

Council Meeting Minutes

22 January 2024

Our Vision

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

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

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

Council Members Mayor Robert Bria
Cr Kester Moorhouse
Cr Claire Clutterham
Cr Garry Knoblauch
Cr Hugh Holfeld
Cr Josh Robinson
Cr Kevin Duke
Cr Victoria McFarlan
Cr Scott Sims
Cr Grant Piggott
Cr Sue Whittington
Cr John Callisto
Cr Christel Mex

Staff Mario Barone (Chief Executive Officer)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Derek Langman (General Manager, Infrastructure & Major Projects)
Lisa Mara (General Manager, Governance & Civic Affairs)
Natalia Axenova (Chief Financial Officer)
Geoff Parsons (Manager, Development & Regulatory Services)
Simonne Whitlock (Manager, Strategic Communications & Advocacy)
Jim Allen (Senior Urban Planner, Urban Planning & Sustainability)
Emily McLuskey (Senior Urban Planner, Urban Planning & Sustainability)
Navian Iseut (Manager, Arts, Culture & Community Connections)
Lucinda Knight (Executive Assistant, Chief Executive's Office)
Tina Zullo (Administration Assistant, Governance & Civic Affairs)

APOLOGIES Cr Connie Granozio

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Garry Knoblauch.

3. CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 11 DECEMBER 2023

Cr Duke moved that the Minutes of the Special Council meeting held on 11 December 2023 be taken as read and confirmed. Seconded by Cr Knoblauch and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 4 December	<ul style="list-style-type: none"> Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Tuesday, 5 December	<ul style="list-style-type: none"> Attended the End of Year Business Networking event, Art Images Gallery, Norwood
Wednesday, 6 December	<ul style="list-style-type: none"> Presided over a Special Meeting of the Audit & Risk Committee, Mayor's Parlour, Norwood Town Hall.
Thursday, 7 December	<ul style="list-style-type: none"> Attended a meeting with Mr David West, Chair, Mainstreet SA, Adelaide.
Thursday, 7 December	<ul style="list-style-type: none"> Attended a meeting with the Chief Executive Officer; Council Staff; Mr Spero Tsapaliaris (Chapley Group) and Mr James Levinson (Botten Levinson Lawyers), Meeting Room 1, Norwood Town Hall.
Monday, 11 December	<ul style="list-style-type: none"> Attended the Trinity Gardens Primary School Year 6 Graduation, Norwood International High School, Kensington Gardens.
Monday, 11 December	<ul style="list-style-type: none"> Attended an Information Session: Payneham Memorial Swimming Centre, Mayor's Parlour, Norwood Town Hall.
Monday, 11 December	<ul style="list-style-type: none"> Presided over a Special Council meeting, Council Chamber, Norwood Town Hall.
Tuesday, 12 December	<ul style="list-style-type: none"> Attended the St Joseph's Memorial School Norwood Year 6 Graduation Dinner, Altavilla Irpina Sports & Social Club, Beulah Park.
Thursday, 14 December	<ul style="list-style-type: none"> Attended the Eastern Region Alliance (ERA) Mayor's Christmas Dinner, The Rezz, Paradise.
Friday, 22 December	<ul style="list-style-type: none"> Attended a meeting with Mr David West, Chair, Mainstreet SA, Norwood.
Tuesday, 16 January	<ul style="list-style-type: none"> Attended a meeting of the Mainstreet SA Committee, Adelaide.
Wednesday, 17 January	<ul style="list-style-type: none"> Radio interview with Will Goodings and Nick Xenophon (Fiveaa)
Wednesday 17 January	<ul style="list-style-type: none"> Attended a meeting with the Chief Executive Officer, the Manager, Chief Executive's Office, the Premier of South Australia and Representatives from the South Australian Tourism Commission and Department of the Premier and Cabinet.
Wednesday, 17 January	<ul style="list-style-type: none"> Attended the start of Stage 2 of the 2024 Tour Down Under, The Parade, Norwood.
Wednesday, 17 January	<ul style="list-style-type: none"> Attended a meeting with Manager, Strategic Communications & Advocacy, Mayor's Office, Norwood Town Hall.
Wednesday, 17 January	<ul style="list-style-type: none"> Meeting with General Manager, Governance & Civic Affairs and Events staff, Mayor's Office, Norwood Town Hall.
Thursday, 18 January	<ul style="list-style-type: none"> Attended the 2024 Tour Down Under Stage 3 finish, Gorge Road, Athelstone.
Monday, 22 January	<ul style="list-style-type: none"> Attended a meeting with the Chief Executive Officer and Manager, Arts, Culture & Community Connections, Mayor's Office, Norwood Town Hall.

- Mayor Bria advised that he will be meeting with Mayor Heath Holmes-Ross (City of Mitcham) in his capacity as Chair, Greater Adelaide Region of Councils (GAROC) on Monday 29 January 2024 to discuss engagement between Mayors, Chief Executive Officers and GAROC.
- Mayor Bria advised that he has been invited to attend the Greater Adelaide Region of Councils (GAROC) Mayor's Forum on Wednesday 31 January 2024 to discuss the Local Government Election Review Discussion Paper.

5. **DELEGATES COMMUNICATION**
Nil
6. **QUESTIONS WITHOUT NOTICE**
Nil
7. **QUESTIONS WITH NOTICE**
Nil
8. **DEPUTATIONS**
Nil
9. **PETITIONS**
Nil
10. **WRITTEN NOTICES OF MOTION**
Nil
11. **STAFF REPORTS**

Section 1 – Strategy & Policy

Reports

11.1 ARTS AND CULTURE PLAN 2024-2027

REPORT AUTHOR: Manager, Arts, Culture & Community Connections
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4550
FILE REFERENCE: A803781
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the outcomes of the community consultation on the draft *2024-2027 Arts and Culture Plan* and to present the final *2024-2027 Arts and Culture Plan* for consideration and endorsement.

BACKGROUND

At its meeting held on 28 August 2023, the Council resolved to release the draft *2024-2027 Arts and Culture Plan* for community consultation. The consultation was undertaken for a period of twenty-one (21) days, commencing on Tuesday 29 August 2023 and concluding on Tuesday 19 September 2023.

The final version of the *2024-2027 Arts and Culture Plan* is contained in **Attachment A**.

In response to the consultation, a total of four (4) survey submissions were received. These surveys have been reviewed and a summary is contained in **Attachment B** (page 21).

Minor amendments, generally editorial in nature, have been made to the draft Plan to provide clarity of the proposed actions as well as additional detail on the cycle of delivery and review of the Plan.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Strategic Outcomes and Objectives as set out in the Council's Strategic Management Plan *City Plan 2030: Shaping Our Future* are as follows:

Outcome 2: Cultural Vitality

Objective 2.1: An artistic, creative, cultural & visually interesting City.

Strategy 2.1.1 Use the arts to enliven public spaces and create 'a sense of place.

Strategy 2.1.3 Attract and support cultural and creative organisations, businesses, and individuals.

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

Strategy 2.2.1 Acknowledge and recognise local Aboriginal heritage and history.

Strategy 2.2.2 Facilitate opportunities for cultural expression, celebration, and interaction between different cultural and demographic groups.

Strategy 2.2.3 Promote understanding of and respect for our cultures and heritage.

Objective 2.3: A City which values and promotes its rich cultural and built heritage.

Strategy 2.3.2 Reflect our City's history through cultural heritage programs and initiatives

Objective 2.5: Dynamic community life in public spaces & precincts

Strategy 2.5.3 Host and facilitate community events and activities.

FINANCIAL AND BUDGET IMPLICATIONS

The Council has allocated \$30,000 for the development of the Plan.

To date, there have been no costs incurred in the preparation of the Plan, as community consultation and the preparation of the Plan have been prepared and delivered by the Manager, Arts, Culture & Community Connections, and graphic production of the final document prepared in-house by the Creative Digital Designer.

There will be costs associated with printing a small print run of 40 bound copies of the Plan, however, this will be minimal and in the order of \$2,000.

EXTERNAL ECONOMIC IMPLICATIONS

There are no external economic implications associated with the development of the Plan.

SOCIAL ISSUES

The Council has an active role to play in facilitating cultural development activities, programs, and events to increase community participation and connection. The development and implementation of the *2024-2027 Arts and Culture Plan* recognises the vital role art, culture and creativity continue to play in the social, economic, cultural and health and wellbeing outcomes of our citizens.

CULTURAL ISSUES

Through fostering innovation, imagination, and creative expression across all areas of arts and culture we hope to engage and challenge new audiences to connect with local arts and cultural experiences. In addition, through genuine collaboration with both First Nations people and our strong multi-cultural community, the Council endeavours to bridge gaps and cultivate authentic cultural experiences and connection.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The Plan has been prepared, released for consultation and revised using existing staff resources.

RISK MANAGEMENT

A Project team was established to oversee the Project and to mitigate risks. The Project Team consists of the Council's Manager, Arts, Culture & Community Connections, Cultural Heritage Coordinator and Arts Officer.

The Project team have consulted with Council staff from across the organisation to ensure that actions contained within the Plan that relate to specific functional areas within the organisation are achievable within the current staff resources and capacity and embedded within future Departmental annual business plans.

The risk ratings for the top three (3) risks associated with this stage of the *Arts and Culture Plan* are summarised in **Table 1** below.

TABLE 1: KEY RISKS ASSOCIATED WITH THE ARTS AND CULTURE PLAN

Risk #	Risk Event	Impact Category	Risk Rating	Primary Mitigation	Impact Category	Residual Rating
1	Council policies and procedures prevent implementing actions contained within the Plan.	Service/ Programs	Substantial 13	Include identified policy and procedure action recommendations within the plan to ensure the enabling environment.	Service/ Programs	Low 21
2	Inadequate annual budget allocation to deliver actions contained in the Plan.	Service/ Programs	Substantial 13	Distribute projects requiring budget allocation across the three years	Service/ Programs	Low 21
3	Community concern regarding Council directing a portion of its annual budget for arts and culture initiatives contained within the Plan.	Service/ Programs	Medium 19	Ensure the plan's aim to deliver targeted actions related to Strategic Outcomes and Objectives, as set out in the Council's Strategic Management Plan <i>City Plan 2030: Shaping Our Future</i> , is well communicated.	Service/ Programs	Low 21
		Reputation	Medium 19	Where possible, adopt an asset-based community development approach to project delivery, utilising existing resources, form collaborative partnerships and seek external funding to fill any gaps.	Reputation	Low 21

The potential risks to the successful delivery of the Plan highlight the need for well executed ongoing updates and communications. Therefore, it is essential that staff continue to work directly with our citizens and the arts and culture community throughout the implementation stages, to ensure that any concerns and aspirations are understood and taken into consideration.

CONSULTATION

- Elected Members**

Elected Members have been apprised and consulted on the Arts and Culture Plan Project on two (2) separate occasions, at the commencement of the Project (Elected Member Information Briefing held on 11 April 2023) which included an overview of the proposed project scope, draft definition of arts and culture, guiding principles, actions for consideration and project stages, including community engagement, and project timeline.

Elected Members also considered and provided comments on the draft plan at the Elected Member Information Briefing held on 31 July 2023.

The *2024-2027 Arts and Culture Plan* has been informed by the comments that have been received and prepared in accordance with the resolutions made by the Council at its meeting held on Monday 28 August 2023.

- **Community**

The level of community engagement for this project is: ‘involve’ given that the Council will ensure there is a common understanding of community views, concerns, and aspirations and that these are reflected in the development of options or approaches, summarised in **Table 2** below.

TABLE 2: STAGE 1 COMMUNITY ENGAGEMENT TECHNIQUES AND PROMOTIONS

Engagement technique	Details / Location	Target Audience	Date(s) 2023
Informal consultation with arts & culture sector	Various – site visits	Local arts organisations and peak bodies	8 May to 6 June
Stage 1 Community Survey – online (idea gathering)	The Council’s website	Broad community	8 May to 6 June
In person workshop – Ideas Cafe	Banquet Hall	Broad community and arts & culture sector	Sat 27 May 2.30pm - 4.30pm
Sector survey	Additional section on community survey	Local artists, historians, cultural workers, arts & culture organisations, businesses & groups	8 May to 6 June
Mailout	1,500 project postcards	Local community & visitors	8 May
InDaily article	Arts vision for the inner-east	Broad community	11 May
Email	77 arts & culture sector businesses, sole traders, groups & organisations in NPSP	Local arts & culture practitioners	12 May
Radio	5mbs Arts Diary promotion	Community interested in the Arts	19 May
Media Release	Arts and Culture Plan now open for Consultation	Various	9 May
Stage 2 Community Survey – online (feedback on draft Plan)	The Council’s website	Various	29 August to 19 September

- **Staff**

At the commencement of the project, all staff were invited to contribute to an ideas board that was installed at the Norwood Town Hall from 12 May to 6 June 2023. The ideas board provided a visual collection of action ideas organised under the relevant Cultural Vitality Objectives.

Targeted engagement with staff was also conducted with the following functional areas:

- Arts, Culture & Community Connections (Youth, Cultural Heritage, Arts, Events, Community Facilities and Norwood Concert Hall);
- Libraries (Lifelong Learning, Children’s & Youth Services & Coordinator Norwood Library & Community Facilities);
- Economic Development;
- Urban Planning & Sustainability; and
- Community Care Services.

To close the ‘communication loop’, on 29 August 2023 Council Departments were apprised of actions contained within the draft plan that are of relevance to their area and were invited to provide comments or additional action ideas. Staff who provided comments during the idea generation stage of the project were contacted directly to advise how their ideas were considered or represented in the Plan.

- **Other Agencies**

Arts and culture organisations and practitioners were engaged in the research stage of the project to inform the development of the draft Plan. No other agencies provided additional feedback during the consultation on the draft Plan.

DISCUSSION

Purpose and Scope of the Plan

The Plan will guide the Council's arts and culture service development, service delivery, budget and resource priorities and collaborative partnerships over the next three (3) years. Breaking down the relevant Cultural Vitality objectives of the *City Plan 2030: Shaping Our Future* into actionable steps and timelines that can be easily followed and tracked.

The actions and foundation projects contained in the Plan are designed to create the enabling environment and to test and refine initiatives and processes to ensure that the Council will have essential information to inform future strategic decisions and actions. For example, the foundation project, '*Cultural Map of our City*', uses cultural mapping as a systematic tool to identify cultural strengths, resources and analyse needs and gaps to inform targeted program development to bring arts and cultural activities to locations in need.

Upon laying this foundation, the vision beyond the Plan is to leverage data, processes and knowledge gained throughout the lifespan of the Plan to support and advance innovative arts and culture ideas in subsequent Arts and Culture Plans and initiatives.

Amendments Post-Consultation

Considerations of the results of the community consultation on the draft Plan, three new actions have been added to the draft Plan:

1. Installation of interactive artwork at Council owned facilities
Trial a series of community based interactive artwork installations within Council owned community facilities, such as libraries, to encourage community engagement and a more welcoming and creative environment.
2. Enable risk taking and experimentation with digital and emerging technologies and artforms.
As a component of the Public Art Masterplan (refer to Section 3 of the Plan) identify places of potential for digital, immersive and/or interactive artworks (including sound art). Encourage artists to explore novel and unconventional approaches to art development within the gallery and proposed artist in residence program. Explore collaborative partnerships to develop and expand audience access and engagement with emerging artforms. Investigate pathways of funding to support the development of emerging artforms. Explore digital literacy programs to reduce barriers to innovation and creativity and to increase artist confidence to adopt new technologies within their arts practice.
3. Identify places of potential for multicultural arts and culture activations.
Following the creation of the Cultural Map (refer to Section 3 of the Plan), identify existing cultural assets, places of potential and partners within the City to collaboratively develop initiatives to further enhance existing cultural experiences, activate public places and share the story of our multi-cultural communities.

OPTIONS

The Council has the following options in respect to progressing the *2024-2027 Arts and Culture Plan*.

Option 1 – Endorse the Plan for publication.

The Council could determine to endorse the Plan, incorporating the suggested amendments, as set out above, that have been made in response to the comments that have been received.

This option is recommended.

Option 2 – endorse the Plan with further, more substantial, amendments prior to publication.

This option is not recommended, as the development of the Plan has been informed through community engagement, robust research, consideration of resource priorities and achievable actions within a three-year timeframe to support the delivery of Cultural Vitality Objectives contained within the *City Plan 2030: Shaping Our Future*.

CONCLUSION

The development of an *Arts and Culture Plan* provides an opportunity for the Council to implement a methodical approach to identifying, prioritising and sequencing arts and culture initiatives, actions and resources that will move the Council toward achieving the cultural vitality component of the Council's Strategic Management Plan, *CityPlan 2030: Shaping our Future*.

The Plan allows for greater transparency for our citizens to understand the Council's priorities and arts and culture initiatives the Council proposes to undertake over the coming three-year period.

Robust community engagement and research ensure there is a common understanding of community views, concerns, and aspirations and that these were reflected in the development of the Plan.

COMMENTS

Nil

RECOMMENDATION

1. That the *2024-2027 Arts and Culture Plan*, as contained in **Attachment A**, be endorsed as being suitable for publication and implementation.
2. That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the Plan prior to publication.

Cr Mex moved:

1. *That the 2024-2027 Arts and Culture Plan, as contained in Attachment A, be endorsed as being suitable for publication and implementation.*
2. *That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the Plan prior to publication.*

Seconded by Cr Whittington and carried unanimously.

11.2 PROPOSAL TO INITIATE A CODE AMENDMENT - HISTORIC AREA AND CHARACTER AREA STATEMENTS REVIEW

REPORT AUTHOR: Senior Urban Planner
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4561
FILE REFERENCE: qA82455
ATTACHMENTS: A

PURPOSE OF REPORT

This report presents a draft Proposal to Initiate a Code Amendment to improve and update the content of Historic Area and Character Area Statements, introduced by the State Government as part of the *Planning and Design Code* in March 2021.

BACKGROUND

In March 2021, the *Planning and Design Code* replaced the former City of Norwood Payneham & St Peters Development Plan and its contents relating to all planning policy, including the policy relating to heritage and character.

The former Historic (Conservation) Zones and Policy Areas were converted to the Historic Area Overlay. Most of the area formerly zoned Residential (Character) Zone was converted to the Character Area Overlay.

A significant part of the City is affected by one or the other of these Overlays. There are 25 individual Historic Areas and 6 Character Areas, each with their own individual Area Statement. The extent of the Historic and Character Area Overlays is defined on a map within the attached Proposal to Initiate a Code Amendment, **Attachment A**.

In drafting the *Planning and Design Code*, a significant amount of local detail from the Development Plan was either simplified or omitted and Historic Area Statements and Character Area Statements were established as descriptions of character significance and attributes. These are linked to Overlay provisions of the *Planning and Design Code* and play a key role in the assessment of Development Applications. These Area Statements are a poor replacement for Desired Character Statements under the Development Plan, which were a very clear and detailed description of how future development should be considered for a designated zone or policy area.

In the conversion to the *Code*, the content was limited to a template of historic or character area attributes and it was explained by the State Planning Commission at the time, that these Area Statements were not able to perform the “forward facing” policy to assist in the assessment of future development proposals.

The existing Area Statements (prepared by the Department to support introduction of the State-wide *Code*) are not directly based on surveys of historic or residential character. The transition to the *Code* resulted in inconsistencies within Area Statements and their relationship to other parts of the *Code* (zone provisions and Technical and Numerical Variation layer). As a result of the limitations of the transition process followed, some Statements are very rudimentary.

The Council, in its various submissions on the *Code*, has consistently raised this as an area of improvement for the *Planning and Design Code*. On 19 October 2022, the State Planning Commission published the following ‘proposal’ on-line:

“Character Area Statement Updates

Support and facilitate councils to review and update their Character Area Statements (and Historic Area Statements) to address identified gaps or deficiencies. This might include updating themes of importance, incorporating additional design elements, and including illustrations where appropriate. These enhanced Statements will provide a stronger focus on design which is bespoke to local character and heritage areas and will provide better tools for assessment of character and heritage values.”

On 10 October 2023, the State Planning Commission wrote to Councils advising of:

“...a need to establish a clear set of rules to maintain a level of consistency and compatibility with the way in which the Historic Area Overlay and Character Area Overlay work...”

and setting out:

“...guidance to assist those Councils wishing to progress Code Amendments to update their (sic) Statements”.

The City of Adelaide recently received approval for a Proposal to Initiate a Code Amendment, formalising the start of a process of updating Area Statements for the Historic Area Overlay in Adelaide and North Adelaide.

The Commission’s recent letter indicates that further guidance will be issued shortly. Council staff have enquired about the availability of this material and it is understood this includes the availability of a suite of diagrams to support the design and siting requirements of development in the Historic and Character Area Overlays. Staff have been advised that this material is likely to be made available in early 2024. It is anticipated that the scope and timing of the proposed Code Amendment would be sufficiently flexible to be able to adopt this material when it became available.

The Commission’s letter is included as ‘Attachment C’ within the attached Proposal to *Initiate the Historic Area and Character Area Statements Code Amendment*, contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 2: Cultural Vitality

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

Objective:

2.3. *A City which values and promotes its rich cultural and built heritage*

2.3.1 *Protect and enhance places, streetscapes, precincts and landmarks which reflect the built and cultural history of our City.*

2.4 *Pleasant, well designed, and sustainable urban environments*

2.4.1 *Encourage development that complements our City’s built heritage and character areas.*

FINANCIAL AND BUDGET IMPLICATIONS

Preparing a Code Amendment to update the Historic Area and Character Area Statements is unlikely to require input from a consultant and can be done inhouse with existing resources unless workload priorities clash unexpectedly and/or assistance to implement aspects of the community engagement is required.

As part of considering the *Built Heritage Strategy*, the Council endorsed a budget allocation of \$70,000 for a range of implementation actions including Code Amendments that help implement the *Strategy*.

EXTERNAL ECONOMIC IMPLICATIONS

The Area Statements within the Planning and Design Code are part of an existing policy construct (the Overlays) and describe the attributes and significance of existing historic areas and character areas which do not have any obvious or significant implications for economic activity.

SOCIAL ISSUES

Not Applicable

CULTURAL ISSUES

The Council's role in supporting the retention of areas of historic character strongly aligns with one of the key objectives of the Council, which is to protect and enhance the City's valued built form and character. This is also reflected in Council's *Built Heritage Strategy 2022 - 2027*. The Council's approach to heritage also aligns with the aims of the League of Historical Cities, of which the Council is a member.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The Code Amendment will be undertaken in-house using resources.

RISK MANAGEMENT

The risk associated with not preparing a Code Amendment is that some intact areas of historic character or more general character will be more likely to be prone to instances of less effective, efficient and/or consistent development assessment due to lack of detail and clarity in the existing Area Statements.

CONSULTATION

- **Elected Members**
Elected Members have been advised of the need to improve and update the 2021 Area Statements through previous Information Sessions and Council reports. The most recent such report was a Confidential Item presented to the Council at its meeting on 7 March 2022, and prior to that an Information Session was held on 13 December 2021.
- **Community**
The community will be consulted as part of the formal public consultation of the future Code Amendment.
- **Staff**
General Manager, Urban Planning & Environment
Manager, Urban Planning & Sustainability
Heritage Advisor.
- **Other Agencies**
Planning & Land Use Services of the Department of Trade and Investment which advises the State Planning Commission.

DISCUSSION

Code Amendment Process

The *Planning, Development and Infrastructure Act 2016* (the PDI Act), sets out the process for amending the *Planning and Design Code*, as summarised in **Figure 1**.

The only completed step at this point is 1.1, with the next steps being the Department and State Planning Commission considering the revised documentation as part of steps 1.2 and 1.3.

FIGURE 1: SUMMARY OF CODE AMENDMENT PROCESS

1. INITIATION		
1.1	Proponent (e.g. Council)	Prepares a Proposal to Initiate outlining the intent of the Code Amendment
1.2	Department	Assesses the Proposal to Initiate
1.3	State Planning Commission	Reviews the Proposal to Initiate and provides advice to the Minister
1.4	Minister	Determines whether to approve the Proposal to Initiate (with or without conditions)

2. PREPARATION AND ENGAGEMENT		
2.1	Proponent	Undertakes investigations, prepares Engagement plan and Code Amendment. Drafting instructions provided to the Department
2.2	Department	Prepares draft policy and mapping (if applicable) <i>Note: the Department doesn't need to approve Code Amendment content</i>
2.3	Proponent	Undertakes engagement in accordance with the Engagement Plan.
	<i>Post Engagement</i>	Summarises submissions, prepares Engagement Report, amend the draft Code Amendment (if applicable) and provides these to the Department for approval

3. APPROVAL		
3.1	Department	Assess Engagement Report and approval documentation
3.2	Minister	Considers the Engagement Report and Code Amendment (may consult with Commission) and makes a decision whether to approve the Code Amendment
3.3	ERD Committee	Considers Code amendment and resolves to object, not object or suggest amendments.
3.4	Minister	If applicable, determines whether to adopt any changes suggested by ERDC

Areas Affected

Historic Area Statements will be revised for the following twenty five (25) areas of the Historic Area Overlay:

NPSP 1 College Park

NPSP 2 Hackney North

NPSP 3 Hackney South

NPSP 4 Joslin / Royston Park

NPSP 5 Kensington 1

NPSP 6 Kensington 2

NPSP 7 Kent Town 1

NPSP 8 Kent Town 2

NPSP 9 Marden (Broad Street/Pollock Avenue)

NPSP 10 Maylands

NPSP 11 Norwood 1

NPSP 12 Norwood 2

NPSP 13 Norwood 3

NPSP 14 Norwood 4

NPSP 15 Norwood 5

NPSP 16 Payneham (Harcourt Road)

NPSP 17 Payneham (Henry Street/ George Street)

NPSP 18 St Peters

NPSP 19 Stepney

NPSP 20 The Avenues

NPSP 21 Dequetteville Terrace

NPSP 22 Kensington (Mixed Use)

NPSP 23 Payneham Road

NPSP 24 Portrush Road

NPSP 25 The Parade – Fullarton Road

Character Area Statements will be revised for the following six (6) areas of the Character Area Overlay:

NPSP-C1 Evandale/Maylands/Stepney

NPSP-C2 Hackney

NPSP-C3 Heathpool/Marryatville

NPSP-C4 St Peters/Royston Park

NPSP-C5 Trinity Gardens/St Morris

NPSP-C6 Residential Character (Norwood)

These areas are defined on a map within the attached Proposal to Initiate a Code Amendment, **Attachment A**.

Policy Implications

In the transition to the *Planning and Design Code*, areas previously contained in the Council's Development Plan as Residential Character Zones were generally transitioned to the Character Area Overlay. Former Historic (Conservation) Zones and Policy Areas became the new Historic Area Overlay.

A key difference between these two Overlays is that demolition control applies in the Historic Area Overlay only. Therefore, within the Character Area Overlay, a property owner can demolish an old building, without the requirement to lodge an application for Planning Consent. A key principle of the Historic Area Overlay is the requirement for retention of original buildings, if the demolition of these buildings would diminish the historic value of the area. Notwithstanding this difference, Character Areas tend to have a high concentration of original building stock, often with some limited more contemporary development present and with the highest concentrations of original buildings generally being confined to smaller pockets.

During 2021 and 2022, the Council considered reports which outlined a range of options for pursuing heritage protection opportunities, and adopted its *2022-2027 Built Heritage Strategy*, which signalled a need to amend the *Planning and Design Code*.

It is therefore timely and welcome that in October 2023, the State Planning Commission wrote to Councils to announce new guidelines for updating the Historic Area and Character Area Statements which were originally introduced with the *Planning and Design Code* in March 2021.

Given the number of Statements to review and given that some deficiencies and gaps are present in the existing Statements, timing a review to commence in 2024, would capitalise on the State Planning Commission's advice dated 10 October 2023. As well as offering more guidance to assist those Councils wishing to update Area Statements, this signalled more detailed guidance would be issued soon (likely early 2024). The October correspondence is included as Attachment C of the Proposal to Initiate documents (**Attachment A** accompanying this report).

Staff have taken the opportunity to discuss the intent of Code Amendment with staff from Planning and Land Use Services (PLUS) who were supportive of the approach proposed to review Historic Area and Character Area Statements.

The Proposal to Initiate which has been developed (**Attachment A**) is similar in scope to the City of Adelaide's Proposal to Initiate (a Code Amendment) to review Historic Area Statements recently approved by the Minister for Planning.

Representative Buildings

Representative Buildings in the *Planning and Design Code* are the former 'Contributory Items' from former Development Plans. As components of a Historic Area, Representative Buildings are representative of the Area's historic built character.

Though Contributory Items were identified throughout Norwood and Kent Town in the *Kensington and Norwood Heritage Survey* (Heritage Investigations, 1985) as well as the subsequent *Kensington and Norwood Heritage Review* (Mark Butcher Architects, 1995), none of these identified Contributory Items in Norwood and Kent Town were included in the local Development Plan, due to restrictions / limitations to include these at the time. Elsewhere in the City, Contributory Items were defined in the relevant Development Plan when Historic (Conservation) Zones were introduced. These were later transferred to the present *Planning and Design Code*. As a result, College Park, Hackney, Joslin, Kensington, Marden, Maylands, Payneham, Royston Park, Stepney, and St Peters contain Representative Buildings in their current Historic Areas, but Norwood and Kent Town do not.

It should be noted that though a Representative Building is a significant cue when a Development Application is assessed, demolition control is not contingent on whether a building is a Representative Building or not, but whether the building is in the Historic Area Overlay (Representative or not). The *Code* has been constructed to apply demolition control in Historic Areas from the date of its introduction both where Representative Buildings existed and in scenarios like Norwood and Kent Town where they did not exist. As Representative Buildings are a useful upfront indicator of value in terms of retention, the Council has argued strongly during the development of the *Code* for Representative Buildings to be defined so that there is better upfront certainty for all parties. This was not initially supported by the State Planning Commission but was eventually agreed to after significant feedback on this issue.

Potential new Representative Buildings have been provisionally identified across the existing Norwood and Kent Town Historic Areas. The vast majority were identified as Contributory Items in the above-mentioned earlier assessments by heritage consultants. Where there is benefit in more in-depth analysis after an initial staff assessment, the Council's Heritage Advisor, David Brown, will be engaged to advise on whether the property concerned warrants definition as a Representative Building having regard to the current condition and historic context.

The resultant recommended changes should be included the proposed *Historic Area and Character Area Statements Code Amendment*.

Better Alignment of Building Heights in Area Statements and Technical Numerical Variations

There is some ambiguity in the Code as it relates to maximum building heights in parts of the Historic Area Overlay, plus inconsistency with typical heights of original (historic) buildings in the Norwood and College Park Historic Areas.

For example, in the College Park Historic Area, the relevant Technical Numerical Variation (TNV) in the Code specifies a two-storey maximum building height, despite the dominance of single-storey original pre-WWII buildings across these areas (with a few relatively rare two-storey exceptions).

This issue was raised by a Notice of Motion that was considered by the Council on 5 December 2022, in response to community concerns about some two-storey dwelling additions in the Historic Area Overlay. Correspondence addressing this matter was sent to the State Planning Commission in early 2023. This matter has since been discussed with PLUS staff who advise the State Planning Commission to help determine the best pathway for Code improvements via the Code Amendment process.

Accordingly, it is proposed to conduct a review of the relevant TNV in tandem with a review of the content about height in the corresponding Area Statements. This will address the State Planning Commission's advice of 10 October 2023, inviting Councils to help update Area Statements, and any subsequent guidance from the Commission to Councils wishing to update Area Statements.

It is important that Historic Area Statements are clear and precise in defining the range of heights that are attributes of the prevailing historic character. Historic Area Statements are linked to and referenced by the Overlay provisions of the Code and the Overlay provisions take precedence over other provisions, including Technical Numerical Variations, in the case of any conflict.

Based on legal advice, setting a one (1) level TNV building height maximum for a Historic Area, instead of two (2) levels, as specified at present, in some cases (notably Norwood and College Park), would not preclude or discourage a sensitively designed upper-level addition to the rear of a dwellings where that would not adversely impact the streetscape. It would, however, seek to discourage full two-storey development, which would generally be entirely inconsistent with the historic character.

OPTIONS

The options for seeking to alter planning policy as it is applied through the Area Statements are as follows:

Option 1 – endorse the attached draft Proposal to Initiate a Code Amendment.

Option 2 – prepare a Code Amendment with a broader scope or combine with other policy amendments.

Option 3 – not submit a Proposal to Initiate a Code Amendment.

Option 1 responds positively to the recent guidance letter from the Commission inviting a review of Area Statements pending issue of clearer guidance from the State Planning Commission and/or Minister on adjusting the extent of Overlays.

Option 2, on paper, could achieve more through one integrated Code Amendment, but in practice is likely to be more unwieldy. It risks delaying outcomes including those that could have been achieved via a more focussed approach.

Option 3 would limit the implementation of relevant actions in the *Built Heritage Strategy*.

Option 1 is therefore the recommended option.

CONCLUSION

A Proposal to Initiate a Code Amendment to review the Area Statements for both Historic Area Overlay and the Character Area Overlay builds on and complements a range of other outcomes sought by the *Built Heritage Strategy 2022-2027*. It will be part of a staged approach likely to require several years of effort and careful coordination to achieve greater protection of areas of historic character and improve the effectiveness and clarity of development assessment affecting areas of significant historic character in the Historic Area Overlay and character of streetscapes in the Character Area Overlay, via Code Amendments.

COMMENTS

Nil.

RECOMMENDATION

1. That the draft *Historic Area and Character Area Statements Review Code Amendment Proposal to Initiate*, as contained in **Attachment A**, be endorsed as being suitable to forward to the Department for Trade and Investment seeking approval to proceed with a Code Amendment.
 2. That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the draft Proposal to Initiate, providing the changes do not affect the intent of the Amendment.
-

Cr Whittington moved:

1. *That the draft Historic Area and Character Area Statements Review Code Amendment Proposal to Initiate, as contained in **Attachment A**, be endorsed as being suitable to forward to the Department for Trade and Investment seeking approval to proceed with a Code Amendment.*
2. *That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the draft Proposal to Initiate, providing the changes do not affect the intent of the Amendment.*

Seconded by Cr Mex and carried unanimously.

Section 2 – Corporate & Finance Reports

11.3 MONTHLY FINANCIAL REPORT – DECEMBER 2023

REPORT AUTHOR: Chief Financial Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4548
FILE REFERENCE: A823880
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding its financial performance for the months ended December 2023.

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

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Financial sustainability is as an ongoing high priority for the Council. The Adopted Budget forecast an Operating Surplus of \$1,387,382 for the 2023-2024 Financial Year. Following the First Budget Review (which included the Carry Forwards) an Operating Surplus of \$535,761 is forecast.

DISCUSSION

For the period ended December 2023, the Council's financial performance remained stable, with an Operating Surplus of \$124,658 against budgeted Surplus of \$182,863 resulting in an unfavourable variance of \$58,205. There are number of variances in certain expense categories, impacting the overall performance and they are set out below.

Rates: Positive variance is due to higher than budgeted amount for Penalties for Late Payment.

Statutory Charges: The reduced statutory charges are primarily due to the lower income from Parking Infringements. It is challenging to accurately budget for parking infringement income due to its unpredictable nature.

Grants: Increase in Grant income in comparison to budget is due to the receipt of the *Local Roads and Community Infrastructure (LRCI) Program Grant* of \$127,035 from the Department of Infrastructure & Transport which was not accounted for in the Adopted Budget.

Employee Costs: In the first half of the year, there is an under expenditure of \$369,154 due to vacant positions mainly as a result of resignations that have not yet been filled. While some of these roles are temporarily covered by contract staff, several positions are currently in the recruitment process. As these positions are filled in the coming months, it is expected that the future gap between Actuals and Budget will decrease.

Contracted Services: Increase in expenses related to Contracted Services is primarily linked to the employee costs savings against budget as set out above. Temporary staff and contractors have been engaged to fill in for staff vacancies.

Parts, Accessories & Consumables and Utilities: The variance is mainly related to the timing difference between actual cost and budgeted costs timeframe.

Subscriptions, Memberships & Licences: The overspend of \$72,880 is due to the timing of Information Technology and Events subscriptions and licences, compared to budget. In addition, variance is impacted by the accruals via Purchase Orders of upcoming subscription that is currently recognised in full. In line with accounting principles of prepayments these transactions will be recognised on straight line basis over the term of subscriptions at the time of goods receipt.

Legal Fees: There was an unfavourable variance of \$233,580 in the Legal Fees, due to the number of planning appeals and regulatory compliance matters. The unpredictable and complex nature of such activities results in Council having to respond to Environment Resources & Development Court appeals and other matters with legal representation.

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

CONCLUSION

Not Applicable.

COMMENTS

Nil

RECOMMENDATION

That the December 2023 Monthly Financial Report be received and noted.

Cr Sims moved:

That the December 2023 Monthly Financial Report be received and noted.

Seconded by Cr Duke and carried unanimously.

11.4 2024-2025 ANNUAL BUSINESS PLAN AND BUDGET OBJECTIVES & PARAMETERS

REPORT AUTHOR: Chief Finance Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4548
FILE REFERENCE: A538520
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to seek the Council's endorsement of the objectives and parameters which will apply in the development of the draft 2024-2025 Annual Business Plan and Annual Budget.

BACKGROUND

Legislative Requirements

Pursuant to Section 123 of the *Local Government Act 1999* (the Act), each financial year the Council is required to prepare an Annual Business Plan and Annual Budget. The Annual Business Plan and Annual Budget are required to be adopted by the Council after 31 May for the ensuing financial year and except in a case involving extraordinary administrative difficulty, before 31 August for the financial year.

Pursuant to Section 123(2) of the Act and in Regulation 6 of the *Local Government (Financial Management) Regulations 2011* (the Regulations), each Annual Business Plan of a Council must-

- (a) *include a summary of the Council's long-term objectives (as set out in its strategic management plans); and*
- (b) *include an outline of—*
 - (i) *the Council's objectives for the financial year; and*
 - (ii) *the activities that the Council intends to undertake to achieve those objectives; and*
 - (iii) *the measures (financial and non-financial) that the Council intends to use to assess the performance of the Council against its objectives over the financial year; and*
- (c) *assess the financial requirements of the Council for the financial year and, taking those requirements into account, set out a summary of its proposed operating expenditure, capital expenditure and sources of revenue; and*
- (d) *set out the rates structure and policies for the financial year; and*
- (e) *assess the impact of the rates structure and policies on the community based on modelling that has been undertaken or obtained by the Council; and*
- (f) *take into account the Council's Long-Term Financial Plan and relevant issues relating to the management and development of infrastructure and major assets by the Council; and*
- (g) *address or include any other matter prescribed by the Regulations.*

Pursuant to Section 123 (3) of the Act, prior to the adoption of the Annual Business Plan, the Council must undertake public consultation for a minimum period of twenty-one (21) days. At the conclusion of the public consultation period, a public meeting is to be held where members of the community can ask questions and make submissions regarding the draft Annual Business Plan. During the public consultation period, the Council must make available copies of the draft Annual Business Plan at its principal place of business.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's Strategic Management Plan, *CityPlan 2030: Shaping Our Future*, the Long-term Financial Plan and Whole-of-Life Asset and Infrastructure Management Plans, provide the basis and framework upon which the Council's Annual Business Plan and Budget is based.

FINANCIAL AND BUDGET IMPLICATIONS

The Council's Long-Term Financial Plan, sets out the Council's financial goal as, *"A City which delivers on our Strategic Outcomes by managing our financial resources in a sustainable and equitable manner"*, in short to be financially sustainable.

The Local Government Association of South Australia defines financial sustainability as:

- *"A Council's long-term financial performance and position is sustainable where planned long-term service and infrastructure levels and standards are met without unplanned increases in rates or disruptive cuts to services."*
- *The key elements to the definition are:*
 - *ensuring the maintenance of a Council's high priority expenditure programs, both operating and capital;*
 - *ensuring a reasonable degree of stability and predictability in the overall rate burden; and,*
 - *promoting a fair sharing in the distribution of Council resources and the attendant taxation between current and future ratepayers.*

In simple terms, financial sustainability means positioning the Council so that it can continue to provide quality services, programs and facilities and maintain the Council's infrastructure to a defined service standard, with stable rate increases (removal of sudden increases) and ensuring inter-generational equity.

The Council will need to ensure that its Annual Business Plan and Budget, contains objectives and financial parameters that will deliver a responsible budget and meet the reasonable needs and expectations of the community on an equitable and "value for money" basis. For the 2024-2025 Financial year, the Council's draft *2024-2034 Long-Term Financial Plan*, projects an Operating Surplus of \$18,338 based on a Rate Revenue increase of 8%.

It should be noted that the target Net Surplus includes Grant Income of \$3,364,000 which is expected to be received in the 2024-2025 Financial Year under the Roads-to-Recovery Program & Payneham Memorial Swimming Centre Upgrade and is included in the Capital Projects budget to be spent on a Capital Road Project(s).

EXTERNAL ECONOMIC IMPLICATIONS

The Annual Business Plan and Budget will have an economic impact on property owners and suppliers of goods and services to the Council, the level of which will be dependent on the final decisions taken in respect to the level of income, and subsequently the Rate increase required to meet proposed expenditure.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

Financial Management and Annual Business Plan preparation processes are governed by the *Local Government Act 1999* and Regulation 6 of the *Local Government (Financial Management) Regulations 2011*. All budget documentation will need to be prepared in accordance with the relevant statutory requirements.

CONSULTATION

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

DISCUSSION

2024-2025 Annual Business Plan

The Annual Business Plan is the Council's statement of the intended services, programs, facilities and objectives set by the Council for a given financial year. It is based upon the objectives and strategies set out in the Council's Strategic Plan *CityPlan 2030: Shaping Our Future*, the *2024-2034 Long-term Financial Plan* and the *Whole-of-Life Infrastructure and Asset Management Plans*.

The Council's Strategic Plan, *CityPlan 2030: Shaping Our Future*, sets out the Council's Outcomes in respect to Social Equity, Cultural Vitality, Economic Prosperity and Environmental Sustainability, together with objectives and strategies for each Outcome.

Pursuant to Section 123(2) (b) (i), the Annual Business Plan must contain a series of objectives for the financial year. To be effective the annual objectives should be in line with the outcomes contained in the *City Plan 2030: Shaping Our Future* and assist the Council in delivering on the financial outcomes set out in the *Long-Term Financial Plan*.

The following objectives are proposed to be incorporated into the 2024-2025 Annual Business Plan.

Social Equity

An inclusive, connected, accessible and friendly community

- Our cost-effective services are welcoming, inclusive, and socially connected all ages and abilities.
- Our infrastructure assets are maintained and renewed in line with the Council's Whole of Life Infrastructure framework.
- Deliver programs and activities which result in an engaged and participating community.
- Engage disabled, aged, youth and varied cultures in the life of the City through a variety of events and programs.
- Rates are fair and equitable for our residents and ratepayers.

Cultural Vitality

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

- Promote a healthy cultural life and creative expression through the use of public art and events that complement the City's cultural heritage.
- Provide opportunities for the community to contribute to the social and creative life of the City through events, activities, arts and cultural initiatives.

Economic Prosperity

A dynamic and thriving centre for business and services

- Support the development of a prosperous local economy.

Environmental Sustainability

A leader in environmental sustainability

- Ensure urban development undertaken enhances the environmental, social and cultural character of our City.
- Maximise the use of the City's open space by providing a range of active and passive open space recreation opportunities.
- Promote recycling and environmentally sustainable practices throughout the City.
- Consider innovative infrastructure solutions which minimise the impact on the environment.

Organisational Excellence

- Ensure best use of Council resources by innovative, efficient and effective service provision.
- Demonstrate Business Excellence Principles.
- Financially sound organisation.

The assessment of new projects, services, programs and activities will be assessed against both the Annual Business Plan objectives and *City Plan 2030* objectives and strategies.

The 2024-2025 Annual Budget

To ensure that the Council delivers its financial objectives and in accordance with the Council's standard practice, the draft 2024-2025 Annual Budget should be developed with reference to and within the framework of the Long-Term Financial Plan, which, based on the components of the rate revenue increase set out in the Budget and Financial Implications above, sets out a target Operating Surplus of \$18,338.

To ensure the Council's financial targets are achieved, the Annual Budget must be set with reference to similar key influences and assumptions. The influences and assumptions relating to external economic conditions and internal policy decisions are set out below.

Key Influences

- maintenance and renewal program for existing infrastructure assets, including roads, footpaths, Council owned properties and open spaces, are consistent with the *Whole-of Life Infrastructure and Asset Management Plans*;
- commitment to major projects which span more than one (1) financial year;
- initiatives and major projects which are undertaken need to contribute to the Vision, strategic direction and the wellbeing of our City as set out in the *CityPlan 2030: Shaping Our Future*;
- previously recognised ongoing operational savings are to be maintained;
- to continue to implement the principles and practices of the Business Excellence Framework (i.e. Continuous Improvement of the organisations procedures and process to ensure the "best value" is achieved);
- prudent financial management to ensure ongoing financial sustainability; and
- decisions will be informed and based on the best available evidence and information at the time.

Key Assumptions

The Annual Budget incorporates three (3) components of the Council Operations, these being:

- Recurrent Income and Expenditure (Recurrent Budget)
- Operating Projects (Operating Projects Budget); and
- Capital Projects (Capital Budget).

Rate Revenue Increases

As in previous years, for the initial review of the draft Recurrent Budget, at this stage no increase in rate revenue will be taken into account in the analysis. Notwithstanding this, it should be noted, that the financial projections set out in the Council's draft *2024-2034 Long-Term Financial Plan* are based on a Rate Revenue increase of 8.0%.

Maintaining Existing Services at Current Service Standards

The draft Recurrent Budget is proposed to be based on a “*business as usual*” assumption, which means that the Council will continue to provide the existing services, programs and facilities at the current service levels, unless otherwise determined by the Council. This is not to say that the existing services, programs and facilities will be continued to be delivered in the same way. It should be noted that service levels, and the associated budget will be adjusted to reflect ongoing operating cost adjustments resulting from projects completed during the 2023-2024 Financial year.

The “*business as usual*” assumption does not take into account any change in direction or service levels in response to community expectations, legislative requirements, changing economic conditions or any changes which the Council may wish to make. Such changes will be accounted for in the Council’s Operating & Capital Projects Budget.

Cost Escalation

Materials, Contracts and Other Expenses

The Adelaide CPI for the June 2023 Quarter and September 2023 Quarter was 6.9% and 5.9% respectively. An alternative measure for cost escalation is the Local Government Price Index (LGPI). As the nature of the price movement associated with goods and services consumed by Local Government is different to the goods and services consumed by the ‘average household’, the LGPI is a reliable and independent measure of the inflationary effect on price changes in the South Australian Local Government sector. The LGPI is similar in nature to the CPI, however it represents the movements of prices associated with the goods and services used by Local Government in South Australia (to deliver services to its community) as opposed to the goods and services consumed by the ‘average metropolitan household’. The LGPI considers both recurrent and capital expenditure. The change in the recurrent component from the previous year of the LGPI for South Australia to June 2023 is 6.9% and as at September 2023 is 5.9%.

The State Government recently released the 2023-2024 Mid-year Budget Review, which forecasts the Adelaide CPI at 4.75% for the remainder of 2023-2024, reducing to 3.5% for the 2024-2025 financial year. The Federal Government expects inflation to be at 3.25% by June 2024, before gradually easing to 2.75% by June 2025.

Following consideration of both the LGPI and the community’s expectation that increases should only move by the CPI forecast, it is recommended that the **maximum** expenditure increase for 2024-2025 across the Materials, Contracts and Other Expenses component of the Budget, be set at 3.3%, which has been determined with reference to the current movements in the Adelaide CPI and the LGPI Index for recurrent expenditure. It should be noted that this may change as the Budget process progresses.

It should also be noted that in some circumstances, there may be cost increases in excess of the 3.3% target (i.e. Solid Waste Levy, fuel charges and materials costs) and in other circumstances, there will be no or minimal cost increases.

Wages and Salaries

Wages and Salaries and other associated employee on-costs will be indexed in line with the current Enterprise Agreements, which is currently set at 3.0% for the *Municipal Officers Enterprise Agreement* (indoor staff) and 10% 1 July 2023 to 30 October 2024, 3.5% 01 November 2024 to 30 October 2025 and thereafter 3% annually for *The Local Government Workers Enterprise Agreement* (Field and Swimming Centre casual staff). It should be noted that in-line with the *Superannuation Guarantee (Administration) Act 1992*, superannuation guarantee payments will increase to 11.5% of eligible earnings from 01 July 2024.

Fees and Charges

Fees and Charges which are not set by legislation, are proposed to be increased by 5.0% or market levels as determined by the review of the Fees and Charges, which will be considered at the Council meeting scheduled for 4 March 2024. The proposed increase is the weighted average of the recommended increase in Material & Contracts and the Wages and Salaries Indexation.

Capital Expenditure

Capital Expenditure relates to the purchasing, building, upgrading and renewing of the Council's assets. Capital Expenditure is funded from depreciation, borrowings and grant funding (where available). For asset renewals the main funding source is depreciation. For new assets and upgrades, the main funding source is borrowings and grant funding. The draft Annual Budget will assume that the Council will borrow to fund new assets and the upgrading of existing assets, with the renewal of assets being funded through depreciation.

Assuming that the Reserve Bank of Australia maintains cash rates at the current level of 4.35% (as at 5 December 2023), the interest rates on new borrowings are forecast to be between 4.5% per annum and 6.05% per annum, depending on the term of the borrowings. The interest rate on investment income is forecast at 4.23% per annum.

New Operating and Capital Projects

The assessment of new projects, both Operating and Capital, which are put forward for consideration, will be based on the objectives contained in *CityPlan 2030: Shaping Our Future*, the Council's Long Term Financial Plan and the Infrastructure and Asset Management Plans and the annual objectives set out above.

All new proposed Projects are to be considered and approved within the constraints of the draft *2024-2034 Long-Term Financial Plan*. New services and "one-off" Operating Projects are funded through Rate Revenue increases, grant funding or by expenditure savings. New Capital Projects will be funded via Grant Funding (if secured), borrowings or cash reserves.

Carry Forward Projects

Where Operating Projects are not completed within budgeted scheduled timeframes, future deficits can eventuate, as the Rate Revenue is raised in the year the project is initially approved. As part of the draft 2024-2025 Budget, the cost to complete the Operating Projects from prior financial years will be carried forward to the 2024-2025 Financial Year, however the estimate of Carried Forward Projects will be excluded for rate modelling purposes. In this respect, estimates will be based on the 2023-2024 Third Quarter Budget Update, with the associated operational impacts being built into the determination of the 2023-2024 Operating Result.

The draft Recurrent Budget (prior to any increase in Rate Revenue being determined by the Council together with the Operating and Capital Projects) will be presented to Elected Members at a Workshop which is scheduled for 12 March 2024. The draft Recurrent Budget and the Capital and Operating Projects are proposed to be considered by the Council at a Special Council Meeting which is scheduled for 8 April 2024.

Budget Management Principles

As in previous years, the Council needs to exercise "*budget discipline*" if it is to achieve its financial outcomes that are set out in the Annual Business Plan and Budget and continue to achieve and maintain financial sustainability. To date, the approach which has been taken by this Council once the Annual Business Plan and Budget has been adopted, includes:

- no new recurrent operating expenditure or projects approved without being matched by an increase in operating revenue (i.e., Grants/Fee for Service) or a reduction in expenditure, elsewhere within the Council's operations;
- expenditure over-runs are offset by deferral of discretionary expenditure or expenditure savings elsewhere within the Council's operations;
- income shortfalls to be matched by operating expenditure savings; and
- no new capital expenditure that requires additional borrowings.

Noting that there may be some urgent issues that require urgent attention however once the Budget is adopted, these should be the exception rather than the rule.

Budget Timetable

Pursuant to Section 123 of the Act and Regulation 6 of the Regulations, the Council is required to adopt the Annual Business Plan and Annual Budget after 31 May for the ensuing financial year and except in a case involving extraordinary administrative difficulty, before 31 August for the financial year.

As set out in Table 1 below, a proposed budget timetable has been developed to ensure that the Council is in a position to adopt the 2024-2025 Annual Business Plan and Annual Budget at the Council meeting to be held on 1 July 2024. It is important to note that these dates are subject to change if required.

TABLE 1: KEY BUDGET PROCESS ACTIVITIES 2024-2025

Key Steps	Dates
Budget process, parameters and objectives adopted	Monday 22 January 2024 (Council Meeting)
Fees and charges adopted in principle by the Council	Monday 4 March 2024 (Council Meeting)
Budget Workshop with Elected Members	Tuesday 12 March 2024
Budget Council Meeting	Monday 8 April 2024 (Special Meeting)
<ul style="list-style-type: none"> • <i>Recurrent Budget considered</i> • <i>Operating and Capital Projects considered</i> 	
Draft Annual Business Plan considered by the Audit & Risk Committee	Monday 22 April 2024
Draft Annual Business Plan, rating model and projects carried forward and Infrastructure Whole of Life endorsed	Monday 6 May 2024 (Council Meeting)
Draft Annual Business Plan available for viewing by the public	Friday 10 May 2024
Meeting to receive public submissions on the Annual Business Plan	Monday 27 May 2024
Consideration of public submissions	Tuesday 11 June 2024 (Special Council Meeting)
Adoption of Annual Business Plan and Budget	Monday 1 July 2024 (Council Meeting)

In respect to the community consultation on the Annual Business Plan, a Public Meeting is proposed to be held on Monday, 27 May 2024 to allow members of the community to present their comments and feedback to the Council on the content of the Annual Business Plan and Budget.

OPTIONS

The Council has the following options in respect to this issue:

1. adopt the Annual Business Plan objectives, Annual Budget parameters and assumptions as recommended; or
2. amend any or all of the recommended Annual Business Plan objectives, Annual Budget parameters and assumptions.

The Annual Business Plan objectives, Annual Budget parameters and assumptions set out in this report, are consistent with the approach which the Council has set in previous years to the development of the Annual Business Plan and Budget. In addition, the proposed approach and timetable as presented, will ensure that the Council meets its legislative requirements as set out in the *Local Government Act 1999* and Regulation 6 of the *Local Government (Financial Management) Regulations 2011* therefore Option 1 is recommended.

CONCLUSION

The development of the 2024-2025 Annual Business Plan and Budget should form the platform to position the Council to achieve ongoing Financial Sustainability. Financial Sustainability is not a number on the Income Statement, it is a strategy. Therefore, strategies need to be developed that integrate into the Council's planning and are supported by longer term planning, with any future decisions made being consistent with and supporting the strategy.

COMMENTS

If Elected Members have any questions or require clarification in relation to specific budget items, and/or any issues raised in this report, do not hesitate to contact the Chief Financial Officer, Natalia Axenova on 8366 4548 or email naxenova@npsp.sa.gov.au prior to the meeting.

RECOMMENDATION

1. That the Annual Business Plan objectives as set out in this report be adopted "in principle" for the purposes of preparing the draft 2024-2025 Annual Business Plan and Budget.
2. That the following budget parameters and assumptions be adopted 'in principle' for the purposes of preparing the draft 2024-2025 Annual Business Plan and Budget:
 - the Recurrent Operating Budget be prepared on a "business as usual" basis;
 - the continuation of previously recognised ongoing operational savings;
 - maximum Material, Contracts and Other Expenses cost escalation be set at 3.3%;
 - wages and salaries increases be set in line with the Council's Enterprise Bargaining Agreements;
 - fees and charges not set by Legislation be increased by a minimum of 5.0%;
 - new Capital Projects to be considered and approved within the context of the Annual Business Plan objectives, *CityPlan 2030: Shaping Our Future*, The Infrastructure and Asset Management Plan and the Council's Long Term Financial Plan;
 - new services and one-off projects to be considered and approved within the context of the Annual Business Plan objectives, *CityPlan 2030: Shaping Our Future*, The Infrastructure and Asset Management Plan and the Council's Long Term Financial Plan be funded through Rate Revenue increases or by expenditure savings; and
 - new capital projects are funded through grant funding and or long-term borrowings.

Cr Clutterham moved:

1. *That the Annual Business Plan objectives as set out in this report be adopted "in principle" for the purposes of preparing the draft 2024-2025 Annual Business Plan and Budget.*
2. *That the following budget parameters and assumptions be adopted 'in principle' for the purposes of preparing the draft 2024-2025 Annual Business Plan and Budget:*
 - *the Recurrent Operating Budget be prepared on a "business as usual" basis;*
 - *the continuation of previously recognised ongoing operational savings;*
 - *maximum Material, Contracts and Other Expenses cost escalation be set at 3.3%;*
 - *wages and salaries increases be set in line with the Council's Enterprise Bargaining Agreements;*
 - *fees and charges not set by Legislation be increased by a minimum of 5.0%;*
 - *new Capital Projects to be considered and approved within the context of the Annual Business Plan objectives, CityPlan 2030: Shaping Our Future, The Infrastructure and Asset Management Plan and the Council's Long Term Financial Plan;*
 - *new services and one-off projects to be considered and approved within the context of the Annual Business Plan objectives, CityPlan 2030: Shaping Our Future, The Infrastructure and Asset Management Plan and the Council's Long Term Financial Plan be funded through Rate Revenue increases or by expenditure savings; and*
 - *new capital projects are funded through grant funding and or long-term borrowings.*

Seconded by Cr Piggott and carried unanimously.

Section 3 – Governance & General Reports

11.5 COUNCIL ASSESSMENT PANEL REVIEW – MEMBERSHIP AND RECENT ACTIVITY

REPORT AUTHOR: Manager, Development Assessment
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4567
FILE REFERENCE: qA1741
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to review the Membership of the Council Assessment Panel (CAP) and to provide general commentary on the Panel's activities and performance over the past 12 months (2023 calendar year).

BACKGROUND

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

The Council Assessment Panel was established by the Council at its meeting held on 4 September 2017. Since that time, the Council has considered the membership of the Panel on two (2) further occasions (8 October 2019 and 7 March 2022). At the Council meeting held on 7 March 2022, the Council resolved the following:

- That the following persons be and are hereby appointed as Specialist External Members to the City of Norwood Payneham & St Peters Council Assessment Panel, for a period commencing on 18 April 2022 until 18 April 2024, or until extended or removed from membership of the Council Assessment Panel by resolution of the Council:*
 - Mr Terry Mosel (as Presiding Member);*
 - Ms Jenny Newman;*
 - Mr Mark Adcock; and*
 - Mr Ross Bateup.*
- That Mr Terry Mosel be and is hereby appointed as Presiding Member to the City of Norwood Payneham & St Peters Council Assessment Panel, for a period commencing on 18 April 2022 until 18 April 2024, or until extended or removed from membership of the Council Assessment Panel by resolution of the Council.*

In addition, following the conclusion of the 2022 Local Government Elections, at its meeting held on 5 December 2022, the Council resolved the following with respect to the Elected Member position on the Council Assessment Panel:

That Cr Christel Mex be and is hereby appointed to the City of Norwood Payneham and St Peters Council Assessment Panel for a period commencing on 19 December 2022 until 18 April 2024.

That Cr Kester Moorhouse be and is hereby appointed as the Deputy Member to the City of Norwood Payneham and St Peters Council Assessment Panel for a period commencing on 19 December 2022 until 18 April 2024.

As the term of appointment for all of the Council Assessment Panel Members expires on 18 April 2024, it is necessary for the Council to consider the membership of the Council Assessment Panel now to allow for a recruitment process to occur for the Specialist Independent Members prior to the expiry of the current term.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The following outcomes contained in *CityPlan 2030, Shaping Our Future*, have been identified as relevant to the core business of the Council Assessment Panel.

Outcome 2: Cultural Vitality

Objectives:

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

Outcome 3: Economic Prosperity

Objectives:

3.1 *A diverse range of businesses and services.*

3.2 *Cosmopolitan business precincts contributing to the prosperity of the City.*

Outcome 4: Environmental Sustainability

Objectives:

4.1 *Sustainable and efficient management of resources.*

4.2 *Sustainable streets and open spaces.*

Forming a Council Assessment Panel in accordance with the relevant legislation, is both a statutory requirement and good governance and provides the community with the confidence that the Council's processes, procedures and delegations, are robust - all of which allows the Council to focus on strategic planning. In addition, appointing a Panel comprised of persons with a suitable mix of qualifications and experience, ensures that objectives (often competing) relating to economic development, environmental sustainability and visual amenity, are appropriately balanced in the development assessment process.

FINANCIAL AND BUDGET IMPLICATIONS

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

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

The Assessment Managers network across Local Government carried out a comparison of sitting fees for Council Assessment Panel Members in 2023. The City of Norwood Payneham & St Peters currently sits in approximately the mid to upper range of the sitting fees that are paid to Panel Members. This has enabled the Council to compete and to attract high quality Specialist External Members.

No changes therefore to the current sitting fees are recommended.

EXTERNAL ECONOMIC IMPLICATIONS

There are no external economic implications applicable to this matter.

SOCIAL ISSUES

There are no social issues applicable to this matter.

CULTURAL ISSUES

There are no cultural issues applicable to this matter.

ENVIRONMENTAL ISSUES

There are no environmental issues applicable to this matter.

RESOURCE ISSUES

The resourcing required for the effective functioning of the Council Assessment Panel is provided for by the Administration.

RISK MANAGEMENT

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

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

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

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

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

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
General Manager, Urban Planning & Environment
Development Assessment Planners
Planning Assistants.
- **Other**
Not Applicable.

DISCUSSION

The Panel's Activities and Performance

The Panel met on eleven (11) occasions between January and December 2023. Two (2) scheduled Ordinary Meetings (February 2023 and April 2023), were cancelled due to there being no agenda items and a Special Meeting was held on 15 August 2023, to hear a complex matter regarding a review of the decision of the Assessment Manager.

During the twelve (12) month reporting period from January 2023 to December 2023, 632 Development Applications were determined by the City of Norwood Payneham & St Peters.

The Panel considered twenty-seven (27) Development Application items during the reporting period, which equates to approximately 4.2% of all Development Applications which were determined.. All other Development Applications were determined by the Assessment Manager as the relevant authority (and staff under delegation) or by the Assessment Manager (and staff under delegation) acting under the delegation of the Council Assessment Panel. It is also important to note that the Panel also considered a further 10 items (in addition to the 27 noted above) that were related to the operations of the Panel (i.e. Terms of Reference and Meeting Procedures) and also other matters such as correspondence from the State Planning Commission and Environment Resources & Development Court matters.

The Panel considered twelve (12) Development Applications for commercial developments and nine (9) Development Applications for residential developments. Other Applications related to other types of developments, such as proposals to remove significant trees.

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

- alterations and additions to an existing hotel in Royston Park;
- the establishment of consulting rooms on Osmond Terrace in Norwood;
- a large-scale third party advertising sign in St Peters;
- a child care centre and bulky good outlet (separate Applications) in Trinity Gardens;
- an Environment Resources & Development Court Compromise Proposal for a significant Bulky Goods Outlet.

Of the twenty-seven 27 Development Applications which were considered by the Panel during the reporting period, three (3) Applications were refused by the Panel. Of the three (3) Applications which were refused, one (1) was recommended to be refused by staff.

Of the twenty-four (24) Applications which were approved by the Panel, all were determined in accordance with the recommendations made by staff. Overall, eleven per cent (11%) of decisions made by the Panel were contrary to staff recommendations. Accordingly, the vast majority of decisions made by the Panel are consistent with staff recommendations, which demonstrates a close alignment between the way in which staff and the Panel are interpreting and applying the provisions of the *Planning and Design Code*). This has remained consistent for several years.

Three (3) of the decisions that were made by the Panel during the reporting period, were appealed to the Environment Resources & Development (ERD) Court, either by the applicant or a third party. One (1) of those appeals has been resolved via a compromise, without proceeding to a Full Hearing. The remaining two (2) appeals have not yet been finalised.

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

To ensure procedural fairness and mitigate any perception of bias, the Assessment Manager is not present whilst the Panel deliberates reviews of the decisions of the Assessment Manager.

Review of Delegations

The most recent review of delegations was undertaken by the Council Assessment Panel at its meeting held on 10 February 2021. Contrary to the regime which was established under the *Development Act 1993*, whereby the Council determined which Application types would be determined by the CAP versus staff, the *Planning, Development and Infrastructure Act 2016*, establishes that all Applications are determined by the Assessment Manager, other than those which are the subject of public notification.

The Council Assessment Panel is able to delegate authority to determine certain types of Applications which are the subject of public notification. In this respect, the CAP determined to delegate authority to the Assessment Manager, to determine applications which are the subject of public notification, where no representations have been received in opposition to the Application.

A further review of delegations will be undertaken in 2024.

Procedural Issues and Meeting Efficiency

The Meeting Procedures for the Council Assessment Panel were reviewed in 2023. An amended version of the Meeting Procedures was endorsed by the Panel at its meeting held on 19 June 2023.

The updated Meeting Procedures provided additional clarification on the processes for the hearing of representations, considering additional information and the taking of Minutes.

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

Planning Policy Issues / Trends

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

The Panel did encounter a number of anomalies in the planning policy applicable to its assessment activities, but none of such significance that they would warrant the immediate attention.

However, there were several “general observations” about the relevant planning policy and planning system that are worthy of consideration, as follows:

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

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

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

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

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

3. Loss of Third Party Appeal Rights – The implementation of the new planning system has resulted in third party’s no longer having a right of appeal to the Environment Resources & Development Court should they not agree with a decision made by the Council Assessment Panel. As knowledge of the lack of appeal rights has spread, Council Assessment Panels are beginning to see a trend of more detailed and assertive representations.

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

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

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

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

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

5. Changing Case Law Environment – The new planning system is being subjected to a number of appeals and case law is regularly forthcoming that is changing and influencing the understanding of the new system and the planning policy framework that is applicable. One of the challenges for relevant authorities is remaining updated with the latest case law and making effective decisions bearing in mind the changing environment.

Specialist External Panel Members

The four (4) Specialist External Members who currently serve on the Panel, have varied professional backgrounds and are highly regarded in their respective fields of expertise:

- Mr Mosel is a qualified and highly experienced Town Planner and former ERD Court Commissioner;
- Ms Newman is a qualified Architect with extensive heritage conservation experience;
- Mr Adcock is a qualified and highly experienced Town Planner, with private sector, local and state government experience; and
- Mr Bateup is a qualified and highly experienced Architect, Landscape Planner, Urban Designer and City Planner, with private sector, local, state and federal government experience.

It is considered that all Panel Members have discharged their responsibilities and have performed to a very high standard. The meeting attendance rate for all Panel Members is high and all Members have contributed to discussions on agenda items in a robust manner. Members have sought advice and clarification from staff at various times throughout the year, asked questions of representors, applicants and staff at Panel meetings, identified planning trends of concern and it is evident from observing the meetings that all Members have prepared thoroughly for each meeting. The quality of decision making is considered to be of a high and robust standard and is acknowledged in the sector as such.

Mr Mosel and Ms Newman have both advised that they will not be seeking a further term on the Council Assessment Panel. Both Mr Mosel and Ms Newman have been longstanding Members of the Council Assessment Panel and have fulfilled their duties to the highest level with integrity, diligence and professionalism.

Given that Mr Mosel and Ms Newman have advised that they will not be seeking a further term, the Council may determine to call for expressions of interest in the Specialist External Member positions. There are a significant number of registered persons available for selection for Council Assessment Panel Member positions which may be worthy of consideration. This approach is therefore recommended.

Members, other than Elected Members, will need to be accredited as Planning Level 2 Accredited Professionals under the Accredited Professionals Scheme.

It is considered preferable that the Presiding Member who is appointed to the Panel, will have qualifications and extensive experience in planning and chairing meetings.

Number of Panel Members

Council Assessment Panels are required to have a maximum of five (5) members, one of which may be an Elected Member of the Council.

It is recommended that the Council Assessment Panel continue to comprise five (5) Members, including one (1) Elected Member.

Deputy Panel Members

The Council can also appoint Deputy Members to the Council Assessment Panel. Deputy Members can attend meetings in the place of absent CAP Members on an 'as-needs' basis. The appointment of Deputy Members may assist the CAP in avoiding quorum issues.

Cr Kester Moorhouse is currently appointed to the position of Deputy Member, to sit on the Panel when Cr Mex is unable to attend a meeting. Where an Elected Member is appointed as a Deputy Member, that person may not act as a deputy for any other CAP Member.

The Council has previously determined not to appoint a Specialist External Deputy Member. The absence of a Specialist External Deputy Member has not hindered the operations of the CAP over the past six (6) years. However, it has required some advanced scheduling on behalf of the administration to ensure Member availability, and on several occasions, the CAP has met with only four (4) Members present and such a situation can lead to the Presiding Member needing to use a casting vote.

The Council could determine to call for expressions of interest for a Specialist External Deputy Member, who would be able to attend in situations when one or more Specialist External Members are unable to attend a meeting. While a Specialist External Member has not been appointed in the past, it is considered best practice to do so and accordingly it forms part of the recommend approach.

Panel Members Term of Engagement

The *Planning, Development and Infrastructure Act 2016*, does not prescribe a maximum term for CAP Members appointed by the Council. Most recently, the Council appointed CAP Members for a two (2) year term.

Given the safeguards in the Terms of Reference to remove a Member at the discretion of the Council at any time and historical absence of any operational concerns, it is recommended that the Council determines to call for expressions of interest for Specialist External Members on the basis of a two (2) year term. Two (2) year terms for Council Assessment Panel Member positions is relatively consistent across Local Government.

OPTIONS

The Council could determine to re-appoint all Specialist External Members of the CAP, or alternatively could determine not to appoint one or more Members and instead call for expressions of interest for new Members. For the reasons set out in this report, it is recommended that all Specialist External Member positions not be reappointed and that expressions of interest be sought for membership of the Council Assessment Panel, noting this does not prevent current Members from seeking reappointment.

It is also recommended that the Council seek expressions of interest for a Specialist External Deputy Member, to attend meetings of the Council Assessment Panel when other Specialist External Members are unable to attend. However, the Council could choose not to appoint a Specialist External Deputy Member – doing so would be unlikely to interfere with the operations of the Panel to a substantial degree.

CONCLUSION

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

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

Overall, the Council can be justifiably satisfied with the results which have been achieved and the Panel's operation during the 2023 calendar year.

Given that the current term of all Panel Members is due to expire in April 2024, and two (2) Specialist External Members have confirmed they do not wish to continue in their roles, it is considered appropriate to call for expressions of interest for all Specialist External Panel Member positions at this time.

Should the Council agree with that approach, an expressions of interest process will be undertaken. Should the number of applications exceed the number of positions available, interviews will be conducted and a recommendation provided to Council. At that point, the Council would also select the Elected Members to the Elected Member and Deputy Elected Member positions on the Council Assessment Panel.

COMMENTS

Nil.

RECOMMENDATION

1. That the report on the activities and performance of the Council Assessment Panel throughout the 2023 calendar year, be received and noted.
2. That the Council expresses its gratitude to Mr Terry Mosel and Ms Jenny Newman for their efforts, diligence and outstanding contribution to the City of Norwood Payneham & St Peters Council Assessment Panel and wishes them well for their future endeavours.
3. That the Council determines to call for Expressions of Interest for the four (4) Specialist External Members and one (1) Deputy Specialist External Member for the Council Assessment Panel, for a two (2) year term from April 2024 to April 2026.
4. That a selection panel be established to conduct interviews for the Specialist External Member positions (if required) comprising the General Manager, Urban Planning & Environment; Manager, Urban Planning and Sustainability and Manager, Development Assessment.
5. That following the Selection Panel's shortlisting and interviewing of candidates (if required), a report be prepared for the Council's consideration to finalise the appointment of Specialist External Members to the City of Norwood Payneham & St Peters Council Assessment Panel.

6. That all Members of the City of Norwood Payneham & St Peters Council Assessment Panel receive a sitting fee of \$450 per meeting or training session arranged by Council staff that they attend, other than the Presiding Member, who shall receive a sitting fee of \$550 per meeting or training session arranged by Council staff that they attend.
-

Cr Sims left the meeting at 7.21pm.

Cr Sims returned to the meeting at 7.23pm.

Cr Piggott moved:

1. *That the report on the activities and performance of the Council Assessment Panel throughout the 2023 calendar year, be received and noted.*
2. *That the Council expresses its gratitude to Mr Terry Mosel and Ms Jenny Newman for their efforts, diligence and outstanding contribution to the City of Norwood Payneham & St Peters Council Assessment Panel and wishes them well for their future endeavours.*
3. *That the Council determines to call for Expressions of Interest for the four (4) Specialist External Members and one (1) Deputy Specialist External Member for the Council Assessment Panel, for a two (2) year term from April 2024 to April 2026.*
4. *That a selection panel be established to conduct interviews for the Specialist External Member positions (if required) comprising the General Manager, Urban Planning & Environment; Manager, Urban Planning and Sustainability and Manager, Development Assessment.*
5. *That following the Selection Panel's shortlisting and interviewing of candidates (if required), a report be prepared for the Council's consideration to finalise the appointment of Specialist External Members to the City of Norwood Payneham & St Peters Council Assessment Panel.*
6. *That all Members of the City of Norwood Payneham & St Peters Council Assessment Panel receive a sitting fee of \$450 per meeting or training session arranged by Council staff that they attend, other than the Presiding Member, who shall receive a sitting fee of \$550 per meeting or training session arranged by Council staff that they attend.*

Seconded by Cr Robinson and carried.

12. ADOPTION OF COMMITTEE MINUTES
Nil

13. OTHER BUSINESS

13.1 Personal Explanation by Mayor Robert Bria - 2024 AFL Gather Round

Mayor Bria sought leave of the meeting to make a Personal Explanation in relation to the 2024 AFL Gather Round.

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

Cr Duke moved:

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

Seconded by Cr Knoblauch and carried unanimously.

Mayor Robert Bria's Personal Explanation

At the ordinary Council meeting held on 4 December 2023, I made a Personal Explanation advising that during the negotiating stage of the Council trying to secure matches at Norwood Oval for 2024 AFL Gather Round, I did not participate in any meetings where representatives from the Department of the Premier and Cabinet (DPC) were present.

This Personal Explanation was made to clarify a report regarding Gather Round considered by the Council in November 2023, which stated that I did.

Wednesday 17 January 2024, the Chief Executive Officer, Manager of the Office of the Chief Executive and I, attended a meeting with the Premier to discuss progress of events and activities on The Parade associated with this year's Gather Round.

Also present at the meeting were representatives from the South Australian Tourism Commission and DPC.

Given I am also an employee of DPC, I sought legal advice regarding any conflict of interest considerations for me attending the meeting. I was advised there were none.

14. CONFIDENTIAL REPORTS

14.1 COUNCIL RELATED MATTER

RECOMMENDATION 1

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

- (m) information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the *Planning, Development and Infrastructure Act 2016* before the draft instrument or amendment is released for public consultation under that Act;

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 consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report, discussion and minutes be kept confidential until the proposed Code Amendment is ready for release for the purpose of public consultation.

Cr Sims moved:

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

- (m) information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;*

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 consideration of the information confidential.

Seconded by Cr Knoblauch and carried.

Cr Robinson left the meeting at 7.45pm.

Mayor Bria declared a conflict of interest in this matter and left the meeting at 7.45pm.

Appointment of Acting Mayor

At 7.46pm Cr Sims moved:

That Cr Kevin Duke be appointed Acting Mayor.

Seconded by Cr McFarlane and carried unanimously.

Cr Duke assumed the Chair.

Cr Robinson returned to the meeting at 7.50pm.

Resumption of Chair

Mayor Bria returned to the meeting at 8.03pm and resumed the Chair.

14.2 COUNCIL RELATED MATTER

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 the announcements have been made.

Cr Robinson 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, Urban Planning & Environment; General Manager, Infrastructure & Major Projects; Chief Financial Officer; Manager, Strategic Communications & Advocacy; Executive Assistant, Chief Executive's Office and Administration Assistant, Governance & Civic Affairs], 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 Callisto and carried unanimously.

Cr Callisto moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential until the announcements have been made by Events South Australia at the official 2025 Santos Tour Down Under Launch.

Seconded by Piggott and carried unanimously.

14.3 COUNCIL RELATED MATTER

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

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

Cr Robinson moved:

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

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

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

Seconded by Cr Duke and carried unanimously.

Cr Sims left the meeting at 8.16pm.
Cr Sims returned to the meeting at 8.17pm.
Cr Callisto left the meeting at 8.24pm.

Cr Knoblauch moved:

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

Seconded by Cr Holfeld and carried unanimously.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.31pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)