**

The Council has a number of options available, ranging from simply noting the outcome of the Feasibility Study and not proceeding any further through to resolving to undertake the construction of the two (2) additional levels. However, given the estimated cost of the Project and the extent of major projects that the Council is already delivering or committed to delivering over the next five (5) years, both from a financial and resource perspective the option of progressing with this Project at this point in time is not recommended.

## **CONCLUSION**

The Feasibility Study has identified that the Webbe Street Carpark has the capability to accommodate up to two (2) additional levels. This will remain a viable option for the Council should it resolve to proceed with this Project at a future date.

## **COMMENTS**

Whilst it is structurally feasible to add two (2) additional floors to the existing Webbe Street Car Park at an estimated cost of around \$7.4 M, given the current number of projects and scope of projects in the Council's Long Term Financial Plan, it is recommended that this project be re-assessed in 12 months to determine its priority.

Notwithstanding this, through a Notice of Motion considered by the Council at its meeting held on 7 February 2022, the issue of improving pedestrian access was raised and this will be assessed and, if necessary/required, appropriate action taken.

## **RECOMMENDATION**

That the contents of this report be received and noted.

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*Cr Duke moved:*

*That the contents of this report be received and noted.*

*Seconded by Cr Mex and carried unanimously.*

## 11.2 FELIXSTOW RESERVE BASKETBALL COURT

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**REPORT AUTHOR:** Project Manager, Urban Design & Special Projects  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4506  
**FILE REFERENCE:** qA59925  
**ATTACHMENTS:** A – F

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### PURPOSE OF REPORT

The purpose of this report is to advise the Council of the results of the community consultation and CCTV monitoring relating to the use of the Felixstow Reserve basketball court.

### BACKGROUND

At its meeting held on 6 December 2021, the Council considered a report titled *Felixstow Reserve – Use of Basketball Equipment*. The report provided an overview of the redevelopment of Felixstow Reserve, with an emphasis on the use of the basketball court since its opening in February 2019. In particular, the report contained information regarding:

- the steps which were undertaken in the preparation of the Felixstow Reserve Masterplan, as well as the consultation process and all of the comments which were received regarding the proposed basketball court;
- the changes made to the location and orientation of the basketball court during the detail design process;
- the nature and timeline of complaints which have been received from residents concerning the use of the basketball court, as well as the actions that the Council has taken in response to the complaints/concerns;
- the three (3) Deputations which were made at the Council Meeting held on 5 October 2021 by residents regarding the use of the basketball court; and
- the petition which was received by the Council on 22 November 2021, requesting that the Council '*take urgent action to move the Felixstow Reserve basketball court to a more suitable location that doesn't disrupt the livelihoods of local residents.*'

The report presented eleven (11) options which had been identified and considered to address the residents' complaints about the use of the basketball court at Felixstow Reserve, including:

1. do nothing;
2. change or eliminate the current established court rules;
3. enact by-law;
4. remove the basketball ring;
5. remove and relocate the basketball ring within Felixstow Reserve;
6. build a sound wall;
7. install a chain mesh wire fence;
8. remove and reinstate the ring every day;
9. change the playing surface;
10. create 'white noise'; and
11. community consultation.



Following consideration of the report which was presented at the 6 December 2021 meeting, the Council resolved the following:

1. That the Council undertake consultation with the residents of Felixstow and users of the basketball court, to enable the Council to understand the issues and determine the best outcome in respect to the basketball court.
2. That CCTV be installed around the basketball court at Felixstow Reserve to monitor the activity at the basketball court, particularly during the hours of 8:00pm to 8:00am.
3. The Council notes that a report on the outcome of the consultation together with the results of the surveillance will be prepared for the Council's consideration.
4. That staff investigate the installation of a mass loaded acoustic barrier.

In accordance with the Council's resolution, on 9 December 2021, a CCTV camera surveillance unit was installed at Felixstow Reserve to monitor the activity at the basketball court. A camera 'detection zone' comprising the key activity area (i.e. the rectangular area of the basketball court just below the net with the outermost border being the free throw line) was set up to record basketball court activity between the hours of 8:00pm to 8:00am. As a result, when a person or object enters the camera 'detection zone' between the hours of 8:00pm to 8:00am, the light mounted on top of the camera is triggered to turn on and flash for 10 seconds. An email notification with photos and the recorded video timestamp for any activities occurring in the 'detection zone' between 8:00pm and 8:00am is then sent to the Council.

A record has been kept of all after-hours (between 8:00pm and 8:00am) basketball court activity since 9 December 2021. To date, there have been 183 recorded occurrences of after-hours basketball activity detected by CCTV, noting that not all occurrences were primarily basketball related. A log of all recorded after-hours basketball activity is contained in **Attachment A**.

In April 2022, URPS (consultants) were appointed to design and undertake the consultation process with the residents of Felixstow and users of the basketball court. A summary report of the Felixstow Reserve Basketball Court Consultation, prepared by URPS and contained in **Attachment B**, provides details regarding the promotion, participation and results of the consultation process. The data from the online consultation survey, excluding any personal identifying information, is contained in **Attachment C**.

## 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.

Strategy 1.1.1: Design and provide safe, high-quality facilities and spaces for all people.

### **Outcome 2: Cultural Vitality - A culturally rich and diverse City, with a strong identity, history and sense of place.**

Objective 2.5: Dynamic community life in public spaces and precincts.

Strategy 2.5.2: Create and provide interesting and vibrant public spaces to encourage interaction and gatherings.

The Council's *Parks & Reserves Community Land Management Plan* (updated May 2022), states that the purposes of Felixstow Reserve are to:

- provide public open space for the use, enjoyment and benefit of the community;
- provide opportunities for informal recreational, community and sporting activities;
- provide opportunities for social interaction and connection, relaxation and physical activity;
- protect and enhance the lifestyle, amenity and sense of place in the City;
- protect and enhance the natural environment, including areas of remnant vegetation, biodiversity, waterways, wetlands and riparian zones;
- facilitate the harvesting, treatment, storage and re-use of stormwater;
- protect, enhance and promote areas of cultural heritage and Aboriginal heritage and history within the City; and
- provide regional open space as part of the River Torrens Linear Park for the use, enjoyment and benefit of the community as a recreational and educational resource and a tourism asset.

## FINANCIAL AND BUDGET IMPLICATIONS

No funds have been allocated in the 2022-2023 Budget for changes or improvements to the basketball court at Felixstow Reserve. Should the Council resolve to make any changes or improvements to the basketball court, a new budget allocation is required. Also, it is recommended that the cost of that work be offset by a reduction in expenditure elsewhere.

To date the Council has spent \$4,560 for CCTV hire and \$14,250 on the community consultation process.

## EXTERNAL ECONOMIC IMPLICATIONS

Nil

## SOCIAL & CULTURAL ISSUES

The Council's *Open Space Strategy* designates Felixstow Reserve as a Regional Level Reserve, principally due to its size and proximity to the River Torrens / Karrawirra Pari Linear Park. This means that there is an expectation that visitors from outside the Council area will travel to Felixstow Reserve to use the facilities. Prior to the redevelopment, Felixstow Reserve was an unirrigated and underutilised site. As a result of the redevelopment, Felixstow Reserve now provides a variety of active and passive recreation opportunities including walking, running, cycling, basketball, table tennis, bocce, birdwatching and nature play. The large, grassed open space is ideal for picnicking, throwing a frisbee, or an informal game of cricket, football or soccer. Since the redevelopment, a large number of people of all ages and abilities and differing cultural backgrounds have been using the Reserve on a daily basis for physical activity and social interaction.

In particular, the basketball court at Felixstow Reserve is very well used by the community. Key aspects that people like about the basketball court include its accessibility from the local residential area, visibility and the perceptions of safety, particularly for use by children and young people, the quality of the basketball court and its integration with other facilities at the Reserve such as the pavilion and toilets, picnic shelters and barbeques, bocce court and table tennis table. People reportedly enjoy seeing others using the basketball court and other Reserve facilities as it promotes physical and social activity.

Unfortunately, basketball play at Felixstow Reserve has impacted on the quality of life and wellbeing of some local residents. Differing opinions regarding the proper use of the basketball court as well as the frequency and magnitude of the noise impacts has also caused some tension, negative feelings and verbal conflict amongst some neighbours and towards basketball court users.

Neither the affected residents, nor the Council, anticipated that the existing position of the basketball court would create any significant noise impacts. The affected residents have stated that they did not anticipate noise impacts because they have not previously lived near a basketball court or a Regional Level Reserve with similar types of recreation facilities. Similarly, the Council did not anticipate any noise impacts to residents, as Council staff are not aware of any noise complaints related to the use of any of the other eight (8) outdoor basketball rings at reserves located throughout the City.

It is recognised that regardless of what the Council decides in relation to this matter, there is no single solution that will please all members of the community. There is a likelihood that complaints will continue, mainly due to the divided and varying views of individuals. If the final decision made by the Council, irrespective of what it is, is well informed and justified then the community, regardless of the individual views, should be accepting of the outcome.

## ENVIRONMENTAL ISSUES

Section 17 of the *Local Nuisance and Litter Control Act 2016 (SA)* identifies that noise is considered to be a local nuisance if it causes “any adverse effect on an amenity value of an area” and “unreasonably interferes with or is likely to interfere unreasonably with the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area.”

Schedule 1 of *the Act* expands on what activities involving noise are considered to be a local nuisance. Noise from domestic machines or activities, construction, street and tree maintenance and waste collection may be considered a local nuisance at certain times, which vary by the type of activity and day of the week. Things that are not considered a local nuisance include “noise or other nuisance from sporting or associated activities at sporting venues.”

Based on these definitions, the noise generated from the basketball play at Felixstow Reserve does not neatly fit into any of the defined local nuisance activities. In any case, as set out in the report considered by the Council at its meeting held on 6 December 2021, the Council’s Compliance Officer, Planning Services, an Authorised Officer whose role involves assessing local nuisances such as noise, undertook noise testing of the Felixstow Reserve basketball court in April 2020. Based on a variety of factors (e.g. measured noise levels, land use, comparison to other noises in the area, etc.), the Council’s Authorised Officer formed the opinion that the noise generated from the basketball court at Felixstow Reserve did not constitute a local nuisance. It was also acknowledged at that time that the noise may be considered to have “annoying characteristics” but that such noise characteristics are expected of people playing basketball.

## RESOURCE ISSUES

The redevelopment of Felixstow Reserve has been a long-term project for the Council and has consumed a significant amount of staff resources through the various stages of its development. As long as this matter remains unresolved additional staff resources will continue to be consumed, which means that other projects and initiatives will be delayed.

## RISK MANAGEMENT

As previously discussed, the Council’s decision regarding the basketball court may have financial, service and/or reputation risks. **Table 1** below provides descriptions of the consequence criteria that has been developed for use within the Council for the financial, service and reputation impact categories. The Council’s risk exposure and impacts is dependent on the decisions that it makes.

**TABLE 1: RISK CONSEQUENCE (IMPACT) CATEGORIES AND DESCRIPTIONS**

Impact Category	Consequence (Impact) Level				
	Catastrophic	Critical	Major	Moderate	Minor
<b>Financial</b>	Over \$1 million	\$500k - \$1 million	\$250-500k	\$5-250k	<\$5,000
<b>Services / Programs</b>	>90% service disruption  Multiple community impacts	51-90% service disruption (between 1-2 days)  Significant staff effort to resolve	11-50% service disruption  Specific management effort / focus (< 1 day)	< 10% service disruption  Management effort required to coordinate resolution	Minor disruption to service delivery (< 4 hours)  Local Supervisor to control remediation
<b>Reputation</b>	Potential national media attention  Major public outcry  Irreparable damage to reputation	Regional or state wide media / political attention  wide spread public interest  11+ complaints	Significant local media / political attention  Local Community interest  5-10 complaints	Moderate local media attention  Community concern – little adverse effect  3-5 complaints	Some local media interest  1-2 complaints

## COVID-19 IMPLICATIONS

COVID-19 has reinforced the important role of local reserves and recreation to support the physical and mental health of residents. COVID-19 has also changed the way that people live and with people generally travelling less and more people working flexible hours and from home, reserves and recreational activities are providing an important respite. However, with the increase in the number of people working from home there has also been an increase in the number of issues and matters brought to the Council’s attention.

## CONSULTATION

- Elected Members**  
 Elected Members were provided with a presentation on the results of the Felixstow Reserve basketball court consultation and the CCTV monitoring at an Information Briefing Session held on 27 June 2022.
- Community**  
 Community consultation was undertaken for a period of three (3) weeks, commencing Friday 13 May 2022 and ending Friday 3 June 2022. People were able to participate in the consultation in more than one way. The consultation methods and participation in each of the categories are outlined in **Table 2** below.

**TABLE 2: CONSULTATION MECHANISMS AND PARTICIPATION**

Consultation mechanism	Participation
Online feedback form	60
Basketball court users focus group	4 (including a child aged 11)
Residents focus group	9
One-to-one discussions with residents who made deputations to Council about the basketball court	3

- Staff**  
 Manager, Economic Development & Strategic Projects  
 Communications Officer
- Other Agencies**  
 Not Applicable.

## DISCUSSION

### Community Consultation

The objective of the community consultation was to gather information to enable the Council to understand the issues and determine the best outcome in respect to the basketball court at Felixstow Reserve. The community consultation was designed to foster participation from local residents and users of the Felixstow Reserve basketball court through a variety of methods, which included a survey and conducting two (2) group and three (3) one-to-one discussions.

The results of the consultation survey identify that:

- 63.3% or 38 of the 60 respondents want the basketball court to remain in the current location;
- 18.3% or 11 of the 60 respondents want the basketball court to remain in the current location and additional efforts undertaken to manage impacts on nearby residents;
- 13.3% or eight (8) of the 60 respondents want the basketball court relocated elsewhere in Felixstow Reserve;
- 1.6% or one (1) of the 60 respondent wants the basketball court relocated elsewhere in the Council area; and
- 3.3% or two (2) of the 60 respondents want it removed completely and not relocated.

Overall, 95% or 57 respondents support a basketball court in Felixstow Reserve, whether remaining at its current location or relocated elsewhere within the Reserve. Only 5% or three (3) respondents do not support a basketball court in Felixstow Reserve.

From the eight (8) people who responded that they wanted the basketball court to be relocated elsewhere in Felixstow Reserve, the following locations at the Reserve were specifically nominated:

- on the north side of the wetlands (3 people). Two (2) people suggested that the court could replace the existing fitness equipment which is nearest the bridge over Fourth Creek;
- on the other side of the open lawn area, closer to Wicks Avenue car park (1 person); or
- on the other side of the pavilion, more towards the centre of the park, opposite the pond lookout area (1 person).

Key reasons cited for nominating these locations included distance from houses, the road and street lighting (avoid a location with light spill onto the court to discourage play after dark) and would free up car parking space on Riverside Drive for people using the BBQ area. Four (4) people identified that the new location of the court should be away from residences. One (1) person identified that the new location should still be “accessible for users and in sight for security management”.

Only one (1) person responded that they wanted the basketball court to be relocated to another location in the Council area. This respondent provided the following additional information about alternative locations:

- make provision for a court at the Youth Group Centre on Turner Road, Felixstow;
- establish an outdoor court at MARS basketball stadium;
- establish a ‘mobile ring’ that is moved from park to park; and
- reduce the height of the ring and locate at children’s playgrounds.

Two (2) people responded that they want the basketball court to be removed from the Felixstow Reserve and not relocated anywhere else. No supplementary information was provided in respect to these responses.

The respondents’ residential proximity to the basketball court is indicated in **Table 3** below.

**TABLE 3: RESPONDENTS’ PROXIMITY TO THE BASKETBALL COURT**

	Within 100m	100-200m	200-400m	Beyond 400m	TOTAL
<b>I want the basketball court to remain at current location</b>	3	6	6	23	38
<b>I want the basketball court to remain at the reserve at its current location but additional efforts undertaken to manage impacts on nearby residents</b>	0	2	1	8	11
<b>I want the basketball court relocated elsewhere at Felixstow Reserve</b>	4	2	1	1	8
<b>I want the basketball court relocated to another location in the Council area</b>	1	0	0	0	1
<b>I want the basketball court removed and not relocated elsewhere</b>	1	0	1	0	2
<b>TOTAL</b>	9	10	9	32	60

Of the 60 respondents, nine (9) live within 100 metres of the basketball court, 10 live between 100-200 metres, nine (9) live between 300-400 metres away, and 32 live greater than 400 metres away.

Of the respondents living within 100 metres of the basketball court, 67% or six (6) of nine (9) respondents want the court to be relocated or removed.

Of the respondents living between 100-200 metres away from the basketball court, 80% or eight (8) of 10 respondents want the court to remain at its current location.

Of the respondents that live between 200-400 metres away from the basketball court, 78% or seven (7) of nine (9) want the court to remain at its current location.

Of the respondents that live greater than 400 metres away from the basketball court, 97% or 31 of 32 want the court to remain at its current location.

The survey results indicate that the closer the proximity to the basketball court, the higher percentage of people who want the court to be relocated or removed. Conversely, the farther the proximity to the basketball court, the higher percentage of people who want the court to be retained at the current location. This is to be expected because noise from bouncing basketballs and players is the primary issue of concern for affected residents wanting the court to be relocated or removed. Sound reduces with distance and therefore, the greater the distance, the less intensity and loudness of a sound. Beyond a certain distance from the basketball court, people will not be able to hear basketball activity at the Felixstow Reserve and are probably less likely to perceive any issues with noise. That said, there were three (3) respondents that live within 100 metres of the basketball court that do not have concerns with noise from the basketball court.

Some of the survey respondents also participated in either a basketball users focus group or residents focus group. Three (3) adults and one (1) child participated in the basketball court users focus group led by URPS. Each participant expressed that they want the court to be retained at its current location and support additional measures to address noise impacts on residents.

URPS also led a residents focus group, which comprised of nine (9) adults with mixed views. Five (5) participants supported retaining the basketball court at its current location with additional measures to address noise impacts on residents. Four (4) participants, each a resident which has been affected by the basketball noise, want the basketball court to be either relocated elsewhere within Felixstow Reserve or removed completely.

One-to-one discussions were conducted by URPS with each of the three (3) residents who made deputations to the Council. Two (2) of the residents also participated in the residents focus group. Of the three (3) residents, one (1) resident wants the basketball court to be relocated elsewhere within Felixstow Reserve, another resident wants the basketball court to be relocated to another location in the Council area and the third resident wants the basketball court removed and not relocated elsewhere.

Participants in the consultation process made several suggestions to help address impacts of the basketball court on nearby residents. Suggestions included:

- installing measures that attenuate the noise such as a green wall, art installation, extra plantings, sound absorbing playing surface and extending the low seating wall;
- installing a device that prevents use of the ring outside of curfew hours (e.g. the device used at Bush Reserve in Coburg, Victoria);
- signage that explains rules of use and encourages good behaviours;
- timed lighting;
- surveillance and compliance, in particular ongoing use of CCTV to monitor out of hours use, imposing on the spot fines and liaising with police. This includes targeting those people who are exhibiting bad behaviours at the basketball court and responding quickly (e.g. use CCTV to monitor court use and send alert to the Council or police);
- community education of users;
- fencing the court and locking it so it cannot be used outside of curfew hours;
- changing the curfew hours to reflect daylight hours (e.g. different for summer and winter); and
- paying for double glazing of windows for nearby residents.

Each of these suggestions are discussed further under the Options heading in this report.

## CCTV Monitoring

CCTV monitoring of the basketball court since 9 December 2021 has identified 183 separate occurrences of after-hours (8:00pm-8:00am) basketball playing. The following tables provide a breakdown of after-hours basketball occurrences by weekday and month (**Table 4**), group size (**Table 5**), duration (**Table 6**) and time of day (**Table 7**).

As shown in **Table 4** below, people have played after-hours more frequently during the summer months. After-hours play significantly dropped off after daylight savings time ended, with only three (3) or 1.6% of occurrences recorded since 3 April 2022. This is to be expected because people generally spend more time outside recreating during the months of the year (i.e. October to March) when there are more sunlight hours in the evening, the weather is warmer, and there are numerous public and school holidays.

People have also played after-hours more frequently on Fridays and Saturdays. After-hours playing of basketball also occurred with some frequency on other weeknights, with the least number of occurrences on Sundays. This is to be expected because most people generally work Monday to Friday and have more time to recreate on weekends. During school and public holidays, people generally also have more time to recreate no matter the day of the week.

**TABLE 4: AFTER-HOURS BASKETBALL OCCURRENCES BY DAY AND MONTH**

DAY	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Month Total
December 2021	3	7	8	5	10	10	6	49
January 2022	6	9	5	11	6	6	15	58
February 2022	5	5	4	5	9	8	7	43
March 2022	2	2	3	3	6	9	4	29
April 2022	0	0	0	0	0	2	1	3
May 2022	0	0	0	0	0	0	0	0
June 2022	0	0	0	0	0	0	0	0
July 2022	0	0	0	0	0	0	1	1
<b>Day Total</b>	<b>16</b>	<b>23</b>	<b>20</b>	<b>24</b>	<b>31</b>	<b>35</b>	<b>34</b>	<b>183</b>
<b>Percentage</b>	8.7%	12.6%	10.9%	13.1%	16.9%	19.1%	18.6%	100%

As shown in **Table 5** below, approximately half (51.9%) of the occurrences of after-hours play comprised one to two (1-2) individuals. Small groups comprising three to four (3-4) people playing accounted for just over a third (36.1%) of occurrences. Groups of five to six (5-6) people and seven (7) or more people playing at a time occurred less frequently (8.2% and 3.8%, respectively). A number of these groups comprised the same individuals who appear to be regular players at the basketball court.

**TABLE 5: AFTER-HOURS BASKETBALL OCCURRENCES BY GROUP SIZE**

GROUP SIZE	1-2	3-4	5-6	7+	Month Total
December 2021	25	13	7	4	49
January 2022	33	18	4	3	58
February 2022	21	19	3	0	43
March 2022	13	15	1	0	29
April 2022	2	1	0	0	3
May 2022	0	0	0	0	0
June 2022	0	0	0	0	0
July 2022	1	0	0	0	1
<b>Group Total</b>	<b>95</b>	<b>66</b>	<b>15</b>	<b>7</b>	<b>183</b>
<b>Percentage</b>	51.9%	36.1%	8.2%	3.8%	100%

As shown in **Table 6** below, occurrences of after-hours play ranged from one (1) minute to 112 minutes in duration, with an average of 17 minutes duration. The majority (69.4%) of after-hours occurrences involved people playing basketball for 20 minutes or less. On several occasions, people stopped playing as soon as they were told by others that it was after-hours, read the signs posted at the court, or noticed the light flashing on the CCTV camera. There were also several occasions where people played for extended periods of time, including five (5) occurrences of where people played continuously in excess of one hour.

**TABLE 6: AFTER-HOURS BASKETBALL OCCURRENCES BY DURATION**

DURATION	<10 mins	10-20 mins	21-30 mins	31-40 mins	41-50 mins	51-60 mins	>60 mins	Month Total
<b>December 2021</b>	25	11	5	4	4	0	0	<b>49</b>
<b>January 2022</b>	28	14	8	4	2	1	1	<b>58</b>
<b>February 2022</b>	13	14	9	5	1	1	0	<b>43</b>
<b>March 2022</b>	9	11	2	1	2	1	3	<b>29</b>
<b>April 2022</b>	1	0	0	1	0	0	1	<b>3</b>
<b>May 2022</b>	0	0	0	0	0	0	0	<b>0</b>
<b>June 2022</b>	0	0	0	0	0	0	0	<b>0</b>
<b>July 2022</b>	1	0	0	0	0	0	0	<b>1</b>
<b>Total</b>	<b>77</b>	<b>50</b>	<b>24</b>	<b>15</b>	<b>9</b>	<b>3</b>	<b>5</b>	<b>183</b>
<b>Percentage</b>	42.1%	27.3%	13.1%	8.2%	4.9%	1.6%	2.7%	100%

As shown in **Table 7** below, the majority (59.6%) of after-hours basketball play finished by 8:30pm, with a greater percentage (83.3%) of play finishing by 9:00pm. There were several occasions (13.6%) of play recorded after 9:00pm. The latest recorded time of playing at night was 11:07pm. There were fewer recorded instances (3.1%) of play before 8:00am. The earliest recorded time of playing in the morning was 6:10am.

**TABLE 7: AFTER-HOURS BASKETBALL OCCURRENCES BY TIME OF DAY<sup>1</sup>**

TIME	6–8am	8–8:30pm	8:30–9pm	9–9:30pm	9:30–10pm	After 10pm
<b>December 2021</b>	3	31	16	8	3	1
<b>January 2022</b>	1	46	20	3	0	0
<b>February 2022</b>	2	34	12	1	1	1
<b>March 2022</b>	1	23	5	3	3	3
<b>April 2022</b>	0	2	1	1	1	1
<b>May 2022</b>	0	0	0	0	0	0
<b>June 2022</b>	0	0	0	0	0	0
<b>July 2022</b>	0	0	0	0	0	1
<b>Total</b>	<b>7</b>	<b>136</b>	<b>54</b>	<b>16</b>	<b>8</b>	<b>7</b>
<b>Percentage</b>	3.1%	59.6%	23.7%	7.0%	3.5%	3.1%

<sup>1</sup>Note: If an occurrence of basketball play continued over multiple 30-minute time periods, then it was recorded in this table against each time period. For example, if an individual or group(s) started playing at 8:15pm and finished at 9:15pm, an occurrence was recorded in each of the three (3) time periods (i.e. 8:00-8:30pm, 8:30-9:00pm, and 9:00-9:30pm) in which the play overlapped. Therefore, the total number of occurrences is greater than 183.

The basketball court at Felixstow Reserve is not lit and there is minimal light spill onto the court from the nearest lights to enable anyone to safely play after dark. A night with a full moon however provides the most visibility within the space and even then, the ability to play safely is questionable. It is difficult to understand why some users attempt to play basketball after dark when it is difficult to see the basket. Nevertheless, people do sometimes play after dark.



## City of Marion

The City of Norwood Payneham & St Peters is not the only council in the Adelaide metropolitan area that has received complaints regarding the adverse impacts of noise from basketball courts. As a result of similar noise complaints, the City of Marion engaged an acoustic consultant “to quantify noise levels generated by basketball activity, and prepare an assessment methodology that can be applied to future proposed basketball courts to determine the likely impact and required mitigation to comply with relevant noise policies.”

The acoustic consultant’s report (a copy of which is contained in **Attachment D**) assessed the sound levels of basketball impacts on two (2) types of floor surfaces (i.e. asphalt and Gerflor PowerGame +, an outdoor sports flooring product comprising polypropylene tiles) and two (2) types of backboards (i.e. wooden and noise reduction) as well as raised voices. The assessment determined that there was no significant difference in overall noise levels between the two (2) types of floor surfaces. However, there was a “reasonable difference” in overall noise levels of the two (2) types of backboards, with the noise reduction type backboard measuring five decibels (5 dB(A)) quieter than a wooden backboard.

As part of their work, the acoustic consultant also identified assessment criteria using the South Australian Government’s *Planning & Design Code* and *Environment Protection (Noise) Policy 2007* and developed a recommended noise assessment procedure and guidelines for the installation of new basketball courts within the City of Marion. The noise assessment guideline recommendations for mitigation for a basketball half court in residential areas are outlined in **Table 8** below.

**TABLE 8: MITIGATION RECOMMENDATIONS FOR BASKETBALL HALF COURT**

Distance of backboard to the nearest residence	Mitigation
Greater than 36 metres	No mitigation required
Between 32 and 36 metres	Use noise reduction backboard
Between 15 and 32 metres	Use noise reduction backboard and install 1.8-metre-high noise barrier between court and residence
Between 9 and 15 metres	Use noise reduction backboard and install 2.4-metre-high noise barrier between court and residence
Less than 9 metres	Consider relocating basketball court to alternative area or offer resident(s) façade treatment (e.g. secondary glazing system)

The distance of the Felixstow Reserve backboard to the nearest residential property boundary on Langman Grove is 42 metres. If the Basketball Half Court Noise Assessment Guideline prepared for the City of Marion is applied to Felixstow Reserve, then no noise mitigation would be required.

Being more conservative, the distance between the edge of the basketball court to the nearest residential property boundary on Langman Grove is 34 metres. If the Basketball Half Court Noise Assessment Guideline prepared for the City of Marion is applied using a distance of 34 metres, then a noise reduction backboard should be used. A noise reduction backboard as contained in **Attachment E** is already installed and being used at Felixstow Reserve.

## City of Moreland, Victoria

On 18 May 2022, *ABC News* reported a story titled “[Coburg basketball ring gets innovative upgrade after night noise complaints](#)” as contained in **Attachment F**. Unable to find an available solution on the market which could automatically remove the ring at night and return it during daylight hours, a City of Moreland employee approached several Melbourne universities for assistance. Two (2) Monash University industrial design students developed “a relatively simple and inexpensive design” for a retractable pole that extends across the middle of the ring to stop a ball from passing through. The pole is connected to a programmable circuit board with an internal clock and timer which runs on solar power.

The basketball ring blocking device was first installed in April 2022 and has reportedly performed well as a prototype. The device was removed in early July 2022 to make some improvements to the wiring, reduce the battery size, add in a Bluetooth controller and construct a more compact and subtle unit. The City of Moreland intends to trial an improved version of the ring blocking device at Bush Reserve and possibly a couple more reserves later this year.

There are several Australian Councils that have enquired about the device since the story broke the news. It is currently believed that the students have been exploring patent and commercial applications for the device with the intent to bring the product to market. The City of Moreland has organised a meeting on 11 August 2022 for interested Council staff to learn more about the basketball ring blocking device. At this meeting, the industrial design students will present on the current status and future of the basketball ring blocking device. The Council's Project Manager, Urban Design & Special Projects will participate in the meeting and enquire about obtaining a device to trial at Felixstow Reserve.

## **OPTIONS**

There are a number of options which have been identified and considered to address the residents' complaints about the use of the basketball court at Felixstow Reserve.

### **Option 1 – Do Nothing**

Option 1 is to do nothing and to allow the basketball court to remain and operate as it currently does. The Council has installed signage and marked the court in an attempt to discourage basketball play after 8:00pm and before 8:00am. As a community facility, it is difficult to enforce these rules without having a constant physical presence on site between 8:00pm and 8:00am. This would be resource intensive and impractical to do on a permanent basis.

There is an established history of complaints regarding the basketball court from some residents living near Felixstow Reserve. Community consultation and CCTV monitoring has assisted in highlighting the issues and impacts related to the after-hours use of the basketball court. Many participants of the community consultation process would like the Council to do something to address the noise impacts of the basketball court on nearby residents and have made several suggestions for the Council to consider.

If the Council does nothing, it will be ignoring community concerns and suggestions. Complaints from residents about noise and the after-hours use of the basketball court will continue. Council resources will be further tied up in handling complaints and monitoring and managing the on-going use of the basketball court. Therefore, the option to do nothing is **not recommended**.

### **Option 2 – Retain the basketball court in its current location with additional measures**

Participants in the community consultation process have identified and suggested several measures that the Council should consider further to help address the impacts of the basketball court on nearby residents. These measures included:

- A. sound attenuation;
- B. installation of a device that prevents the after-hours use of the basketball ring;
- C. installation of additional signage;
- D. installation of timed lighting;
- E. surveillance and compliance;
- F. education of users;
- G. fencing and locking the court;
- H. change curfew hours to align with daylight saving; and
- I. pay for the installation of double glazing to windows of residents' dwellings.

Several of these measures (e.g. sound attenuation, changing court rules, fencing) were identified and discussed under the Options heading in the report considered by the Council at its meeting held on 6 December 2021. Whilst the majority of these measures have been presented to the Council previously, there is merit in presenting and discussing these again.

## A. Sound attenuation

Reducing sound at the source through the use of a barrier can benefit the greatest number of receivers. Different types of sound barriers include fences, walls and earth mounds. In order to be effective, a sound barrier must:

- be solid and continuous (i.e. without any holes or openings);
- have mass (i.e. minimum surface density of five (5) kg/m<sup>2</sup>); and
- break the line of sight between the noise source and the receiver.

A sound barrier surrounding the basketball court would create an undesirable obstruction to vision and movement and potentially create safety issues and additional ongoing maintenance requirements. Additionally, a sound barrier would not be effective at mitigating noise for second storey living areas and balconies unless it was extremely tall. Several consultation participants were opposed to the idea of a sound barrier for these reasons.

As part of the Council's decision which it made at the meeting held on 6 December 2021, the Council requested staff to investigate the installation of an acoustic barrier using Mass Loaded Vinyl (MLV). MLV is a thin, flexible material used to add mass to structures and reduce sound transmission. It is available in varying surface densities (e.g. 4-8kg/m<sup>2</sup>) and comes in either dark grey or black. Whilst MLV is a relatively inexpensive material, it must be attached to a vertical surface such as a chain mesh fence to create a solid sound barrier. It is arguably less attractive and more easily damaged than other potential sound barrier materials (e.g. steel, concrete, acrylic, timber, etc.).

Participants in the consultation process also suggested that an alternative surface material to asphalt might provide some sound attenuation. As set out in the report considered by the Council at its meeting held on 6 December 2021, the rubber basketball surface at Linde Reserve was tested and no significant difference in sound level was found in comparison to asphalt.

Staff have recently enquired further about MSF Pro flooring, an interlocking polypropylene tile, which is marketed as reducing sound by 30%. MSF Sports, the supplier of MSF Pro flooring, has not undertaken any formal acoustic testing to verify the sound reducing benefits of their product. MSF Sports indicated that they intend to undertake acoustic testing soon and will provide these results to the Council when testing is completed. However, at the time of writing this report, test results were not available.

Staff have also been unable to find or identify any other suitable sound attenuating surface materials. It is worth noting that a similar interlocking polypropylene tile to the MSF Pro flooring (i.e. Gerfor PowerGame +) was tested by an acoustic consultant for the City of Marion (refer to **Attachment D**). The test results indicated no significant difference in the sound levels between basketball impacts on an asphalt surface and the polypropylene flooring tile, however there was a notable reduction in high frequency sound. It is anticipated that the MSF Pro flooring test results will be similar.

For the reasons outlined above, additional sound attenuation measures are **not recommended** for the basketball court at Felixstow Reserve.

## B. Installation of a device that prevents the after-hours use of the basketball ring

There are various products on the market that discourage unauthorised use of a basketball ring by preventing a basketball from being able to pass through the ring. The devices are generally lockable, steel devices which need to be manually installed and removed using a ladder.

Alternatively, there are also removable basketball rings on the market. A bracket is bolted permanently to the backboard, and the ring is manually removed by sliding it upwards out of the bracket. A ladder or lifting tool is needed to install and remove the ring.

There are also adjustable basketball hoops which can be raised, lowered and locked at different heights. An adjustable basketball ring could discourage after-hours use by adults if lowered in height. However, it could similarly encourage others wanting to try to dunk or that do not mind playing with a lower ring. Adjustable basketball systems are also manually operated and could be used in combination with a ring locking device to prevent after-hours use.

Manual locking, removal or adjustment of the basketball ring on a daily basis would require a resource to perform this function. The Council could employ a contractor or train a volunteer to undertake the daily task, but this would likely have cost and/or health and safety implications that would need to be further addressed if it were to be implemented long term.

As previously discussed, Monash University students, have developed a prototype for an automatic ring blocking device and it has been trialled with success by the City of Moreland in Victoria. The students are currently working on improvements to the ring blocking device with the intention to undertake further trials and potentially turn it into a commercial product.

An automatic device would address resource and health and safety issues associated with a manual device. Staff are not aware of any other automatic devices that are commercially available. Given the benefits of this device, it is **recommended** that the Council obtain the improved version of the automatic device developed by the Monash University students to use at Felixstow Reserve as soon as it becomes available to trial or purchase. Depending on when this product becomes available, the Council could also resolve to temporarily lock or remove the ring to prevent after-hours use of the basketball court (e.g., between the hours of 8:00pm and 8:00am, commencing in October 2022 at the start of daylight saving and concluding at the end of daylight saving in April 2023, or until an automatic device becomes available, whichever of the two occurs first.)

### C. Installation of additional signage

Signs are not going to eliminate the after-hours use of the basketball court. However, signs do have a regulatory purpose and contribute to the management of the basketball court by advertising the rules and expectations for community use.

In November 2020, temporary signage displaying the following rules was installed:

- basketball and netball play will be allowed everyday between the hours of 8:00am and 8:00pm;
- private coaching and team training will not be allowed; and
- foul language, yelling and loud music will also not be tolerated at any time.

Based on CCTV monitoring and the results of the community consultation, it is clear that some people read signs and follow them while other people do not see the signs or ignore them altogether. Several participants of the consultation process agreed that signage for the courts is still needed and even suggested that signage should be more prominent (i.e. more and/or larger signs) so that people cannot miss seeing them.

The existing court signs are now in poor condition and in need of replacement. It is **recommended** that the use of signage be continued at the court to explain the court rules of use and encourage good community behaviour and that the existing signs be replaced with new permanent signs.

### D. Installation of timed lighting

The basketball court at Felixstow Reserve is not lit. There is minimal light spill onto the court from nearby lights to enable anyone to safely play after dark. However, in response to resident complaints, a timer which controls the pavilion and the pole mounted lights closest to the basketball court has been installed. The timer is currently programmed to turn off these lights at 8:00pm (or 9:00pm in daylight saving time) to discourage the use of the pavilion and basketball court areas after dark.

Some residents would like the timed lighting to stay on later at night for safety reasons. The Council is not aware of any safety issues in the pavilion and basketball court areas at night. Therefore, it is **not recommended** to make any changes to the Reserve lighting.

## E. Surveillance and compliance

Anecdotally, the CCTV camera at the basketball court appears to have deterred some people from playing basketball after-hours. This was observed when people were told that they were on camera and stopped playing and also on occasions when people seemed to notice the flashing alarm light on top of the camera when it was triggered between 8:00pm and 8:00am.

CCTV surveillance has been effective in monitoring after-hours use of the court. However, unless there is some type of rapid response and enforcement, then CCTV will not be effective in stemming after-hours play. Additionally, unless regularly monitored, CCTV can provide a false sense of security.

As set out in the report considered by the Council at its meeting held on 6 December 2021, pursuant to *By-Law 4 - Local Government Land*, the Council has the ability to prohibit certain activities at certain times from being undertaken on Council property. The Council could formally prohibit basketball play during certain times and issue fines if these rules are not observed. However, this is a heavy handed, unfriendly approach and would be very difficult and resource intensive to enforce. Non-enforcement creates community apathy towards the rules and frustration for those concerned about or directly affected by the non-compliance of others.

The flashing alarm light on top of the CCTV camera did appear to have a limited effect on some persons who saw it working. However, it is quite likely that many people did not see the light, as it is mounted on top of the camera approximately 3.5 metres above the ground level, located at the rear of the courts to the back of persons facing the backboard, and only flashes for 10 seconds each time that someone newly enters the detection zone after it has already turned off.

A flashing alarm light that is mounted more prominently (e.g. on the basketball pole, on a sign pole near the court) could act a visual signal to people playing basketball after dark to be more aware of signage, that they are not doing the right thing, and/or that their playing is noticeable to others in the community. A flashing warning light that is motion activated (and possibly solar powered) is not expected to impact or disturb the amenity of residents inside their homes and is likely to be inexpensive. For these reasons, it is **recommended** that the Council discontinues the CCTV monitoring of the basketball court and that it installs a motion activated warning light which flashes as a visual signal to persons using the court after dark.

## F. Education of users

As an alternative to enforcement, the Council could take a more friendly approach and develop a campaign to engage with users of the basketball court, particularly regular players, during daylight savings (e.g. school holidays in December/January) to discuss the benefits of recreation and exercise, educate people about the impacts that after-hours basketball play has on residents and encourage good community behaviour.

The Council will soon be employing a new Manager, Arts, Culture & Community Connections and Youth Development Officer. These staff could be responsible for developing and carrying out a community education campaign which may assist in decreasing after-hours use of the basketball court. This communication strategy is **recommended**.

## G. Fencing and locking the court

Fencing and locking the basketball court was set out in detail in the report which was considered by the Council on 6 December 2021. A fence would make the basketball court less functional, create an undesirable physical barrier and create issues to resource and manage the opening and closing of the gate. Installation of a fence could also introduce other anti-social behaviours. On this basis, fencing and locking the court is **not recommended**.

## H. Change curfew hours to align with daylight saving

The current signposted hours of play are 8:00am-8:00pm. Prior to these rules being established, there were no restrictions on the use of the courts. The rules were introduced after receiving and considering residents' complaints in an attempt to balance the needs of both park users and nearby residents.

The court hours of play were subjectively determined by staff following consideration of the *Local Nuisance and Litter Control Act 2016*. Under the *Act*, noise generated from domestic premises (e.g. non-fixed machinery, tools, equipment) can be a local nuisance if the noise travels to neighbouring premises between the hours of:

- 8:00pm and midnight on any day; or
- midnight and 9:00am on Sunday; or
- midnight and 8:00am on any other day.

While Felixstow Reserve is not a domestic premise, 8:00am-8:00pm was adopted for simplicity and general consistency with the rules for neighbours in a residential area.

As previously stated, it is very resource intensive for the Council to patrol and enforce the existing rules regarding when the courts can be used. Eliminating the existing court rules for hours of play or extending the available hours of play will cause concerns with affected residents. However, posting court rules and not being able to enforce them is also frustrating for affected residents.

It is normal and reasonable for people to use reserve facilities without restriction by the Council during daylight hours. Unless there is enforcement of the court rules and/or a physical obstacle that restricts court or ring access, people are going to play basketball when it is light outside.

CCTV monitoring showed the majority (59.6%) of after-hours basketball play finished by 8:30pm, with a greater percentage (83.3%) of play finishing by 9:00pm. Several participants in the consultation process who are basketball court users want to see the hours of play changed to reflect daylight hours (e.g. different times in summer and winter).

If the currently established court hours of play are changed to reflect daylight hours (e.g. sunrise to sunset, 8:00am-dark, etc.), this would be good for court users but would be detrimental for the affected residents. It is **recommended** that the existing court hours of 8:00am-8:00pm be maintained with the understanding that people will continue to break the rules, particularly during the summer months.

An automatic device which can block the basketball ring would provide the Council with more flexibility and effectiveness in its ability to manage the court. If the Council is able to obtain a device, it is **recommended** that automatic device is programmed to block the ring from 8:00pm to 8:00am.

#### I. Pay for the installation of double glazing to windows of resident's dwellings

The acoustic consultant's report to the City of Marion (**Attachment D**) provides information on façade upgrade treatments for sound attenuation, including double (or secondary) glazing systems. In that report, the acoustic consultant states:

*'We recommend facade treatments are considered as a last resort option, as reducing the noise at the source through the use of noise reduction backboards and noise barriers will benefit a greater number of receivers and will reduce noise levels in areas of external amenity. Facade treatments will only benefit a single residence and only in internal areas. Façade treatments also only work when windows are closed, further restricting residents to choose between noise amenity or fresh air and ventilation.'*

It would be problematic for the Council to offer façade upgrade treatments such as double glazing for the following reasons:

- it would set an undesirable local government precedent and create an argument for anyone living near an existing basketball court or indeed any facilities within the Council area to receive double glazing;
- it would be difficult to objectively determine the circumstances to qualify for double glazing;
- it would provide a capital improvement to property owners which is subsidised by general rate payers;
- it would be resource intensive for the Council to administer a double glazing program;
- the financial costs are unknown and unbudgeted; and
- double glazing may not provide the desired sound attenuation benefit if there are existing air gaps or poor insulation in the walls or roof of a residence.

Paying for the installation of double glazing or other façade treatments is therefore **not recommended**.

### Option 3 – Relocate the basketball court elsewhere within Felixstow Reserve

Relocating the basketball court elsewhere within Felixstow Reserve was set out in the report which was considered by the Council at its meeting held on 6 December 2021. One of the key purposes of the community consultation was to better understand the concerns of the Felixstow residents who signed the petition which asked the Council to *'take urgent action remove the Felixstow Reserve basketball court to a more suitable location that doesn't disrupt the livelihoods of local residents,'* as well as the broader community views on relocating of the basketball court.

The petition was signed by 39 people, representing 33 households. The consultation survey was completed by 60 people, representing 50 households. Of the 39 people who signed the petition asking for the court to be relocated, nine (9) of them representing eight (8) households completed the survey. Of the nine (9) people who signed both the petition and completed the survey:

- one (1) person wants the basketball court to remain in the current location;
- one (1) person wants the basketball court to remain in the current location and additional efforts undertaken to manage impacts on nearby residents;
- four (4) people want the basketball court relocated elsewhere in Felixstow Reserve;
- one (1) person wants the basketball court relocated to elsewhere in the Council area; and
- two (2) people want the basketball court to be removed completely and not relocated.

It is not known why more people who signed the petition did not participate in the community consultation process which was undertaken by the Council. Each Felixstow resident received a postcard in their letterbox at the start of the consultation period. A week before the consultation process closing, individual letters encouraging participation were also dropped in the letterboxes of residents who signed the petition but had not yet completed the survey or registered to participate in the residents focus group.

The consultation participants suggested three (3) locations to relocate the basketball court within Felixstow Reserve.

One suggested location is on the north side of the wetlands. Three (3) locations on the north side of the wetlands, including the suggested existing fitness equipment location, were previously identified in the report which was considered by the Council at its meeting held on 6 December 2021. In that report, it stated:

*'The problem with these locations is that they are spatially and visually distant from the primary recreation activity zone near the pavilion which is not ideal. In addition there would be a loss of established trees and/or need to remove and/or relocate existing fitness equipment to install a basketball court. The costs cannot be determined but would be much higher than relocating a basketball court to [any of the three identified locations in the open lawn area]. For these reasons, [the three locations north of the wetlands] are not worthy of further consideration.'*

The other suggested locations are in the open lawn area. One of these locations, on the other side of the pavilion and more towards the centre of the Reserve, was previously identified and discussed in the 6 December 2021 report. The other location, on the other side of lawn area closer to the car park at Wicks Avenue, was not previously considered due to its distance from other facilities.

It should be noted that the existing location of the basketball court is currently in close proximity to the pavilion and toilets, table tennis, bocce court, barbecues and picnic shelters. The design intent was to purposefully concentrate these facilities at this location to create both visual and spatial connection between them. The spatial arrangement of these facilities has been successful to their use and contributes to greater participation and perceptions of safety.

It is likely that relocating the basketball court to any of these locations will lessen the noise impacts on existing residents who have raised concerns because there will be a greater distance between the basketball court and the homes of these residents. However, it may not necessarily fully resolve the complaints of noise from existing residents who have raised concerns and may potentially create complaints from other residents or users. The more isolated that a facility is the more likely that it will be used after-hours and potentially attract anti-social behaviour.

Relocating the basketball court to an open lawn area would require removal of existing turf, relocation and adjustment of existing irrigation system, excavation and installation of base material, installation of a new basketball ring, asphalt resurfacing, and line marking. The existing basketball court area is ten by fifteen (10 x 15) metres. In order for a new basketball court to look purposeful rather than simply placed in a new location at Felixstow Reserve, a curved shape would likely be more appropriate than a rectangular court shape. The cost to build a new court in the open lawn area is estimated to be in the vicinity of \$35,000 (first order cost estimate) depending on the location. This cost estimate does not take into consideration any costs associated with the repurposing of the existing basketball court. Depending on what use replaces the existing basketball court will determine its cost.

If the basketball court was relocated or removed, participants in the consultation process have suggested the following ideas for the space which would be left vacant by the existing court:

- leave as a hard surface for roller blading and scooters;
- replace with lawn/ use as open space;
- replace with a garden;
- create a children's playground or water play area;
- apply time regulations for use of the area (e.g. 8:00am to 7:00pm or 8:00pm depending on daylight saving time);
- provide ground markings for children's games (e.g. snakes and ladders, hopscotch);
- create a badminton court; and
- install additional picnic table.

Relocating the basketball court within the Felixstow Reserve will require funds. This option will best address the existing concerns of affected residents, but is likely upset some non-affected residents and users of the court, many of which participated in the community consultation and want the basketball court to remain in its current location.

Based upon the overall response to the community consultation, the resources that are required and the opportunity to implement new measures such as a ring blocking device to help address the impacts of the basketball court on nearby residents, it is **not recommended** to relocate the basketball court within Felixstow Reserve.

#### **Option 4 – Remove the Basketball Ring from Felixstow Reserve**

Option 4 involves the permanent removal of the basketball ring from Felixstow Reserve. The existing basketball court is well used, particularly during school holidays, evenings and on weekends. The basketball court is used by people of many different ages, abilities and backgrounds. The regular use of the basketball court by many different individuals and groups demonstrates a community need for this type of facility at Felixstow Reserve.

The Council undertook a robust and valid consultation and design process to develop Felixstow Reserve. The community requested a basketball court be included at Felixstow Reserve through the initial stage of community consultation and engagement process (i.e. *Tell us what you would like to see at Felixstow Reserve*). A basketball court was subsequently shown in each and every plan during the planning and design process (i.e. the Draft Concept Plan, Final Draft Concept Plan, Draft Masterplan, Final Masterplan, Detailed Design and Construction Documentation), with no objection from the community. Through the recent consultation process, an overwhelming majority (82%) of participants in the consultation process advised that they like the basketball court and want it to remain in its current location. An additional 13% of respondents indicated that they want the basketball court to be relocated elsewhere within Felixstow Reserve.

Therefore, based on this data, deciding to permanently remove the basketball ring would ignore the wider community's desire and expectation for basketball facilities to be provided at Felixstow Reserve. This would subsequently trigger many complaints from City residents and users of the basketball court and create new issues and additional administrative work for the Council.

For these reasons, the option of removing the basketball court and eliminating basketball as an activity in Felixstow Reserve is **not recommended**.



### **Option 5 – Establish an additional basketball court elsewhere in the area**

A consultation participant suggested two (2) locations for relocating the court outside of Felixstow Reserve. These locations are:

- MARS stadium grounds; and
- Payneham Youth Centre on Turner Road, Felixstow.

The Council does not own or manage any of the land at the MARS stadium grounds. The Payneham Youth Centre is currently leased and the external grounds are not suitable and in close proximity to existing residences. The adjacent Patterson Sports Ground is fully grassed and leased year-round to sporting clubs. On this basis, neither of these options are currently viable.

An additional basketball court in the area, particularly if it was a half court or larger, could take some pressure off of the use of the existing basketball court at Felixstow Reserve. This is a benefit to basketball court users, but is unlikely to benefit affected residents. Therefore, this option is **not recommended**.

### **CONCLUSION**

Given that the Council has undertaken significant consultation on the redevelopment of Felixstow Reserve and now the use and location of the basketball court, it is recommended to both retain a basketball court in Felixstow Reserve and its current location. It is also recommended that the Council implements additional measures to further discourage after hours basketball playing at Felixstow Reserve. The installation of a device to block the basketball ring should particularly assist in stopping after hours basketball activity.

It is recognised that regardless of what the Council decides in relation to this matter, there is no practical solution that will please all members of the community. Retaining the basketball court at its current location and implementing additional measures will not satisfactorily resolve the concerns of some nearby residents who are affected by the basketball court. Complaints from affected residents related to the basketball court are therefore likely to continue. However, it is considered that relocating or removing the existing basketball court will cause new complaints and issues, requiring additional and continued Council effort and resources to investigate and address.

If the decision made by the Council, irrespective of what it is, is well informed and justified, then the community, regardless of the individual views, are more likely to be accepting of the outcome.

### **COMMENTS**

Prior to its redevelopment, Felixstow Reserve was underdeveloped, undermaintained and underutilised community land. Existing residents were used to living adjacent to a Reserve which was not used by many people and therefore, was a quiet location. However, Felixstow is undergoing significant infill development and the importance of open space is recognised by the Council. The redevelopment of Felixstow Reserve has realised the site's latent potential as a Regional Level Reserve that attracts and benefits both the local and the wider community.

There is much to like about Felixstow Reserve. The Reserve's popularity and success in attracting users can be attributed to the robust consultation and design processes as well as the type and quality of facilities provided. The basketball court, in particular, is well utilised due to its quality, size and integration with other recreation facilities in a convenient, accessible and safe location. It is an important part of the overall recreation offering at Felixstow Reserve, providing opportunity for exercise and intergenerational play.

The relocation or removal of the basketball court from Felixstow Reserve would set a problematic precedent, the effects of which could potentially extend to future issues being created in relation to other basketball courts, playgrounds, tennis courts and other types of recreation facilities within the City.

## RECOMMENDATION

1. That the results of the CCTV monitoring and community consultation in respect to the use of the basketball court at Felixstow Reserve, as contained in Attachments A, B and C, be received and noted.
  2. That the CCTV monitoring of the basketball court at Felixstow Reserve, be discontinued.
  3. That the basketball court at Felixstow Reserve be retained in its current location.
  4. That additional measures be implemented by the Council to further discourage the late evening and early morning use of the basketball court at Felixstow Reserve, including, but not limited to:
    - a. the installation of improved signage and a motion activated warning light, which flashes as a visual signal to persons using the court after dark; and
    - b. the installation of an automatic device to block the basketball ring, such as the one currently being developed by Monash University students, as soon as it becomes available to trial or purchase, and that the automatic device is programmed to block the ring from 8:00pm to 8:00am.
  5. That affected residents and other community consultation participants be advised in writing of the Council's decision regarding this matter.
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Cr Sims left the meeting at 7.45pm.

Cr Sims returned to the meeting at 7.48pm.

*Cr Minney moved:*

1. *That the results of the CCTV monitoring and community consultation in respect to the use of the basketball court at Felixstow Reserve, as contained in Attachments A, B and C, be received and noted.*
2. *That the CCTV monitoring of the basketball court at Felixstow Reserve, be discontinued.*
3. *That the basketball court at Felixstow Reserve be retained in its current location.*
4. *That additional measures be implemented by the Council to further discourage the late evening and early morning use of the basketball court at Felixstow Reserve, including, but not limited to:*
  - a. the installation of improved signage and a motion activated warning light, which flashes as a visual signal to persons using the court after dark; and*
  - b. the installation of an automatic device to block the basketball ring, such as the one currently being developed by Monash University students, as soon as it becomes available to trial or purchase, and that the automatic device is programmed to block the ring from 8:00pm to 8:00am.*
5. *That affected residents and other community consultation participants be advised in writing of the Council's decision regarding this matter.*

*Seconded by Cr Knoblauch and carried unanimously.*

### 11.3 SMART PARKING INITIATIVE – WEBBE STREET CAR PARK, NORWOOD

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**REPORT AUTHOR:** General Manager, Urban Planning & Environment  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4501  
**FILE REFERENCE:** qA2055  
**ATTACHMENTS:** Nil

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#### PURPOSE OF REPORT

The purpose of this report is to seek the Council's endorsement to commence a call for Expressions of Interest to investigate options to monitor time limited car parking bays in the Webbe Street car park, Norwood, using smart technology.

#### BACKGROUND

In December 2020, the Council endorsed a *Smart City Plan*. Smart Cities apply digital technology, data and innovative practices to improve liveability, sustainability, collaboration and economic opportunities. The Council also endorsed a Priority Action Plan, subject to funding opportunities being considered through the annual budget.

Since the adoption of the *Smart City Plan*, several key initiatives have been implemented, including:

- appointment of an internal staff Smart City Steering Committee;
- adoption of a Zero Emissions Corporate Vehicle Strategy;
- adoption of a Corporate Emissions Reduction Strategy;
- leasing of hybrid electric corporate passenger vehicles for staff use;
- installation of 66kW Solar PV and Battery Storage at Norwood Town Hall;
- installation of smart irrigation systems at Scott Street Reserve, Syd Jones Reserve and the median strip of The Parade, Norwood;
- use of heat mapping data to guide decision making on the future greening of the Council area;
- integration of a remote monitoring system and radar to monitor vehicle speeds within a Koala Crossing on William Street, Norwood;
- a trial of e-scooters across the City;
- partnering with JOLT and Evie Networks to install public electric vehicle charging stations at various locations across the City (first one is scheduled for install in August 2022 in the Webbe Street car park);
- partnering with IronBark Sustainability and Google to use Google Environmental Insights Explorer (EIE) analytics to understand transport volumes by different modes across the city since 2020;
- use of the *Social Pinpoint* software platform to facilitate community consultation on traffic related matters;
- purchase of a 'Smart Starter Kit', including a range of sensors to enable the counting of people at events, traffic movements etc. (still in procurement stage);
- integration of Smart City features in some strategic projects such as The Parade Masterplan;
- installation of Christmas themed augmented reality projections on The Parade;
- membership of the Smart Cities Council of Australia/New Zealand; and
- undertaking a Smart Park Pilot Project for the Webbe Street car park, Norwood in partnership with eSMART 21.

One of the key initiatives contained in the Priority Action Plan includes consideration of smart parking opportunities, which is the subject of this report.

#### RELEVANT STRATEGIC DIRECTIONS & POLICIES

##### **Outcome 1: Social Equity**

*An inclusive, connected, accessible and friendly community.*

The implementation of Smart Parking initiatives is underpinned by the objective of improving accessibility to local businesses and services.

**Outcome 2: Cultural Vitality**

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

The implementation of Smart City projects that contribute to the sustainable, effective use of hard infrastructure fosters a stronger connection with the City and a sense of place.

**Outcome 3: Economic Prosperity**

*A dynamic and thriving centre for business and services*

Smart Parking initiatives have a role to play in enabling greater citizen connectivity to local businesses and services by improving turn over and availability of car parking spaces. The Council can play the role of ‘enabler’ in this space and apply digital technology, and or make data available to improve citizen and business collaboration and inform economic opportunities.

**FINANCIAL AND BUDGET IMPLICATIONS**

A Smart Parking Pilot Project for the Webbe Street Car Park, Norwood, was undertaken in 2021 in partnership with eSMART 21, to test the suitability and effectiveness of eSMART 21’s propriety product AutoFine, to monitor car parking bays, including the turn-over of vehicles, in the Webbe Street car park.

The Pilot Project included the monitoring of six unsigned car parking bays in the ground floor of the Webbe Street carpark to ascertain the extent to which vehicles over stayed the two (2) hour parking time limit controls and this in turn, enabled staff to make some data-based assumptions about cost and revenue projections, if the use of smart technology was to be implemented on an ongoing basis for all of the 151 parking bays contained on the ground floor of the Webbe Street car park.

The cost and revenue projections ascertained from the analysis of the Pilot Smart Parking Project, clearly showed that the Council would incur some ‘up front’ start-up costs associated with the installation of hardware such as sensors, cabling, high-definition cameras, junction boxes etc. and the procurement of software to enable the smart monitoring and integration with the Council’s Information Systems. However, these costs could either be borne as ‘up front’ capital expenditure, or could potentially be spread over time as part of a leasing agreement for the hardware and software, depending on what the supplier is prepared to offer.

The likely revenue that the Council would receive from monitoring the parking bays and issuing fines using smart technology, would vary significantly depending on the type of smart technology that is used. For instance, some options, such as eSMART 21’s Autofine system, offers a complete ‘end-to-end’ solution in which the parking bays would be fully monitored and Expiation Notices would be generated automatically by the Autofine software and sent directly to the vehicle owners by mail. Other simpler options could include the installation of in-ground sensors in each vehicle bay, which would trigger a smart phone notification to the Council’s Compliance Officers when a vehicle overstays the parking control time limits and this would require the Inspectors to attend the car park to issue Expiation Notices.

The latter approach would not provide an ‘end-to-end’ system so it is likely to generate substantially less revenue than a complete ‘end to end’ monitoring and expiation system, but the ‘up front’ costs to implement in-ground sensors would be far cheaper than the cost of installing an ‘end to end’ system requiring high-definition cameras.

Irrespective of the type of smart technology that is eventually deployed, provided that the ‘up front’ set up cost to the Council is less than the projected revenue in the first year of operation, then the project would be considered ‘revenue positive’ and would not have any negative cost implications for the Council.

Elected Members may recall that a Budget Submission was proposed as part of the 2022-2023 Budget to implement a Smart Parking initiative for the Webbe Street car park. That submission was not endorsed by the Council. It is understood that the reason the project was not endorsed is because of the projected \$80,000 cost to the Council and not necessarily because of any concerns with the value or merits of the project.

Following a review of the submission, it is considered that the Budget Submission did not clearly articulate the extent to which the cost of the initiative would be offset by the likely increase in revenue that would result from using smart technology to monitor the car parking bays compared with the current level of revenue generated by the periodic monitoring of the Webbe Street car park by the Council's Compliance Officers, who have to split their time to monitor car parking time limit controls across the whole City. As such, the Budget Submission incorrectly inferred that the project would require \$80,000 in funding, whereas it should have clearly stated that the \$80,000 cost would be entirely offset by the projected increase in revenue from using smart technology to monitor the parking bays and therefore be a 'revenue positive' project.

Notwithstanding the outcome of the Budget Submission, given there are many ways in which smart technology can be used to monitor and manage parking the Webbe Street car park, it is now proposed to call for expressions of interest from providers to enable staff to assess the suitability of different technologies and ensure that any short-listed proposals are 'revenue positive'. Once submissions are assessed, a further report will be presented to the Council for consideration.

### **EXTERNAL ECONOMIC IMPLICATIONS**

One of the key objectives of using smart technology to monitor the Webbe Street carpark, is to increase turn-over of available parking spaces and minimise the extent to which vehicles overstay the current parking time limits. If this objective is achieved, then more vehicles can use the car park on a daily basis meaning that more people will have convenient access to local services on and near The Parade, Norwood and increased visitation rates, combined with improved access to convenient car parking spaces, will benefit local traders.

### **SOCIAL ISSUES**

The use of smart technology to monitor car parking bays is increasing across Australia. Locally, several councils, including, but not limited to, the City of Adelaide, the City of Charles Sturt, City of Playford, City of Marion and City of Unley, use smart technology to monitor car parking bays in different ways. Some councils use complete 'end-to-end' systems that monitor parking bays and generate expiation notices that are sent directly to vehicle owners. Other councils use in-ground sensors and smart phone applications that alert Compliance Officers when a vehicle has overstayed a parking time limit control and some councils use smart sensors and displays to advertise and promote the available number of car parking bays in a particular location or car park.

In other cases, car parking time limits are monitored using cameras and boom gates at the entry and exit points to a car park. This approach is evident in the private sector.

The use of smart technology to monitor car parking bays is not uncommon and is widely accepted as a part of modern-day society.

### **CULTURAL ISSUES**

Nil

### **ENVIRONMENTAL ISSUES**

Nil.

### **RESOURCE ISSUES**

If the Council determines to implement a Smart Parking initiative in the Webbe Street car park, Norwood, some training of staff will be required to manage the system. It is difficult to predict the extent of resourcing that will be required until such time as tender submissions have been analysed. The overriding principle that will be adopted is that any adverse resource implications that arise will either need to be covered within existing resources or offset and paid for by additional revenue generated by the increased monitoring of the time limit parking controls.

## RISK MANAGEMENT

There is the potential that some local traders and citizens may not support the increased monitoring of the ground level of the Webbe Street carpark. This will need to be managed by undertaking robust consultation and information sharing with local traders and the community and being clear about the benefits of the project regarding more effective service delivery and encouragement of greater accessibility to local businesses and services. Notwithstanding this, there are existing time-limit parking controls already in place at the Webbe Street Car Park and it is considered that local traders want these limits to be enforced. Whether the enforcement is through the Council's Compliance Officers or through a Smart Parking initiative should not be an issue.

Local traders were informed about the Smart Parking Pilot project that was conducted in 2021 by the Council's Economic Development staff and two positive responses were received at that time, supporting the notion of policing time limit controls to ensure regular turn over and availability of car parking spaces for visitors to The Parade precinct.

## COVID-19 IMPLICATIONS

Not Applicable.

## CONSULTATION

- **Elected Members**  
Nil
- **Community**  
Nil
- **Staff**  
Nil
- **Other Agencies**  
Nil

## DISCUSSION

One of the key drivers of the Council's *Smart City Plan* is to facilitate greater accessibility and mobility so that people can move efficiently around the City, accessing services and participating in economic activity. One of the Council's accessibility related Priority Actions is to explore opportunities to improve the efficiency and effectiveness of parking with smart technology.

In 2021, the Council partnered with eSMART 21, to undertake a Smart Parking Pilot Project in the Council owned Webbe Street, Norwood car park. The purpose of the Pilot project was to evaluate the use of technology to facilitate a greater turnover of car parking spaces in highly utilised car parks, via the monitoring and enforcement of parking time limit controls.

The overall objectives of monitoring car parking spaces in the Webbe Street car park with smart technology include:

- increasing turn-over of available parking spaces to benefit local traders;
- where required, issuing expiation notices in an effective and efficient manner, minimising the extent of time the Council's Regulatory Services Compliance Officers need to physically spend in the car park monitoring vehicle stays;
- improving the standard of proof of evidence for issuing expiations; using data obtained from in-ground sensors, and/or CCTV footage;
- freeing up time for the Council's Compliance Officers to perform more duties, such as monitoring parking adjacent school zones, elsewhere in the City;
- increasing revenue sourced from parking expiations, noting that this is not one of the key drivers for the project; and
- monitoring of car parking usage rates, including peak periods, to inform the timing of delivery for other council projects such as capital works upgrades in the vicinity of the carpark.

The Smart Parking Pilot Project undertaken in partnership with eSMART 21 was successful and showed that their Autofine technology could be deployed and be 'fit-for-purpose' in the Webbe Street car park, however, given the broad range of technology available to monitor and manage car parks, it is proposed to 'test the market' by calling for expressions of interest via an open tender process, for the monitoring and management of the ground floor of the Webbe Street car park using smart technology.

Once a range of smart technology options are analysed, a report will be prepared for the Council's consideration making recommendations for the most suitable technology available.

## **OPTIONS**

The Council can either endorse or reject the proposal. However, given that the first phase of this project is limited to calling for expressions of interest to enable staff to analyse the suitability or otherwise of using smart technology to monitor and manage time limited car parking bays on the ground floor of the Webbe Street car park, there is considered to be little if any down side, or financial or other risks for the Council. In addition, further investigation of smart parking opportunities is consistent with the strategies contained in the Council's *Smart City Action Plan*.

## **CONCLUSION**

In order to remain financially sustainable and meet community expectations, the Organisation must be cognisant of emerging technologies and the need to be innovative in the way we do business.

The Council's Smart City Plan provides a robust framework to facilitate the investigation of digital technologies and innovative practices to improve liveability, sustainability, collaboration and economic opportunities, in a cost-effective manner. In this context, the Council's endorsement to call for expressions of interest and investigate options to monitor time limited car parking bays in the Webbe Street Car Park in Norwood, using smart technology is now sought.

## **COMMENTS**

Nil

## **RECOMMENDATION**

1. The Council notes that Expressions of Interest will be called to investigate options to monitor and manage time limited car parking bays in the ground floor of the Webbe Street car park Norwood, using smart technology.
2. The Council notes that a report will be prepared for its consideration following the assessment of any submissions which are received through the Expressions of Interest.

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Cr Moore left the meeting at 7.55pm.  
Cr Moore returned to the meeting at 7.59pm.

*Cr Mex moved:*

1. *The Council notes that Expressions of Interest will be called to investigate options to monitor and manage time limited car parking bays in the ground floor of the Webbe Street car park Norwood, using smart technology.*
2. *The Council notes that a report will be prepared for its consideration following the assessment of any submissions which are received through the Expressions of Interest.*

*Seconded by Cr Patterson and carried.*

## 11.4 REVIEW OF POLICIES

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

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### 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. Local Government Elections Caretaker Policy & Guidelines (**Attachment B**); and
2. Social Media (**Attachment C**);

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.

In addition to the policies set out above, the following policies have been reviewed. Based on recent legislative amendments, these policies are redundant and therefore no longer required.

1. Informal Gatherings (**Attachment D**)
2. Mobile Food Vendor Guidelines (**Attachment E**)

The basis for the recommendation to rescind these policies is set out in the Discussion section of this report.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.



## DISCUSSION

### Local Government Elections Caretaker Policy & Guidelines

The *Local Government Elections Caretaker Policy & Guidelines* is an existing Policy.

The *Local Government (Elections) Act 1999* (the Act), provides for mandatory Caretaker provisions during Local Government elections. These provisions require each Council to adopt a Caretaker Policy, which will govern the conduct of the Council (Elected Members) and its staff during an election period.

The *Local Government Elections Caretaker Policy* (the Policy), which was adopted by the Council at its meeting held on 6 August 2018, applied to the Local Government Election held in November 2018. The Policy has now been reviewed, updated and amended to apply to the Local Government Election which will be held in November 2022.

The draft Policy has been updated to reflect the recent legislative amendments which have been made to Section 91A(2) of the *Local Government (Elections) Act 1999* (as set out below), as a result of the *Statutes Amendment (Local Government Review) Act 2021*, which came into operation in September 2021:

*91A—Conduct of council during election period*

- (2) *Subject to this section, the caretaker policy must, as a minimum—*
- (a) prohibit the making of a designated decision; and*
  - (b) prohibit the use of council resources for the advantage of a particular candidate or group of candidates,*
- during the election period.*

The draft *Local Government Elections Caretaker Policy* affirms the Council's commitment to fair and democratic elections. The Policy aims to ensure that the Council conducts its business throughout the Election Period in a responsible and transparent manner and in accordance with the relevant statutory requirements and that the Council avoids actions and decisions which could be perceived as intended to affect the results of an election or have a significant impact on the incoming Council.

The draft Policy stipulates that the Caretaker period will commence at the close of nominations on Tuesday, 6 September 2022 and will expire at the conclusion of the election, being the time at which the final result of the election is certified by the Returning Officer.

A copy of the draft *Local Government Elections Caretaker Policy* is contained within **Attachment B**.

### Social Media Policy

The *Social Media Policy* is an existing Policy.

The *Social Media Policy* provides guidance for Elected Members and Council staff, Volunteers and contractors (who are engaged by the Council) regarding the appropriate use of social media platforms and tools (whether authorised Council platforms or personal accounts) for the purpose of conducting Council business.

Whilst it is acknowledged that the role of Elected Members is different to the role of staff, all Elected Members and staff are deemed to be *Public Officers* and as such, policies which govern the various responsibilities and duties of Public Officers, (ie, *Public Interest Disclosure Policy, Fraud & Corruption Prevention Policy, Electronic Communications Policy, Local Government Elections Caretaker Policy, etc*), are prepared and adopted by the Council to ensure that all Public Officers perform their duties and functions in accordance with the relevant legislation, (ie *Local Government Act 1999, Independent Commissioner Against Corruption Act 2012, Criminal Law Consolidation Act 1935, Defamation Act 2005, etc*), and with the utmost integrity and standards of behaviour.

The *Social Media Policy* applies to all Public Officers, which includes Elected Members and staff. Therefore, rather than have separate policies, (ie a policy which applies to Elected Members and a policy which applies to staff, Volunteers and contractors), one (1) policy has been prepared.

In doing so, the *Social Media Policy* clearly sets out the roles and responsibilities for Public Officers in respect to the use of social media.

A copy of the draft *Social Media Policy* is contained within **Attachment C**.

### **Informal Gatherings Policy**

The *Informal Gatherings Policy* was adopted in accordance with Section 90 (8) of the *Local Government Act 1999*, which allowed Elected Members and staff to participate in *informal gatherings* or *discussions*, provided that a matter which would ordinarily form part of the agenda for a formal meeting was not dealt with in such a way as to obtain, or effectively obtain, a decision outside a formally constituted meeting of the Council or committee.

Informal gatherings as previously set out in the Act, could include:

- planning sessions associated with the development of policies and strategies;
- briefing or training sessions;
- workshops; and
- social gatherings to encourage informal communication between members or between members and staff.

Each Council in South Australia was required to adopt an *Informal Gatherings Policy* to clearly define how Informal Gatherings would be managed by the Council, in accordance with the *Local Government Act 1999*.

The *Statutes Amendment (Local Government Review) Act 2021*, has subsequently repealed *Section 90(8)* of the *Local Government Act 1999* and introduced a new *Section 90(A)* which establishes a new framework for the management of "*Information or briefing sessions*".

This means that the Council is no longer required to adopt a policy and therefore the *Informal Gatherings Policy* can be revoked.

A copy of the *Informal Gatherings Policy* is contained within **Attachment D**.

### **Mobile Food Vendor Guidelines**

Section 225A of the *Local Government Act 1999*, required Councils to adopt guidelines (*Mobile Food Vendor Guidelines*), to set out the rules and locations within respective Local Government Areas in which Mobile Food Vendors could operate. The rules on location were required to comply with any requirements prescribed by the *Local Government (General) Regulations 2013*.

As such, the Council adopted the *Mobile Food Vendor Guidelines* in April 2018.

The provisions however which established the legislative framework to manage Mobile Food Vendor applications have subsequently been deleted in their entirety through the *Statutes Amendment (Local Government Review) Act 2021*. New applications from Mobile Food Vendors are now required to be treated the same as other applications seeking permission to use a road for a business purpose.

This means that the Council is no longer required to adopt and maintain location rules for Mobile Food Vendors.

A copy of the *Mobile Food Vendor Guidelines* is contained within **Attachment E**.

## OPTIONS

As the draft Policies contained within Attachments B and C have been in place for some time and have not been the subject of major change and/or are required by legislation without a requirement for consultation, it is recommended that the Council does not undertake community consultation regarding the draft Policies and adopts the Policies.

In respect to the Policies which have been recommended for revocation, it is recommended that these be revoked without undergoing any community consultation as the legislative requirements to have these Policies in place have been removed.

## 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

1. That the following Policies be adopted:
  - 1.1 Local Government Elections Caretaker Period (Attachment B); and
  - 1.2 Social Media Policy (Attachment C).
2. That having conducted a review of the following policies, the Council revokes the following policies:
  - 2.1 Informal Gatherings Policy (Attachment D); and
  - 2.2 Mobile Food Vendor Guidelines (Attachment E).

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*Cr Mex moved:*

1. *That the following Policies be adopted:*
  - 1.1 *Local Government Elections Caretaker Period (Attachment B); and*
  - 1.2 *Social Media Policy (Attachment C) be amended to read as follows:*
    - *Page 4 – Personal vs Council Business*  
*Avoid expressing personal opinions in relation to Council decisions or Council business, and do not make disparaging comments in relation to Council decisions or Council business (including in relation to Elected Members or Council staff, Volunteers or contractors).*
2. *That having conducted a review of the following policies, the Council revokes the following policies:*
  - 2.1 *Informal Gatherings Policy (Attachment D); and*
  - 2.2 *Mobile Food Vendor Guidelines (Attachment E).*

Cr Sims left the meeting at 8.15pm.

*Seconded by Cr Moorhouse.*

Cr Sims returned to the meeting at 8.17pm.

Amendment

Cr Moore moved:

1. That the following Policies be adopted:

- 1.1 Local Government Elections Caretaker Period (Attachment B); and
- 1.2 Social Media Policy (Attachment C) be amended to read as follows:

- Page 4 – Personal vs Council Business  
Avoid expressing personal opinions in relation to Council decisions or Council business, and do not make disparaging comments in relation to Council decisions or Council business (including in relation to Elected Members or Council staff, Volunteers or contractors).

*This provision does not prevent an Elected Member stating their opinion of a Council decision or policy in a respectful manner.*

2. That having conducted a review of the following policies, the Council revokes the following policies:

- 2.1 Informal Gatherings Policy (Attachment D); and
- 2.2 Mobile Food Vendor Guidelines (Attachment E).

*The amendment lapsed for want of a seconder.*

*The original motion was put and carried.*

**Section 2 – Corporate & Finance**  
**Reports**

## 11.5 MONTHLY FINANCIAL REPORT – JUNE 2022

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

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### PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding its financial performance for the year ended June 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 Third Budget review which forecasts an Operating Surplus of \$1.356 million. The Third Budget Review as proposed saw an increase to the Operating Surplus of \$1.171 million due largely to Operating Projects being carry forward into the 2022-2023 Financial Year and the advance payment of an additional quarter of Financial Assistance Grants by the Federal Government which was not anticipated in the 2021-2022 Budget.

For the period ended June 2022, the Council's Operating Surplus is \$2.455 million against a budgeted Operating Surplus of \$1.356 million resulting in a favourable variance of \$1.099 million.

It should be noted that the 2021-2022 Financial Statements are yet to be finalised and audited, as such the result is subject to change. The Audit Committee will consider the Draft Financial Statements at their meeting scheduled for 23 October 2022, with the Council due to adopt the 2021-2022 Financial Statements at the ordinary Council Meeting scheduled for 3 November 2022.

### 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 June 2022, the Council's provisional Operating Surplus is \$2.455 million against a budgeted Operating Surplus of \$1.356 million, a favourable variance of \$1.099 million. The favourable variance is primarily driven by expenditure being favourable to the Budget.

The primary drivers behind the variances in expenditure are:

- Energy Expenses are \$88,000 (15%) favourable to budget due the installation of the solar system at the Norwood Town Hall, which was completed in 2021, generating a greater reduction in energy costs than was originally anticipated.
- Materials, Parts and Consumables combined are \$161,000 (24%) favourable to budget. There are no individually significant underspends across these budget lines however, many small variances which in part are the result of issues associated with the delivery of services across the organisation with reduced staffing due to COVID-19.
- Contracted expenses are \$243,000 favourable to the budget, which is predominately due to expenditure on the engagement of consultants being \$136,000 less than planned. The lower than anticipated expenditure was due to activities being undertaken by staff combined with delays in the delivery of outcomes due to the impact of COVID-19 on both the availability of staff and external resources.
- Finance costs is \$88,000 favourable to the budget due to interest expense not being incurred as there were sufficient cash reserves to fund expenditure needs, negating the need to draw down borrowings to fund capital works undertaken during the year.
- Employee Expenses are \$522,000 favourable to the budget which is driven by the combination of staff vacancies which are being covered with existing staffing resources, timing of leave being taken compared to budget and variances in the rate of pay being paid to new staff members compared to budget.

Total income is in line with the budget expectations however, the following variances are highlighted:

- User Charges are \$202,000 (5%) unfavourable to the budget, which is due primarily a decrease in income at the St Peters Child Care Centre and Preschool (\$93,000) as a result of room closures and child absences 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.

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

**OPTIONS**

Nil

**CONCLUSION**

Nil

**COMMENTS**

Nil

**RECOMMENDATION**

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

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Cr Whittington left the meeting at 8.36pm.

*Cr Sims moved:*

*That the June 2022 Monthly Financial Report be received and noted.*

*Seconded by Cr Knoblauch and carried unanimously.*



## **Section 3 – Governance & General Reports**

## 11.6 Highbury Landfill Authority Review

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**REPORT AUTHOR:** Manager, Governance & Legal  
**GENERAL MANAGER:** General Manager, Governance & Community Affairs  
**CONTACT NUMBER:** 8366 4626  
**FILE REFERENCE:** qA69172  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to brief the Council on the status of the proposed amendments to the Highbury Landfill Authority Charter.

### BACKGROUND

The Highbury Landfill Authority (**the Authority**) is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999 (the Act)*, for the purpose of facilitating the closure and post closure management of the former Highbury Landfill site.

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

Under clause 19(4) of Schedule 2 to the Act, the Constituent Councils are required to review the Authorities Charter every four (4) years. As part of that requirement a number of amendments to the Charter were proposed by the Authority. To amend the Charter, the Constituent Councils must approve the amendments.

As Elected Members may recall the proposed amendments to the Charter were considered at its meeting on 6 September 2021. While most of the proposed amendments to the Charter were agreed, the proposed amendment relating to the Board conducting meetings in private was not agreed.

As such, the Council endorsed the proposed amendments to the Charter, but for the proposed amendment relating to the Board conducting meetings in private. The rationale being that meetings of the Board should be conducted in public, and that if a specific item requires a basis for an exclusion, that Section 90 of the Act can be invoked.

The Authority has now reported to the Council on the proposed amendments to its Charter after finalising its consultation with the Constituent Councils.

### 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.

## COVID-19 IMPLICATIONS

Not Applicable.

## CONSULTATION

- **Elected Members**  
Elected Members were previously consulted about the proposed amendments to the Charter at the meeting on 6 September 2021.
- **Community**  
Not Applicable.
- **Staff**  
Chief Executive Officer  
General Manager, Urban Services  
Manager, Governance & Legal
- **Other Agencies**  
Not Applicable.

## DISCUSSION

On **31 May 2022**, Mr Trevor Hockley, Executive Officer of the Authority, wrote to the Constituent Councils advising that the proposed approach taken by this Council at its meeting on 6 September 2021 was endorsed by both the Town of Walkerville and the City of Burnside.

That approach is that meetings of the Board are to be conducted in public unless there is a basis for an exclusion under Section 90 of the Act.

The letter dated 31 May 2022 is contained in **Attachment A** to this report.

The letter of 31 March 2022 from the Authority advises that the proposed amendments to clauses 2.5.13 to 2.5.18 inclusive of the Charter are as follows:

- provide for meetings of the Board to be conducted in public, unless a proper basis for exclusion of the public is provided as per Section 90 of the Act;
- ensure the public can have access to the Board's electronic meetings;
- entitle the public to have access to board meeting minutes and meeting documents, unless they relate to matters dealt with by the Board on a confidential basis and the Board orders they are to remain confidential;
- set out matters that must be included in the Board's minutes if the Board orders the public to be excluded from its meetings or that public access to its minutes or documents is restricted.

The amended Charter is contained in **Attachment B** to this report.

While the Council has in principle endorsed the proposed amendments to the Charter, the Authority has recommended that the proposed amendments, namely the amendments to clauses 2.5.13 to 2.5.18 inclusive of the Charter, are again considered by the Council.

At its meeting on 6 September 2021 the Council unanimously resolved the following regarding the proposed amendments to the Charter:

*That the proposed changes to the Highbury Landfill Authority Charter as contained in Attachment B be endorsed in principal, with the following amendment:*

- *that Section 2.5.13 be replaced with: That Members of the public are able to attend all meetings of the Highbury Landfill Authority Board, unless prohibited by resolution of the Board under the confidentiality provisions contained in Section 90 of the Local Government Act 1999.*

The Elected Members now asked to adopt the entirety of the Charter, incorporating the proposed amendments to clauses 2.5.13 to 2.5.18 inclusive.

## **OPTIONS**

The Council has the option of not adopting the proposed amendments to the Charter because it has in principle considered these amendments previously, however it is appropriate that the Council formally adopts the amendments to clauses 2.5.13 to 2.5.18 of the Charter.

## **CONCLUSION**

The Council did not recommend the amendment permitting the Authority to conduct meetings “in camera” because of the importance of the subject matter considered by the Authority at Board meetings. This position was supported by the Constituent Councils.

Given the proposed amendment to clause 2.5.13 was not recommended by the Council it is appropriate that the Council again considers the amendments, and formally adopts the amendments to the Charter.

## **COMMENTS**

Not Applicable.

## **RECOMMENDATION**

1. That the Council notes this report.
2. That the Council adopts the proposed changes to the Highbury Landfill Authority Charter as contained in Attachment B, namely the proposed changes to clauses 2.5.13 to 2.5.18 inclusive of the Charter.
3. That the Council authorises the Chief Executive Officer to advise the Highbury Landfill Authority of the decision to adopt the proposed changes to the Charter.

---

Cr Callisto left the meeting at 8.36pm.

Cr Sims left the meeting at 8.36pm.

*Cr Minney moved:*

1. *That the Council notes this report.*
2. *That the Council adopts the proposed changes to the Highbury Landfill Authority Charter as contained in Attachment B, namely the proposed changes to clauses 2.5.13 to 2.5.18 inclusive of the Charter.*
3. *That the Council authorises the Chief Executive Officer to advise the Highbury Landfill Authority of the decision to adopt the proposed changes to the Charter.*

*Seconded by Cr Patterson and carried unanimously.*

## 11.7 NOMINATIONS FOR PRESIDENT OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2219  
**ATTACHMENTS:** A

---

### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Association of South Australia (LGA), for the position of President of the LGA and to invite the Council to submit a nomination.

### BACKGROUND

The LGA has forwarded correspondence to Councils inviting nominations for the position of President of the LGA. The term of office for the new President is a two (2) year term, commencing from the 2022 LGA Annual General Meeting (ie 28 October 2022), and concluding at the 2024 LGA Annual General Meeting.

A copy of the letter from the LGA dated 4 July 2022 is contained within **Attachment A**.

The LGA's Constitution sets out the process associated with the nominations for the role of President. The Constitution requires that the Office of the LGA President will be elected on a biennial basis and nominations will be received from an Elected Member provided they are a current Elected Member and a current Member of either the South Australian Regional Organisation of Councils (SAROC) or the Greater Adelaide Regional Organisation of Councils (GAROC). In addition, the candidates must have been a member of either SAROC or GAROC for a period of not less than one (1) year.

The relevant extract from the LGA Constitution is contained within **Attachment A**.

This Council is a member of GAROC.

As the current President, Mayor Angela Evans is from an eligible metropolitan Council (ie, the City of Charles Sturt), nominees are now sought from eligible rural Councils, (ie members of SAROC).

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### DISCUSSION

The role of the President is to:

- provide leadership to the LGA Board of Directors;
- chair meetings of the LGA Board of Directors;
- preside at meetings of the LGA (ie Ordinary Meetings, Annual General Meetings; etc);
- to act as the principal spokesperson of the LGA; and
- represent the LGA externally to government, stakeholders, etc.

The term of office of the President is two (2) years. An annual allowance is payable in relation to the position of President.

To be eligible for nomination, a person must be an Elected Member and be a current member of the SAROC Committee and have been in that role for at least one (1) year.

The current members of the SAROC Committee are:

- Mayor Erika Vickery OAM, Naracoorte Lucindale Council;
- Mayor Brent Benbow, Port August City Council;
- Mayor Peter Hunt, Berri Barmera Council;
- Mayor Moira Jenkins, City of Victor Harbour;
- Mayor, Peter Matthey OAM, Regional Council of Goyder;
- Mayor Claire McLaughlin, Whyalla City Council;
- Mayor Bill O'Brien, Light Regional Council;
- Mayor Keith Parkes, Alexandrina Council;
- Mayor Caroline Phillips, District Council of Karoonda East Murray; and
- Mayor Richard Sage, District of Council of Grant.

Whilst a Council may nominate a person from another Council, it is important to note that the Nomination Form requires that person to accept the nomination and sign the form. It is therefore incumbent on the Council to ensure that, if it does intend to nominate a person from another Council, the nominee is aware of the proposed nomination and is prepared to accept the nomination.

A copy of the 2022 Nomination Form for the LGA President is contained within **Attachment A**.

Nominations are to be received by the Returning Officer, LGA no later than 5.00pm on Friday, 19 August 2022.

## **RECOMMENDATION**

That the report be received and noted and the invitation to submit a nomination to the Local Government Association for the position of President of the Local Government Association of South Australia President be declined.

**or**

The Council nominates \_\_\_\_\_ to the Local Government Association for the position of President of the Local Government Association of South Australia.

---

Cr Whittington returned to the meeting at 8.37pm.

*Cr Duke moved:*

*That the report be received and noted and the invitation to submit a nomination to the Local Government Association for the position of President of the Local Government Association of South Australia President be declined.*

*Seconded by Cr Minney.*

Cr Callisto returned to the meeting at 8.37pm.

*The motion was put and carried unanimously.*

## 11.8 LOCAL GOVERNMENT ASSOCIATION (LGA) 2022 ANNUAL GENERAL MEETING – APPOINTMENT OF COUNCIL DELEGATE

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2219  
**ATTACHMENTS:** Nil

---

### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the Local Government Association of South Australia's (LGA) 2022 Annual General Meeting and the requirement, in accordance with the LGA Constitution, to appoint a Council Delegate to represent the Council and vote at the Annual General Meeting.

### BACKGROUND

The Local Government Association of South Australia's (LGA) 2022 Annual General Meeting, will be held on Friday, 28 October 2022. The agenda will be issued to all Councils in the near future.

Pursuant to the LGA Constitution, councils are required to appoint a Council Delegate to represent the Council and vote at the LGA Annual General Meeting, if the Council wishes to be represented and have voting rights at the 2022 Annual General Meeting. The Council may also appoint a Deputy Council Delegate in the event the Delegate is unable to attend the Annual General Meeting.

A Council Officer cannot be appointed as a Delegate.

Traditionally, the Mayor has been appointed as the Delegate for the LGA Annual General Meeting.

It is considered appropriate that the Council also appoints a Deputy Council Delegate in the event that the appointed Delegate is unable to attend the Annual General Meeting.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### RECOMMENDATION

1. That Mayor Robert Bria be appointed as the Council Delegate for the Local Government Association 2022 Annual General Meeting.
  2. That Councillor \_\_\_\_\_ be appointed as the Deputy Council Delegate for the Local Government Association 2022 Annual General Meeting.
- 

Cr Sims returned to the meeting at 8.38pm.

*Cr Minney moved:*

1. *That Mayor Robert Bria be appointed as the Council Delegate for the Local Government Association 2022 Annual General Meeting.*
2. *That Councillor Evonne Moore be appointed as the Deputy Council Delegate for the Local Government Association 2022 Annual General Meeting.*

*Seconded by Cr Whittington and carried unanimously.*

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## 11.9 LOCAL GOVERNMENT ASSOCIATION (LGA) 2022 ANNUAL GENERAL MEETING – ITEMS OF BUSINESS

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2219  
**ATTACHMENTS:** A

---

### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the Local Government Association of South Australia's (LGA) 2022 Annual General Meeting and the invitation from the LGA to submit *Items of Business* for consideration at the Ordinary General Meeting.

### BACKGROUND

The Local Government Association (LGA) 2022 Annual General Meeting, will be held on Friday, 28 October 2022.

The purpose of the AGM is to consider items of strategic importance to Local Government and the LGA, as recommended by the Board of Directors, the South Australian Region Organisation of Councils (SAROC) or the Greater Adelaide Region of Councils (GAROC).

*Items of Business* must be submitted to either the LGA Board of Directors, or in the case of this Council, GAROC, for consideration prior to being referred to the AGM for consideration. It is however at the discretion of the Council to determine if the Notice of Motion is to be submitted to either the Board of Directors or GAROC.

The role of the Board of Directors is to oversee the corporate governance of the LGA and provide strategic direction and leadership.

The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the region(s).

Whilst not strictly specified, the logical approach is to refer the *Item of Business* to the relevant body in accordance with its role.

Pursuant to the LGA Constitution, Councils are invited to submit Items of Business for consideration at the Annual General Meeting. Items of Business must be received by the by Friday 12 August 2022, if they are to be considered at the 2022 Annual General Meeting.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### DISCUSSION

A requirement of the LGA in respect to Items of Business, is that Items of Business submitted by Councils, should highlight a relevant reference to the LGA Strategic Plan.

A copy of the LGA 2021-2025 Strategic Plan is contained within **Attachment A**.

A memorandum dated 29 April 2022, was forwarded to Elected Members, inviting Members wishing to submit an Item of Business for consideration at the LGA Ordinary General Meeting, to contact the Council's General Manager, Governance & Community Affairs, prior to this Council meeting, for advice and assistance in the formulation of an appropriate Notice of Motion.

At the time of writing this report, the General Manager, Governance & Community Affairs has not been contacted by any Elected Member wishing to submit An Item of Business.



**RECOMMENDATION**

That the report be received and noted.

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*Cr Duke moved:*

*That the report be received and noted.*

*Seconded by Cr Minney and carried unanimously*

## 11.10 NOMINATIONS FOR MEMBERS OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA GREATER ADELAIDE REGION ORGANISATION OF COUNCILS (GAROC)

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2219  
**ATTACHMENTS:** A

---

### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Association of South Australia (LGA), for Members of the Greater Adelaide Regional Organisation of Council (GAROC) and to invite the Council to submit a nomination/s.

### BACKGROUND

The Local Government Association of South Australia (LGA) has written to the Council inviting nominations for appointment to the Greater Region of Adelaide Organisation of Council (GAROC).

A copy of the letter to the LGA dated 4 July 2022, is contained in **Attachment A**.

The terms of the current members of the GAROC Committee will expire on 28 October 2022 (at the 2022 LGA Annual General Meeting (AGM)).

The LGA's current Constitution, sets out the process associated with the nominations for appointment to the GAROC.

The GAROC represents the greater Adelaide region (ie, metropolitan), based on North, South, East, West groupings of Councils and the City of Adelaide and the South Australian Regional Organisation of Councils (SAROC) is based on the existing regional areas and areas outside the Adelaide metropolitan area.

This Council and the following Councils are members of the GAROC:

- Adelaide Hills Council;
- City of Burnside;
- Campbelltown City Council;
- City of Charles Sturt;
- Town of Gawler;
- City of Holdfast Bay;
- City of Marion;
- City of Mitcham;
- City of Onkaparinga;
- City of Playford;
- City of Port Adelaide Enfield;
- City of Prospect;
- City of Salisbury;
- City of Tea Tree Gully;
- City of Unley;
- Town of Walkerville; and
- City of West Torrens.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

## DISCUSSION

The Terms of Reference for the GAROC stipulate that the role of GAROC is to provide regional advocacy, policy initiation and review, leadership, engagement and capacity building in the region(s).

An extract from the GAROC Terms of Reference is contained within **Attachment A**.

The Lord Mayor of the City of Adelaide, (or nominee), is a standing member of GAROC.

The Council is a member of the East Regional Grouping and therefore the Council is able to nominate one (1) member for appointment to GAROC from the East Regional Grouping, which comprises the following Councils:

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

The term of office is for a two (2) year period, commencing at the conclusion of the LGA AGM to be held on 28 October 2022, and concluding at the 2024 AGM.

Whilst a Council may nominate a person from another Council it is important to note that the Nomination Form requires that person to accept the nomination and sign the form. It is therefore incumbent on the Council to ensure that, if it does intend to nominate a person from another Council, the nominee is aware of the proposed nomination and is prepared to accept the nomination.

Nominations are to be received by the Returning Officer, LGA no later than 5.00pm on Friday, 19 August 2022.

All nominations must be forwarded to the LGA via the attached nomination form. A copy of the nomination form is contained within **Attachment A**.

## RECOMMENDATION

That the report be received and noted and the invitation to submit a nomination to the Local Government Association for the Local Government Association Board as a Member representing the Greater Region of Adelaide (GAROC) be declined.

**or**

The Council nominates \_\_\_\_\_ to the Local Government Association for the Local Government Association Board as a Member representing the Greater Region of Adelaide (GAROC).

---

*Cr Sims moved:*

*That the report be received and noted and the invitation to submit a nomination to the Local Government Association for the Local Government Association Board as a Member representing the Greater Region of Adelaide (GAROC) be declined.*

*Seconded by Cr Duke and carried unanimously.*

## 11.11 LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA ANNUAL GENERAL MEETING

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2181  
**ATTACHMENTS:** A - B

---

### PURPOSE OF REPORT

The purpose of the report is to advise the Council that the Local Government Finance Authority of South Australia, is holding its Annual General Meeting on Friday, 28 October 2022.

### BACKGROUND

The Annual General Meeting of the Local Government Finance Authority of South Australia (LGFA), will be held on Friday, 28 October 2022, at the Adelaide Oval. This meeting will again coincide with the Local Government Association of South Australia Annual General Meeting. The commencement time of the LGFA AGM is yet to be advised.

The LGFA requires that a number of procedural matters must be attended to in order to ensure compliance with the LGFA Rules.

### DISCUSSION

#### Appointment of Council Representative

Section 15 (1) of the *Local Government Finance Authority of South Australia Act 1983* (the Act), provides that:-

*“Every Council is entitled to appoint a person to represent it at a general meeting of the Authority.”*

Traditionally, the Mayor has been appointed as the Council Representative.

The LGFA will be notified of the City of Norwood Payneham & St Peters representative, via the appropriate documentation (**Attachment A**), by 19 August 2022, in accordance with the prescribed timeframes.

#### Notices of Motion

The Rules of the LGFA in relation to the Annual General Meeting procedures, require that a Notice of Motion specifying the resolution which is to be proposed must be given to the Chief Executive Officer not less than forty two days prior to the meeting. To comply with this rule, it is necessary for any Notices of Motion to be submitted to the LGFA no later than Friday, 19 August 2022.

Notices of Motion must be lodged stating the following:

- the Notice of Motion;
- the reason for the Notice of Motion; and
- the suggested action.

Any Notices of Motion submitted by the Council, will be forwarded to the LGFA via the appropriate documentation (**Attachment B**).

### OPTIONS

The Council is entitled to appoint a person to represent it at the LGFA AGM.

It is at the discretion of the Council as to whether or not it forwards a Notice of Motion/s to be considered at the Annual General Meeting.

## **CONCLUSION**

All relevant information must be forwarded to the Local Government Finance Authority for inclusion with the Agenda for the LGFA AGM, by Friday, 19 August 2022.

## **COMMENTS**

Nil.

## **RECOMMENDATION 1**

### **Appointment of Council Representative**

1. The Council appoints Mayor Bria as the City of Norwood Payneham & St Peters Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2022.
2. The Council appoints \_\_\_\_\_ as the City of Norwood Payneham & St Peters Proxy Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2022.

## **RECOMMENDATION 2**

### **Notices of Motion**

1. The Council notes the report and declines the invitation to submit a Notice of Motion to the Local Government Finance Authority Annual General Meeting.

**or**

2. The Council forwards a Notice of Motion to the Local Government Finance Authority Annual General Meeting in relation to the following item:
- 

*Cr Patterson moved:*

### **Appointment of Council Representative**

1. *The Council appoints Mayor Robert Bria as the City of Norwood Payneham & St Peters Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2022.*
2. *The Council appoints Councillor Evonne Moore as the City of Norwood Payneham & St Peters Proxy Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2022.*

*Seconded by Cr Minney and carried unanimously.*

*Cr Sims moved:*

### **Notices of Motion**

*The Council notes the report and declines the invitation to submit a Notice of Motion to the Local Government Finance Authority Annual General Meeting.*

*Seconded by Cr Minney and carried unanimously.*

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## 11.12 NOMINATIONS TO THE LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA BOARD

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2181  
**ATTACHMENTS:** Nil

---

### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Finance Authority (LGFA), for election to the Local Government Finance Authority Board (the Board) and invite the Council to submit a nomination.

### Local Government Finance Authority Board

The LGFA is seeking nominations for the Local Government Finance Authority Board to replace two (2) current Members, whose term of office expires on 31 December 2022. The two (2) positions are currently held by Ms Annette Martin, City of Charles Sturt and Mr Michael Sedgman, The Rural City of Murray Bridge.

The LGFA of South Australia was established in January 1984, under the Local Government Finance Authority Act 1983, and is managed and administered by a Board of Trustees. The Authority is a statutory authority established for the benefit of Councils and other prescribed Local Government bodies within the State.

The role of the Board is to develop and implement investment and borrowing programs for the benefit of Councils and prescribed Local Government bodies and to engage in such other financial activities as are determined by the Minister for Local Government, after consultation with the Local Government Association of South Australia, to be in the interests of Local government.

The term of office is for a two (2) year period, commencing on 1 January 2023 to 31 December 2024.

Nominations for the Local Government Finance Authority Board must be forwarded by Friday, 19 August 2022, via a Nomination and Resume form.

In accordance with the Rules of the LGFA, if more than two (2) persons are nominated an election for the two (2) representative members will be determined by postal ballot.

The successful candidates will be declared elected at the LGFA AGM on Friday, 28 October 2022.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### RECOMMENDATION

Council notes the report and declines the invitation to submit a nomination to the Local Government Finance Authority of South Australia for the Local Government Finance Authority of South Australia Board.

or

Council nominates \_\_\_\_\_ to the Local Government Finance Authority of South Australia for the Local Government Finance Authority of South Australia Board.

---

*Cr Sims moved:*

*Council notes the report and declines the invitation to submit a nomination to the Local Government Finance Authority of South Australia for the Local Government Finance Authority of South Australia Board.*

*Seconded by Cr Duke and carried unanimously.*

Cr Minney left the meeting at 8.46pm.

## 12. ADOPTION OF COMMITTEE MINUTES

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

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### 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:

- St Peters Child Care Centre & Pre-School Committee – (25 July 2022)  
(A copy of the Minutes of the St Peters Child Care Centre & Pre-School Committee meeting is contained within **Attachment A**)
- Audit Committee – (25 July 2022)  
(A copy of the Minutes of the Audit Committee meeting is contained within **Attachment B**)
- Norwood Parade Precinct Committee – (26 July 2022)  
(A copy of the Minutes of the Norwood Parade Precinct Committee meeting is contained within **Attachment C**)

### ADOPTION OF COMMITTEE MINUTES

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

*Cr Moore moved that the minutes of the meeting of the St Peters Child Care Centre & Pre-School Committee held on 25 July 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 Moorhouse and carried unanimously.*

- **Audit Committee**

*Cr Duke moved that the minutes of the meeting of the Audit Committee held on 25 July 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 Sims and carried unanimously.*

- **Norwood Parade Precinct Committee**

*Cr Callisto moved that the minutes of the meeting of the Norwood Parade Precinct Committee held on 26 July 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.*



**13. OTHER BUSINESS**

**13.1 Legal Advice – Cr Scott Sims**

*Cr Duke moved:*

- 1. That Cr Sims be requested to provide a copy of the legal advice that he sought from Kelledy Jones Lawyers in end of July early August 2019 and the response he received, to the General Manager, Governance and Civic Affairs, within seven (7) days for distribution to all Elected Members.*
- 2. That in the event Cr Sims does not provide the legal advice referred to in Part 1 of the motion to the General Manager, Governance and Civic Affairs, within the seven (7) days requested by the Council, all Elected Members be informed.*

*Seconded by Cr Knoblauch.*

Cr Minney returned to the meeting at 8.49pm.

*The motion was put and carried.*

**14. CONFIDENTIAL REPORTS**

## 14.1 COUNCIL RELATED MATTER

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### RECOMMENDATION 1

That pursuant to the provisions of Section 90 (2) and (3)(d) (i) and (ii) 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 discuss:

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

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

---

*Cr Knoblauch moved:*

*That pursuant to the provisions of Section 90 (2) and (3)(d) (i) and (ii) of the Local Government Act 1999, the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Corporate Services, General Manager, Planning & Environment, Acting General Manager, Urban Services and Executive Assistant, Urban Services], be excluded from the meeting on the basis that the Council will discuss:*

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

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

*Seconded by Cr Minney and carried unanimously.*

*Cr Moore 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 has been finalised.*

*Seconded by Cr Calisto and carried unanimously.*

## 14.2 STAFF RELATED MATTER

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### 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 for a period not exceeding 12 months, after which time the order will be reviewed.

---

Cr Sims declared a material conflict of interest in this item, as he is the subject of the matter being discussed and left the meeting at 9.09pm.

*Cr Whittington moved:*

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

### Short Term Suspension of Proceedings

At 9.32pm the Acting Mayor, with the approval of two-thirds of the Elected Members present, suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulation 2013*, for ten (10) minutes to enable informal discussion and questions regarding this matter.

### Resumption of Proceedings

The meeting resumed at 9.42pm.

*Cr Granozio moved:*

*Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.*

*Seconded by Cr Callisto and carried unanimously.*

### 14.3 COUNCIL RELATED MATTER

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Cr Sims returned to the meeting at 10.22pm.  
Cr Mex left the meeting at 10.23pm.  
Cr Moore left the meeting at 10.24pm.  
Cr Mex returned to the meeting at 10.26pm.  
Cr Moore returned to the meeting at 10.26pm.

Cr Sims sought leave of the meeting to make a Personal Explanation.

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

*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 & Civic Affairs and Executive Assistant, Urban Services], be excluded from the meeting on the basis that the Council will receive, discuss and consider*

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

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

*Seconded by Cr Granozio and carried.*

*Cr Mex moved:*

*Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the discussion and minutes be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.*

*Seconded by Cr Patterson and carried.*

**15. CLOSURE**

There being no further business, the Acting Mayor declared the meeting closed at 10.31pm.

\_\_\_\_\_  
**Mayor Robert Bria**

**Minutes Confirmed on** \_\_\_\_\_  
(date)