

Council Meeting Agenda & Reports

20 January 2025

Our Vision

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

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

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

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City of
Norwood
Payneham
& St Peters

16 January 2025

To all Members of the Council

NOTICE OF MEETING

I wish to advise that pursuant to Sections 83 and 87 of the *Local Government Act 1999*, the next Ordinary Meeting of the Norwood Payneham & St Peters Council, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 20 January 2025, commencing at 7.00pm.

Please advise Tina Zullo on 8366 4545 or email tzullo@npsp.sa.gov.au, if you are unable to attend this meeting or will be late.

Yours faithfully



Mario Barone
CHIEF EXECUTIVE OFFICER

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

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR

PRESENT

Council Members

Staff

APOLOGIES

ABSENT

1. **KAURNA ACKNOWLEDGEMENT**
2. **OPENING PRAYER**
3. **CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 2 DECEMBER 2024**
4. **MAYOR'S COMMUNICATION**
5. **DELEGATES COMMUNICATION**
6. **ELECTED MEMBER DECLARATION OF INTEREST**
7. **ADJOURNED ITEMS**

7.1 ADJOURNED ITEM: WRITTEN NOTICE OF MOTION – UPDATES ON KEY ELEMENTS OF COUNCIL ACTIVITIES – SUBMITTED BY CR VICTORIA MCFARLANE

NOTICE OF MOTION: Updates on Key Elements of Council Activities
SUBMITTED BY: Cr Victoria McFarlane
FILE REFERENCE: qA1039
ATTACHMENTS: A

At its meeting held on 4 November 2024, the Council considered the following Notice of Motion which was submitted by Cr Victoria McFarlane.

NOTICE OF MOTION

1. The Council notes the need for formalised updates regarding key elements of Council activities.
2. That the Council requests a monthly report from the Chief Executive Officer at each formal Council meeting that would include, but not be limited to, the following updates:
 - update on major projects (in planning, design, and construction) and asset renewal program;
 - register of Motions outstanding, including status and timeframes for implementation;
 - register of notifiable incidents, including near misses and injury days taken;
 - risk register;
 - organisational chart and list of open vacancies; and
 - any substantive operational, financial, project, or reputational risks and opportunities as they arise.

Following consideration of the Notice of Motion, the Motion was moved and seconded as follows:

Cr McFarlane moved:

1. *The Council notes the need for formalised updates regarding key elements of Council activities.*
2. *That the Council requests a monthly report from the Chief Executive Officer at each formal Council meeting that would include, but not be limited to, the following updates:*
 - *update on major projects (in planning, design, and construction) and asset renewal program;*
 - *register of Motions outstanding, including status and timeframes for implementation;*
 - *register of notifiable incidents, including near misses and injury days taken;*
 - *risk register;*
 - *organisational chart; and*
 - *any substantive operational, financial, project, or reputational risks and opportunities as they arise.*

Seconded by Cr Moorhouse.

Cr Holfeld moved:

That this matter be deferred until the January 2025 Council meeting, to allow for the information and presentation of the information within the Power BI corporate reporting system to be compared against the information requested in the Notice of Motion submitted by Cr McFarlane as part of Item 10.2 of the Council meeting held on 4 November 2024.

Seconded by Cr Sims.

Variation

Formal Motion

Cr Holfeld, as the mover of the motion, with the consent of Cr Sims as the seconder, sought leave of the meeting to vary the motion as follows:

That this matter be adjourned until the January 2025 Council meeting to allow for the information and presentation of the information within the Power BI corporate reporting system to be compared against the information requested in the Notice of Motion submitted by Cr McFarlane as part of Item 10.2 of the Council meeting held on 4 November 2024.

*Mayor Bria put the request for leave to the meeting.
The meeting granted leave and the motion was varied as set out above.*

The formal motion (as varied) was put and carried unanimously.

A copy of the original Notice of Motion as included within the Agenda for the Council Meeting held on 4 November 2024 is contained in **Attachment A**.

PROCEDURAL MATTERS – ADJOURNED BUSINESS

1. Local Government (Procedures at Meetings) Regulations 2013

Regulation 19 – Adjourned Business of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), requires that the debate on the matter will, on resumption, continue from the point at which it was adjourned.

In accordance with Regulation 19, the following Elected Members spoke to the Motion (ie participated in the debate) at the Meeting held on 4 November 2024:

- Cr McFarlane (moved the Motion);
- Cr Moorhouse (seconded the Motion);
- Cr Robinson (spoke to the Motion);
- Cr Duke (spoke to the Motion);
- Cr Piggott (spoke to the Motion);
- Cr Mex (spoke to the Motion);
- Cr Clutterham (spoke to the Motion);
- Cr Holfeld (moved the Motion to adjourn the matter); and
- Cr Sims (seconded the Motion to adjourn the matter).

All Elected Members who have spoken to the Motion (as set out above), are not able to speak again unless Leave of the Meeting is granted.

Cr McFarlane, as the Mover of the Motion has the right of reply at the conclusion of the debate, prior to the matter being put to the vote by the Mayor.

The following Elected Members did not speak to the Motion at the Meeting held on 4 November 2024:

- Cr Callisto;
- Cr Granozio;
- Cr Knoblauch; and
- Cr Whittington.

Those Elected Members who have not spoken to the Motion (as set out above), are able to speak to the Motion at this meeting as part of the debate.

2. The Motion

At the meeting held on 4 November 2024, a question of clarification was asked regarding the *organisational chart and list of open vacancies* component of the Motion.

A response to this question was provided to the Council by the Chief Executive Officer.

Following consideration of the response provided by the Chief Executive Officer, the Mayor advised Cr McFarlane, as the Mover of the Motion, that, on the basis of the response provided by the Chief Executive Officer, he would not accept the inclusion of the "*list of open vacancies*" component of the Motion.

On the basis of the Mayor's ruling (as Presiding Member of the Meeting), the "*list of open vacancies*" was removed from the Motion.

The ruling made by the Mayor to disallow this component of the Motion, was made on the basis that the subject matter falls within the responsibilities of the Chief Executive Officer as set out in the *Local Government Act 1999*.

Regulation 12 (7) of the *Local Government (Procedures at Meetings) Regulations 2013* sets out that the "*presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).*"

However, the Regulations do not provide the power to the Presiding Member (Mayor), to disallow a Motion or part of a Motion which has been Moved and Seconded at the Meeting.

If a Motion has been Moved and Seconded during a Meeting, the only means available to the change the Motion is if a Member moves an amendment or requests that the Mover of the Motion accepts a variation to the Motion.

In summary, the Mayor should have requested that Cr McFarlane, with the consent of the Seconder, accept a variation to the Motion.

Therefore, the Motion before the Council for consideration at this meeting is the original Motion as moved by Cr McFarlane and seconded by Cr Moorhouse and as set out below.

Cr McFarlane moved:

1. *The Council notes the need for formalised updates regarding key elements of Council activities.*
2. *That the Council requests a monthly report from the Chief Executive Officer at each formal Council meeting that would include, but not be limited to, the following updates:*
 - *update on major projects (in planning, design, and construction) and asset renewal program;*
 - *register of Motions outstanding, including status and timeframes for implementation;*
 - *register of notifiable incidents, including near misses and injury days taken;*
 - *risk register;*
 - *organisational chart and list of open vacancies; and*
 - *any substantive operational, financial, project, or reputational risks and opportunities as they arise.*

Seconded by Cr Moorhouse

Attachments – Item 7.1

Attachment A

Adjourned Item:

**Written Notice of Motion
Updates on Key Elements of Council Activities
Submitted by Cr Victoria McFarlane**

10.2 WRITTEN NOTICE OF MOTION – UPDATES ON KEY ELEMENTS OF COUNCIL ACTIVITIES – SUBMITTED BY CR VICTORIA MCFARLANE

NOTICE OF MOTION: Updates on Key Elements of Council Activities
SUBMITTED BY: Cr Victoria McFarlane
FILE REFERENCE: qA1039
ATTACHMENTS: Nil

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

NOTICE OF MOTION

1. The Council notes the need for formalised updates regarding key elements of Council activities.
2. That the Council requests a monthly report from the Chief Executive Officer at each formal Council meeting that would include, but not be limited to, the following updates:
 - update on major projects (in planning, design, and construction) and asset renewal program;
 - register of Motions outstanding, including status and timeframes for implementation;
 - register of notifiable incidents, including near misses and injury days taken;
 - risk register;
 - organisational chart and list of open vacancies; and
 - any substantive operational, financial, project, or reputational risks and opportunities as they arise.

REASONS IN SUPPORT OF MOTION

The Council will recall the Motion made in May 2023 for a regular monthly report outlining key elements of Council activities. While the Motion in May 2023 was unsuccessful, undertakings were made in response to that request to provide regular reports from July 2023.

It is understood that staff vacancies delayed the provision of this report; however, a Corporate Reporting System has been developed since then and will soon be made available to Elected Members.

It is acknowledged that the administration currently provides updates on a raft of reports and information through various means, including formal Council meetings, committees, training, emails, informal conversations, and the Communique. However, it is noted that promptly accessing relevant information through these various avenues can sometimes be challenging for the recipient.

Simplifying reporting to a single monthly “Chief Executive Officer’s Report,” as outlined above, will improve the ability of Elected Members to be informed and stay up-to-date on the Council’s key activities and operations.

**STAFF COMMENT
PREPARED BY GENERAL MANAGER, GOVERNANCE & CIVIC AFFAIRS**

As Elected Members will recall, at its meeting held on 3 April 2023, the Council considered a Notice of Motion requesting that the Chief Executive Officer provide a monthly report to the Council regarding the following items:

- *Update on executive activity in respect to Work Health & Safety and any key statistics considered relevant (e.g. Near Misses, Days lost).*
- *Summary update (1-2 paragraphs) on progress of Capital Projects:*
 - *New assets budgeted to exceed \$250,000;*
 - *Renewal assets as a group; and*
 - *Other projects considered worthy of reporting by the CEO.*
- *List of vacant staff positions, date of the position becoming vacant and status of action for recruitment.*

The motion was Lost.

At that time, the Council was advised that:

At its meeting held on 7 March 2022, the Council endorsed the implementation of a quarterly project and corporate reporting system. This system was recommended to replace the ad-hoc method in which information is currently provided.

At the time, the Council was advised that the project would require considerable planning to ensure the implementation of the corporate reporting system is managed effectively and provides relevant and up-to-date information.

The Council was also advised that the implementation and ongoing reporting requirements would have a significant impact in terms of resources, both from a financial perspective and staff requirements and will require consideration by the Council as part of the Budget process.

The Notice of Motion seeks to implement a monthly reporting requirement, in addition to the quarterly reporting system which the Council has agreed to.

The finalisation of the Corporate Reporting System has unfortunately slipped and staff have been requested to finalise the system and make it operational by the end of December 2024.

In respect to the Motion which has been submitted by Cr McFarlane the following information is provided.

Update on Major projects (in planning, design, and construction) and asset renewal program

In terms of projects, regular updates have been provided at Information & Briefing Sessions, Council reports included as part of the Agenda for Council Meetings and via the Elected Members Weekly Communique.

The level of detail associated with the Project Update Status reports is intended to be included in the new Corporate Reporting system and provided on a quarterly basis.

Register of Motions outstanding, including status and timeframes for implementation

This information is included within the Communique.

Notwithstanding this, this information will be included in the new Corporate Reporting system.

Register of Notifiable Incidents, including near misses and injury days taken

As previously advised to the Council, in terms of Work, Health & Safety reporting, the Council should be (and is), made aware of significant issues which have the potential to create a liability issue for the Council. Likewise, work, health and safety matters of a strategic nature should and are reported to the Council.

In terms of reporting matters such as Near Misses and Days Lost, the Executive Leadership Team (ELT) focuses on strategic WHS issues, tracking WHS data/performance and monitoring the WHS Plan. These are operational and sit with the Chief Executive Officer and Executive Leadership team to review and consider.

This Council's approach is considered to be 'best practice' as it ensures that Senior Management are exercising due diligence and provide a forum for WHS monitoring and decision making and when necessary, matters are reported to the Council.

Risk Register

Section 126 (4)(h) of the *Local Government Act 1999* (the Act) provides that one of the functions of a Council's Audit & Risk Committee includes:

'reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis'.

In addition, Section 126(8)(a) of the Act provides that the Audit & Risk Committee must *'provide a report to the council after each meeting summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting'*.

This means that the Council's Audit & Risk Committee is responsible for the management of risks on behalf of the Council and providing the Council with assurance on these matters. Agendas and Minutes of the Council's Audit & Risk Committee are provided to all Elected Members.

In this regard, as the Committee is now also required to present a report to the Council (the *Audit & Risk Committee General Report to the Council*), summarising the work of the Committee and the outcomes of the meeting, risk management matters will be presented to the Council as part of a separate report.

The Council's Governance Unit will prepare the *Audit and Risk Committee General Report* to the Council following each meeting of the Audit & Risk Committee. The Committee's Work Plan and the discussions, resolutions and proceedings of the Committee Meeting will inform the preparation of the report.

Organisational Chart and list of open vacancies

The Organisational Chart is available via the Council's website.

Notwithstanding this, the Organisational Chart is currently being updated to provide additional information regarding the functions under each department which will be provided via an Elected Member "intranet" as part of the Corporate Reporting system.

There will always be a number of vacant positions at any given time for various reasons (ie resignations, retirement, leave entitlements, finding the best candidate).

These are operational matters and are monitored by the Chief Executive Officer and General Managers.

Any substantive operational, financial, project, or reputational risks and opportunities as they arise.

Refer to the comments regarding the Risk Register.

Summary

As Elected Members are aware, a number of reporting mechanisms are currently in place, (ie Council reports, Information and Briefing Sessions, the Elected Member Weekly Communique and more broadly, the Annual Report), and the new Corporate Reporting system.

The request to implement a monthly reporting system must be considered by the Council in the context of the objective for providing such reporting together with consideration of the impact on the organisation in terms of the resourcing requirements for such reporting and in terms of its value.

Whilst there is always value in reporting information that is relevant to the role of the Council, the Council must then adequately resource this function to ensure that any information reported is of value and meets the objective.

The new Corporate Reporting system is nearing completion and as set out above, staff have been requested to complete and have the system operational by the end of December 2024.

The new system will be presented to Elected Members following the completion of the testing phase.

Cr McFarlane moved:

1. *The Council notes the need for formalised updates regarding key elements of Council activities.*
2. *That the Council requests a monthly report from the Chief Executive Officer at each formal Council meeting that would include, but not be limited to, the following updates:*
 - *update on major projects (in planning, design, and construction) and asset renewal program;*
 - *register of Motions outstanding, including status and timeframes for implementation;*
 - *register of notifiable incidents, including near misses and injury days taken;*
 - *risk register;*
 - *organisational chart; and*
 - *any substantive operational, financial, project, or reputational risks and opportunities as they arise.*

Seconded by Cr Moorhouse.

Cr Holfeld moved:

That this matter be deferred until the January 2025 Council meeting, to allow for the information and presentation of the information within the Power BI corporate reporting system to be compared against the information requested in the Notice of Motion submitted by Cr McFarlane as part of Item 10.2 of the Council meeting held on 4 November 2024.

Seconded by Cr Sims.

Variation

Formal Motion

Cr Holfeld, as the mover of the motion, with the consent of Cr Sims as the seconder, sought leave of the meeting to vary the motion as follows:

That this matter be adjourned until the January 2025 Council meeting to allow for the information and presentation of the information within the Power BI corporate reporting system to be compared against the information requested in the Notice of Motion submitted by Cr McFarlane as part of Item 10.2 of the Council meeting held on 4 November 2024.

Mayor Bria put the request for leave to the meeting.

The meeting granted leave and the motion was varied as set out above.

The formal motion (as varied) was put and carried unanimously.

8. QUESTIONS WITHOUT NOTICE

9. QUESTIONS WITH NOTICE

9.1 QUESTIONS WITH NOTICE – CASH ADVANCE DEBENTURE FACILITY LOAN - SUBMITTED BY CR GRANT PIGGOTT

QUESTIONS WITH NOTICE: Cash Advance Debenture Facility Loan
SUBMITTED BY: Cr Grant Piggott
FILE REFERENCE: qA1040
ATTACHMENTS: Nil

BACKGROUND

Cr Piggott has submitted the following Questions with Notice:

In reference to the Local Government Finance Authority letter dated 21 October 2024, considered by the Council at its 2 December 2024 meeting:

1. Under what interest terms was the CAD facility approved?
2. Beyond the \$41.2 million CAD offered in the LGFA letter, what further borrowing will be required based on our current Long Term Financial Plan?
3. Does the request by LGFA that" any grant funding obtained for the Parade Master Plan and Norwood Library Redevelopment be used to retire debt and not expand the scope of these projects" mean that the maximum funds available for the Parade Master Plan (including funding already committed to the George Street upgrade - a approximately \$3 million), will be \$30 million.

Do we have any indication of the predicted cost of the upgrade of the western part of The Parade, currently the subject of detailed work?

4. Will future versions of the Long-term Financial Plans endeavour to return the Net Financial Liabilities Ratio to under 100% within the ten years, as recommended by the LGFA? What is the timing of the next review of the Long-term Financial Plan?
5. What actions have been taken to identify potential areas of budget improvement available to Council beyond rate increases and deferral of capital projects?

REASONS IN SUPPORT OF QUESTIONS

The LGFA letter presented to Council at its 2 December 2024 meeting- terms of which were accepted by Council – sets out approval of a CAD for \$41.2 million but lays out stringent requirements of the City. Breach of the requirements would trigger a right to call default on the loan.

It is important that Council understands the extent and practical implications of the LGFA requirements and is diligent in managing its affairs to ensure the best outcome.

**RESPONSE TO QUESTIONS
PREPARED BY CHIEF FINANCIAL OFFICER**

1. Under what interest terms was the CAD facility approved?

A CAD facility of \$41.2 million has been approved by the Local Government Finance Authority (LGFA) for a term commencing on 15 November 2024 and concluding on 15 November 2027 with a current Interest rate of 6.15%.

2. Beyond the \$41.2 million CAD offered in the LGFA letter, what further borrowing will be required based on our current Long Term Financial Plan?

As set out in the current LTFP, between 2025 to 2029, it is proposed to borrow an additional \$31 million, with the maximum current borrowings projected to be \$106.6m in 2028-2029. During this period, the expectation is to convert the majority of the CAD facility to a Principal & Interest loan. All options associated with the structure of the Council's borrowings, will be considered in discussion with the LGFA, to achieve positive outcomes for the Council. In the LTFP, moving from the CAD facility to a Principle & Interest loan is planned from 2025-2027 and aligned to the completion of major projects, however it could be reviewed earlier, depending on movements in interest rates as set by the Reserve Bank of Australia. This decision will be made on the basis of ensuring that the Council's financial sustainability is maintained and benefits from the most favorable interest rates available at the time.

3. Does the request by LGFA that "any grant funding obtained for the Parade Master Plan and Norwood Library Redevelopment be used to retire debt and not expand the scope of these projects" mean that the maximum funds available for the Parade Master Plan (including funding already committed to the George Street upgrade -a approximately \$3 million), will be \$30 million.

The funding for the George Street Project is not included in the cost estimates for implementation of The Parade Masterplan.

Any grant funding that is received by the Council, for both implementation of The Parade Masterplan and the Norwood Library Redevelopment Project, will be used to reduce the Council's allocation towards these two Projects, unless the Council chooses to do otherwise.

Any changes to the approach will need to be discussed and approved by the LGFA.

Do we have any indication of the predicted cost of the upgrade of the western part of The Parade, currently the subject of detailed work?

As detailed design has not yet been finalised, a pre-tender estimate is not available. The final design, costs and funds options, will be presented to the Council once these are finalised.

4. Will future versions of the Long-term Financial Plans endeavor to return the Net Financial Liabilities Ratio to 100% (or below) within the ten years, as recommended by the LGFA?

How the Council achieves a return of the Net Financial Liabilities Ratio is a decision for the Council to make in the knowledge of a number of factors. There is no intention to change the current LTFP that has been endorsed by the Council for the purposes of demonstrating when Net Financial Liabilities Ratio below 100% within the ten years, without new information that will be factored into LTFP (e.g. any approved grants, realised savings, rate revenue increases, etc.). Clearly, the aim is to bring the Net Financial Liabilities Ratio to under 100% based on practical, confident decisions and confirmed approved actions.

What is the timing of the next review of the Long-term Financial Plan?

As previously advised, the LTFP will be reviewed as part of the 2025-2026 Annual Business Plan to reflect the actual result for 2023-2024, Budget changes / revisions for 2024-2025, updates from the draft 2025-2026 Budget, as well as changes (if any) in interest rates etc.

5. What actions have been taken to identify potential areas of budget improvement available to Council beyond rate increases and deferral of capital projects?

At this stage, the outcomes that have been put in place are:

- *Review of Building Assets Strategy (initiated) which will assist in evaluation of opportunities.*
- *Other avenues of increasing income (additional services as part of pool project such as a Gym)*
- *Ongoing detailed review of operational costs and processes to identify possible efficiencies. While some efficiencies have been identified, the benefits of these relate mainly to the quality of outputs and better structure for the existing staff.*
- *Where appropriate, performing tasks 'inhouse' rather than hire of external consultants.*
- *Purchasing efficiencies such as the recent power purchasing contract with the ERA Councils and the City of Tea Tree Gully, Household Waste Disposal Contract.*

The outcomes of these actions and other actions will be provided to the Council as part of the Budget process.

9.2 QUESTIONS WITH NOTICE – JOB VACANCIES AND STAFF RECRUITMENT - SUBMITTED BY CR GRANT PIGGOTT

QUESTIONS WITH NOTICE: Job Vacancies and Staff Recruitment

SUBMITTED BY: Cr Grant Piggott

FILE REFERENCE: qA1040

ATTACHMENTS: Nil

BACKGROUND

Cr Piggott has submitted the following Questions with Notice:

1. Can the Chief Executive Officer please provide a list of all current job vacancies at the City of Norwood Payneham & St Peters and the status of their fulfilment?
2. From what positions at the City of Norwood Payneham & St Peters have staff resigned since the 4 November 2024 Council meeting?

REASONS IN SUPPORT OF QUESTIONS

The retention and timely replacement of staff are a major issue for the City of Norwood, Payneham & St Peters and this information is not readily available through any other mechanism.

RESPONSE TO QUESTIONS - PREPARED BY CHIEF EXECUTIVE OFFICER

TABLE 1: VACANT POSITIONS & STATUS

POSITION	STATUS	COMMENTS
Cook	Preferred candidate has been identified	
Educator	Recruitment pending	
Finance Business Partner	Shortlisting is being undertaken	
Organisational Development Specialist	Recruitment commencing shortly	
Service Officer	Shortlisting in progress	
Manager, Strategy	Recruitment commenced	
Manager, City Services	Shortlisting in progress	
Project Manager	Shortlisting in progress	
Senior Mechanic	Position not required	Position transferred to Civil Maintenance
Team Member Civil Maintenance	Recruitment pending	
Team Member Civil Maintenance	Recruitment pending	Vacancy due to internal promotion
Team Member Arboriculture	Recruitment pending	
Executive Assistant (Urban Planning & Environment)	Position funding transferred to new Traffic Engineer	
Manager, Traffic & Integrated Transport	Shortlisting in progress	
Planning Assistant	Recruitment pending	Position filled with temporary labour hire
Strategic Planner		Funds transferred to undertake Building Assets Strategy
3 Parking Inspectors		Decision has been made to retain current temporary labour hire staff.
Educator *	Recruitment pending	
Procurement Specialist *	Position being reviewed	
Project Officer *	Shortlisting in progress	
Team Member Arboriculture *	Recruitment pending	
Sustainability Officer *	Recruiting pending	
GM, Infrastructure & Major Projects *	Recruitment commenced	
Executive Assistant (I & MP) *	Position being reviewed	

* Vacancies since 4 November 2024

10. DEPUTATIONS
Nil

11. PETITIONS
Nil

12. WRITTEN NOTICES OF MOTION
Nil

13. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

[No Items listed under this Section]

Section 2 – Corporate & Finance
Reports

13.1 FINANCIAL REPORT – DECEMBER QUARTER 2024

REPORT AUTHOR: Senior Finance Business Partner
GENERAL MANAGER: Chief Financial Officer
CONTACT NUMBER: 8366 4548
FILE REFERENCE:
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding its financial performance for the period ended December 2024.

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 \$229,418 for the 2024-2025 Financial Year. Following the First Budget Review, where Council approved the budget Carry Forward of Operating Projects from the 2023-2024 financial year, of \$610,747, Council has projected an Operating Deficit of \$381,329.

DISCUSSION

For the period ended December 2024, the Council's financial performance remained stable, with a year-to-date Operating Surplus of \$3,085,234 against a year-to-date Budgeted Operating Surplus of \$102,683 resulting in a favourable variance of \$2,982,551. There are number of variances in certain income and expense categories, impacting the overall performance and they are set out below. Details outlined in Table 1.

TABLE 1 – OVERVIEW OF FINANCIAL PERFORMANCE

Financial Performance for the period ended 31 December 2024					
LYTD Actual		YTD Actual	YTD Revised Budget	Var	Var %
\$'000		\$'000	\$'000	\$'000	
	Revenue				
21,847	Rates Revenue	23,662	23,599	63	0%
1,080	Statutory Charges	1,406	1,135	271	24%
1,944	User Charges	2,062	1,984	78	4%
1,313	Grants, Subsidies and Contributions	2,443	1,202	1,240	103%
55	Investment Income	8	39	(31)	(80%)
17	Reimbursements	52	-	52	-
261	Other	374	240	134	56%
26,517	Total Revenue	30,007	28,200	1,807	6%
	Expenses				
8,929	Employee Expenses	8,476	9,628	1,151	12%
7,010	Contracted Services	7,262	6,965	(297)	(4%)
822	Government Levies	856	859	3	0%
495	Parts, Accessories and Consumables	570	583	14	2%
566	Utilities	591	545	(46)	(8%)
479	Insurance	502	498	(4)	(1%)
404	Subscriptions, Memberships & Licences	419	373	(47)	(13%)
316	Legal Expenses	142	92	(50)	(55%)
898	Other Expenses	887	828	(59)	(7%)
6,231	Depreciation, amortisation & impairment	6,539	6,539	-	-
242	Finance Costs	676	1,187	511	43%
-	Net Loss - Joint Ventures & Associates	0	-	(0)	
26,392	Total Expenses	26,922	28,097	1,175	4%
125	Operating Surplus/(Deficit)	3,085	103	2,983	2,905%

Income Variances

- **Statutory Charges**

The increase in Statutory Charges income compared to the Adopted Budget is primarily due to receipt of the higher Development Assessment fees, as a result of the higher volumes and values of Development Applications being submitted and the number of hoarding licences that have been issued as a result of an increased number of major development projects that are ongoing in the City.

- **Grants, Subsidies and Contributions**

The increase in Grant income compared to the Adopted Budget is predominantly due to the delay in receipt of the advance payment of the Federal Governments *Financials Assistance Grant for 2024-2025*, which was budgeted in and expected to be received in June 2024 as part of 2023-2024 Financial year.

- **Investment Income**

Decrease in Investment income is primarily due to the lower interests that is being earned on cash deposits with the Local Government Financial Authority of South Australia.

- **Reimbursements**

There was an increase in reimbursement income mainly relating to Council's insurance claims, which is set off against the unplanned repair costs incurred by Council reported as part of Expenses.

- **Other Income**

There is an increase in other income mainly due to the variance in budgeted versus actual insurance rebates. These rebates are set by Local Government Risk Services (LGRS) as part of insurance renewal program.

Expenses Variances

- **Employee Costs**

In the first half of the year, there is an underspend against Adopted Budget of \$1,151,322 due to vacant positions that have not yet been filled. Critical roles are being temporarily covered by contractors, (which impacts cost for the contractors to be over budget), a number of positions are currently in the recruitment process.

- **Utilities**

The unfavourable variance of \$46,163 is related to the timing of the water charges for median and grass maintenance relating to May and June 2024, that was invoiced to Council in July 2024.

- **Subscription, Memberships & Licences**

The unfavourable variance of \$46,712 is mainly due to the overspend on Information Services subscriptions due to the prepayment of smaller value annual subscriptions and licences in the first half of the year and increases in some subscriptions by more than CPI (such as increase in the annual subscription for Microsoft 365). This gap between actual expenditure and budget is expected to decline by the end of Financial Year.

- **Legal Fees**

The unfavourable variance of \$50,224 is as a result of legal advice being required on compliance and regulatory matters.

- **Other Expenses**

The unfavourable variance of \$59,077, is mainly due to the timing of actual expenditure and Adopted Budget. This gap is expected to close at the end of Financial Year, as spending is ramped up to align with budgeted expenditure.

- **Finance Expenses**

Finance costs have been lower than budget by \$511,238, as a result of lower than expected level of borrowings mainly due to the timings of the Trinity Valley Stormwater Upgrade Project and the rephasing of the Payneham Memorial Swimming Centre payment plan.

OVERVIEW OF PROJECTS

The Council's financial performance has been based not only on recurring expenses but also on the progress of Operating and Capital projects. The Table below provides an overview of both Operating and Capital projects, the Carried Forwards from the previous financial year (2023-2024) and new projects initiated as part of the 2024-2025 Adopted Budget. At the start of this financial year, significant focus has been placed on completing Carried forward Projects from the previous budget year.

TABLE 1: PROJECT EXPENDITURE SUMMARY FOR PERIOD ENDED 31 DECEMBER 2024

	YTD Actual Spend	YTD Budget	Variance	Remaining 2025 Budget
	\$'000	\$'000	\$'000	\$'000
OPERATING PROJECTS EXPENDITURE (incl. Carry Forwards)				
Corporate Management	90	144	54	240
Economic Prosperity	27	25	(2)	40
Cultural Vitality	33	11	(23)	446
Environmental Sustainability	10	60	50	110
Social Equity	192	160	(32)	240
Net Cost of Operating Projects	352	399	48	1,076
CAPITAL PROJECTS EXPENDITURE (incl. Carry Forwards)				
Corporate Management	2	24	21	118
Economic Prosperity	97	62	(35)	1,010
Cultural Vitality	-	3	3	6
Environmental Sustainability	362	5,813	5,451	9,446
Social Equity	14,884	23,335	8,451	38,120
Net Cost of Capital Projects	15,345	29,236	13,891	48,700

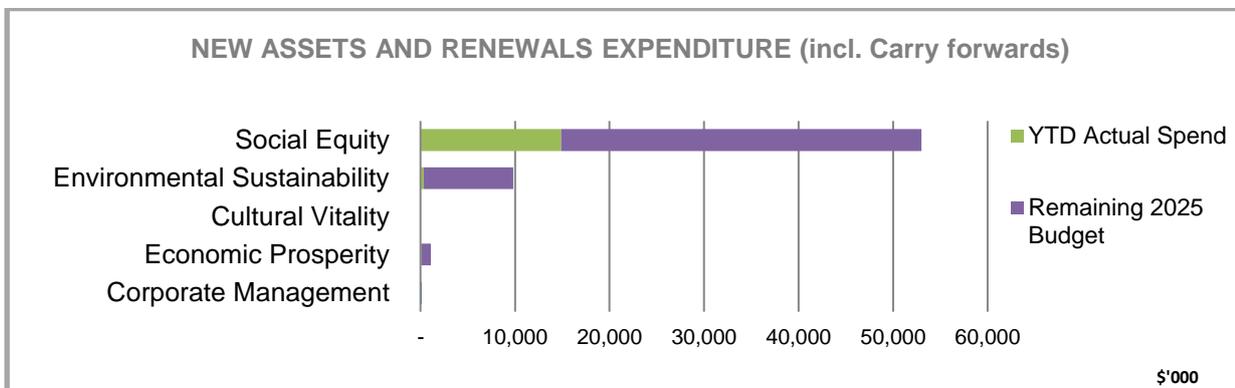
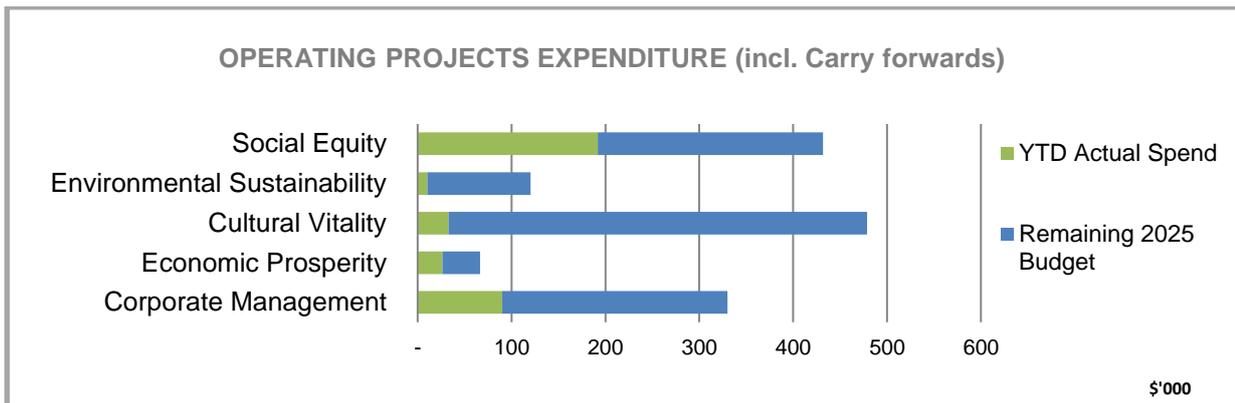
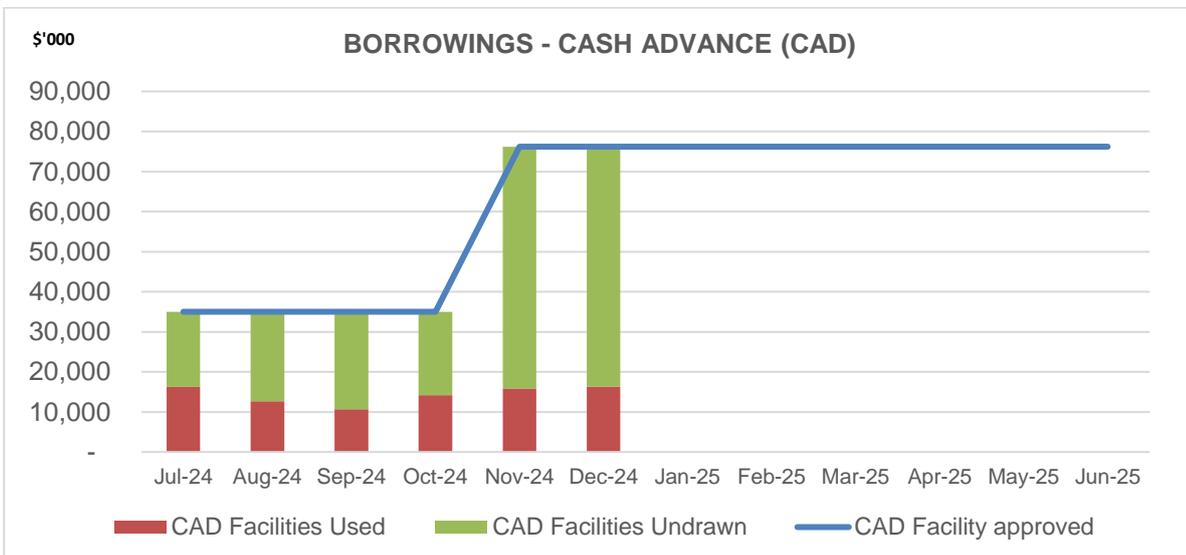
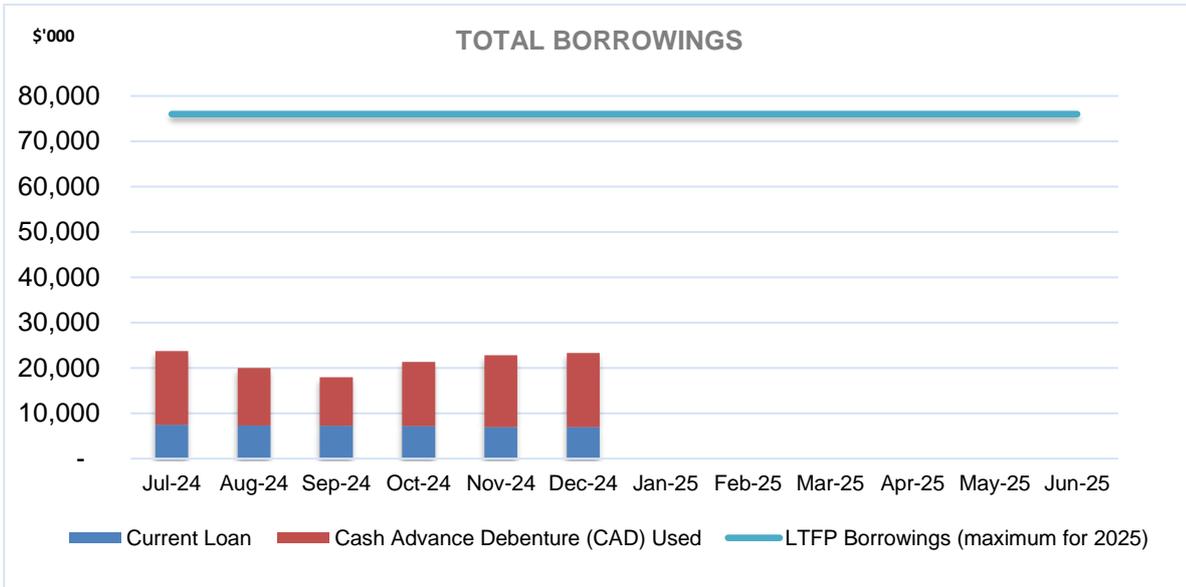
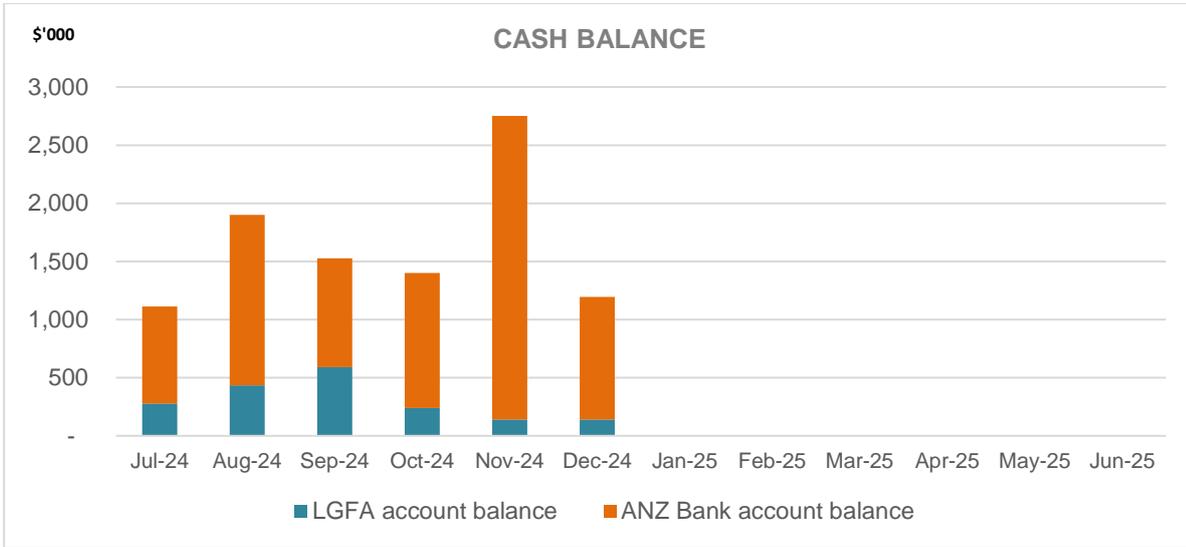


TABLE 2: STATEMENT OF FINANCIAL POSITION AS AT 31 DECEMBER 2024

	30 June 2024	31 December 2024	Movement	
	Actual	Actual		
	\$'000	\$'000	\$'000	%
ASSETS				
Current Assets				
Bank and Cash	997	1,201	(204)	-20%
Accounts receivables	4,106	4,483	(377)	-9%
Less : Provision for Bad Debts	(386)	(385)	(1)	0%
Total Current Assets	4,717	5,299	(582)	-12%
Non-current Assets				
Financial Assets	111	111	0	0%
Investments in Joint Ventures	3,175	2,294	881	28%
Infrastructure, Property, Plant and Equipment	645,596	654,243	(8,647)	-1%
Other Non-current Assets	8,873	8,873	(0)	0%
Total Non-current Assets	657,755	665,521	(7,766)	-1%
Total Assets	662,472	670,820	(8,348)	-1%
LIABILITIES				
Current Liabilities				
Trade and Other Payables	8,828	12,030	(3,202)	-36%
Borrowings	1,136	1,279	(143)	-13%
Provisions	3,624	3,316	308	8%
Total Current Liabilities	13,588	16,625	(3,037)	-22%
Non-current Liabilities				
Borrowings	19,020	22,236	(3,216)	-17%
Provisions	460	460	(0)	0%
Investments in Joint Ventures	970	(20)	990	102%
Total Non-current Liabilities	20,450	22,675	(2,226)	-11%
Total Liabilities	34,038	39,300	(5,263)	-15%
NET ASSETS	628,434	631,520	(3,085)	0%
EQUITY				
Accumulated Surplus	66,480	66,480	(0)	
Profit/(Loss) for the year-to-date	-	3,085	(3,085)	
Asset Revaluation Reserves	561,954	561,954	(0)	
TOTAL EQUITY	628,434	631,520	(3,085)	0%

TREASURY



CONCLUSION

Not Applicable.

COMMENTS

Nil

RECOMMENDATION

That the 2024 December Quarter Financial Report be received and noted.

13.2 2025-2026 ANNUAL BUSINESS PLAN AND BUDGET OBJECTIVES & PARAMETERS

REPORT AUTHOR: Chief Finance Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4548
FILE REFERENCE:
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 2025-2026 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 2025-2026 Financial year, the Council's 2024-2034 Long-Term Financial Plan, projects an Operating Surplus of \$1,647,355 based on a Rate Revenue increase of 8%.

It should be noted that the target Operating Surplus includes Grant Income of \$1,275,294 which is expected to be received in the 2025-2026 Financial Year under the Roads-to-Recovery 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

2025-2026 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 2025-2026 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 2025-2026 Annual Budget

To ensure that the Council delivers its financial objectives and in accordance with the Council's standard practice, the draft 2025-2026 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 \$1,647,355 for the 2025-2026 Financial Year.

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

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 2024-2025 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.

Any costs associated with Payneham Memorial Swimming Centre will be an addition to the Existing Services at Current Service Standards following an approval by the Council.

Cost Escalation

Materials, Contracts and Other Expenses

The Adelaide CPI for the June 2024 Quarter and September 2024 Quarter, was 4.5% and 3.2% 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 2024, is 4.2% and as at September 2024 is 3.4%.

The State Government recently released the 2024-2025 Mid-year Budget Review, which forecasts the Adelaide CPI of 3.25% for the remainder of 2024-2025, aided by Federal and State Government cost-of-living relief and slowing demand. CPI growth is expected to moderate at 3% in 2025-2026, reflecting the unwinding of the deflationary impact of the cost-of-living relief policies. CPI is then projected to ease gradually by 2026-2027.

Following consideration of both the LGPI and the community's expectation that increases should only move by the forecast CPI, it is recommended that the **maximum** expenditure increase for 2025-2026 across the Materials, Contracts and Other Expenses component of the Budget, be set at 3%, which has been determined with reference to the current movements in the Adelaide CPI and the LGPI Index for recurrent expenditure and in line with the CPI set in the *2024-2034 Long-Term Financial Plan*. 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% target (i.e. Solid Waste Levy, fuel charges, contractors & consultant costs and materials costs) and in other circumstances, there will be no or minimal cost increases or cost increases below 3%.

Wages and Salaries

Wages and Salaries and other associated employee on-costs will be indexed in line with the current Enterprise Agreements. The *Municipal Officers Enterprise Agreement* (staff covered by the South Australian Municipal Salaried Officers Award) which is currently under review and about to commence renegotiation of a new Agreement and is forecasted at 3.0%, while *The Local Government Workers Enterprise Agreement* (Field and Swimming Centre casual staff) is set at 3.5% from 1 November 2024 to 30 October 2025 and 3% annually thereafter. It should be noted that in-line with the *Superannuation Guarantee (Administration) Act 1992*, superannuation guarantee payments will increase to 12% of eligible earnings from 1 July 2025.

Fees and Charges

Fees and Charges which are not set by legislation, are proposed to be increased by 3.0% or market levels as determined by the review of the Fees and Charges, which will be considered at the Council meeting scheduled for 3 February 2025. 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.

The Reserve Bank of Australia retained its cash rate at 4.35% in 2024, keeping borrowing costs unchanged in line with market forecasts. The cash rate is assumed to gradually ease from mid-2025, however, this will depend on factors such as developments in the global economy and financial markets, trends in domestic demand and the outlook for inflation and the labour market. The interest rates on Cash Advance Borrowing remain at 6.15% and new borrowings are forecast to be between 5.58% per annum and 6.01% per annum, depending on the term of the borrowings. The interest rate on investment income is forecast at 4.65% 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 2025-2026 Budget, the cost to complete the Operating Projects from prior financial years, will be carried forward to the 2025-2026 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 2024-2025 Third Quarter Budget Update, with the associated operational impacts being built into the determination of the 2024-2025 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 11 March 2025. 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 7 April 2025.

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 Long-Term Financial Plan 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 2025-2026 Annual Business Plan and Annual Budget at the Council meeting to be held on 1 July 2025. It is important to note that these dates are subject to change if required.

TABLE 1: KEY BUDGET PROCESS ACTIVITIES 2025-2026

Key Steps	Dates
Budget process, parameters and objectives adopted	Monday 20 January 2025 (Council Meeting)
Fees and charges adopted in principle by the Council	Monday 3 February 2025 (Council Meeting)
Budget Workshop with Elected Members	Tuesday 11 March 2025
Budget Council Meeting	Monday 7 April 2024 (Council 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	Tuesday 14 April 2025
Draft Annual Business Plan, rating model and projects carried forward and Infrastructure Whole of Life endorsed for public consultation	Monday 5 May 2025 (Council Meeting)
Draft Annual Business Plan available for viewing by the public	Friday 9 May 2025
Meeting to receive public submissions on the Annual Business Plan	Monday 26 May 2025
Consideration of public submissions	Tuesday 10 June 2025 (Special Council Meeting)
Adoption of Annual Business Plan and Budget	Monday 7 July 2025 (Council Meeting)

In respect to the community consultation on the Annual Business Plan, a Public Meeting is proposed to be held on Monday, 26 May 2025 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 2025-2026 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 2025-2026 Annual Business Plan and Budget.
2. That the following budget parameters and assumptions be adopted 'in principle' for the purposes of preparing the draft 2025-2026 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%;
 - 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 3.0%;
 - 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.

13.3 LONG-TERM POWER PROCUREMENT – FINAL OUTCOME

REPORT AUTHOR: Chief Financial Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE:
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to provide the Council the outcome of Long-Term Power Renewable Electricity Procurement Project that has been undertaken by the Eastern Regional Alliance (ERA) Councils and the City of Tea Tree Gully.

BACKGROUND

As previously advised in the report with the Council at its Meeting held on 6 May 2024 in 2023-2024, most Councils across South Australia, renegotiated new electricity contracts in partnership with LGA Procurement (LGAP). At that time, electricity costs were extremely high and councils signed a short-term contract for a period of 1 (one) year, consequently paying record electricity prices until 1 July 2025. Through that procurement process, many councils were keen to purchase renewable electricity.

As a result of these unprecedented costs, ERA Councils, in partnership with the City of Tea Tree Gully, decided to explore alternative options for the procurement of electricity. ERA Councils comprise the Cities of Burnside, Campbelltown, Norwood Payneham & St Peters, Prospect, Unley, and the Town of Walkerville.

In July 2023, these Councils engaged Presync (consultants) to explore options for long-term electricity procurement from renewable sources. Presync conducted a comprehensive analysis of electricity consumption and generated a forecast of future usage for each of the seven Councils involved in this Project. The forecasting process included a detailed analysis and discussions on electricity consumption history and predicted future consumption for each council.

Presync advised that the assessment of usage and their understanding of the market, Councils would be provided with both lower prices and long-term price stability for electricity. For all of the Councils participating in this joint procurement project, expenditure would be significantly below current levels. In addition, for Councils that require renewable electricity, the steady, flat-price Renewable Energy Certificate cost, would facilitate the achievement of energy renewable goals. Purchase of Renewable Energy Certificates is required to claim status of the user of renewable energy.

Further to the participating Councils agreeing to participate in the joint procurement project, the next step was for the participating Councils to commit to being part of the procurement process and a 'Model Report' was developed to enable staff from each Council to present a report to their respective Councils recommending that each Council:

- endorse creating a buying group of councils to conduct a group procurement process for a long-term renewable electricity Retail PPA;
- endorse the development of a Memorandum of Understanding (MOU) between the participating councils, documenting the process, governance, cost-sharing arrangements, and any opt-out thresholds;
- understanding that participating in the procurement process was not a commitment to join a Retail PPA, but for the development of an MOU among participating councils and to participate in procurement process; and
- delegating authority to their Chief Executive Officer to sign contractual agreements on their Council's behalf.

The Council report contained this information was presented at the Meeting held on 6 May 2024.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

City Plan 2030: Objective 4.1.2 Employ and promote energy efficiency initiatives and renewable energy resources.

Corporate Emissions Reduction Plan 2020-2030.

FINANCIAL AND BUDGET IMPLICATIONS

Transitioning from traditional energy use contracts to renewable energy, presents several financial and budgetary implications.

In respect to cost savings, the transition to renewable energy is expected to reduce energy costs by on average approximately 30%. For the City of Norwood Payneham & St Peters, (which includes the Payneham Memorial Swimming Centre energy consumption forecast), the savings are approximately \$187,400 the first year, with \$473,000 savings estimated over 3 years. This reduction in costs can result in significant savings over the contract period, allowing for the reallocation of funds to other initiatives.

In respect to price stability, with energy prices fixed for 9.5 years as part of the new contract, the Council can mitigate exposure to market price volatility. This price stability facilitates reliable forecasting and enhances long-term financial planning.

In respect to budget predictability, the fixed pricing model provides clarity on energy expenditure, reducing the likelihood of unforeseen budget adjustments due to fluctuating energy costs. This ensures better alignment with financial targets and supports disciplined budgeting practices.

In respect to cash flow management, the reduced and predictable energy costs can improve cash flow, freeing up resources for capital projects, debt reduction and so on.

By transitioning to renewable energy, the Council not only achieves savings in expenditure but also aligns its financial practices with its environmental sustainability goals, ensuring a stable and resilient financial future.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

There are no resource implications arising from this issue. The Chief Executive Officer, the Chief Financial Officers and staff from other functional areas, have been involved in this process. There are no known additional human resource requirements.

RISK MANAGEMENT

There are no risk management issues arising from this issue. All documents have been prepared in accordance with the statutory requirements.

CONSULTATION

- **Elected Members**

The Council considered a report on this initiative at its meeting held on 6 May 2024.

- **Community**

Not Applicable.

- **Staff**

Responsible Officers and General Managers.

- **Other Agencies**

Not Applicable.

DISCUSSION

Working Group

All seven Councils endorsed the proposal that was agreed to by this Council as its meeting held on 6 May 2024 and in July 2024, the Eastern Adelaide Retail Power Purchase Agreement (EARPPA) Buying Group was established, with representatives and diverse skill sets from each Council, was set up to progress the Project. The EARPPA Working Group developed a Memorandum of Understanding (MOU), that set out 'ways of working' including governance, process, and cost sharing arrangements.

As part of this process, a number of Key tasks were completed by the Working Group, including:

- seeking legal advice to confirm that the group of Councils is working within Australian Competition and Consumer Laws and did not require an authorisation from the Australian Competition and Consumer Commission;
- confirming that a Prudential Review was not required for this project;
- prepared tender documents and evaluation criteria;
- released procurement documentation to market;
- evaluated offers. Two (2) conforming tenders were received, One (1) offer that was deemed to be non-conforming;
- negotiated the final contract; and
- arranged for the Final Contract to be signed.

Selection Process

In respect to the evaluation of the tenders, the following evaluation criteria was developed by the Working Group prior to the issue of the Request for Tender.

Table One: Evaluation Criteria

Criteria	Weighting
Cost – electricity	50%
Project Details and Methodology	10%
Customer Services, Energy Management Support etc.	15%
Experience and Capability	20%
Value Add	5%

The Request for Tender was issued and managed by the City of Burnside on behalf of the Participating Councils on 24 September 2024, with a closing date of 10 October 2024 and attracted responses from the following:

1. Flow Power; and
2. FutureBus.

The Evaluation Panel determined that the Flow Power Tender submission was compliant. The response from FutureBus, was determined to be non-compliant, due to the power not being generated in South Australia and FutureBus's inability to supply zero-emission electricity on 1 July 2025 and the fact that they are not currently electricity retailers.

The Evaluation Panel agreed that the tendered price would be compared against a range of relevant data including the Australian Security Exchange (ASX) Futures market, the LGA Procurement proposal that it received through an un-solicited proposal from Iberdrola, the current expenditure on electricity for each Participating Council and the indicative price received from Flow Power during the investigation process that was previously undertaken by Presync.

The evaluation was individually carried out by each Evaluation Panel Member and then averaged out on the day of the tender evaluation. On 16 October 2024, the Panel met to discuss and finalise the evaluation.

Based on the outcomes of the evaluation process the Working Group recommended the Flow Power responses as being the preferred respondent.

BRM Advisory was engaged to provide probity oversight of the evaluation process of the Request for Tender issued for the Eastern Adelaide Regional Power Purchasing Agreement.

Based on the Contract offered by Flow Power, which was used in Price Modelling performed by Presync, as an aggregate, EARPPA is estimated to save \$1,672,177 over 3 years on a Flow Power PPA contract compared to a business-as-usual electricity procurement.

For the City of Norwood Payneham & St Peters, the savings are approximately \$187,400 in the first year, with \$473,000 savings estimated over a 3 year period. These savings include the usage forecasts for only specified sites which include all large sites including Public Lighting, the Payneham Memorial Swimming Centre and number of smaller sites such a St Peters Library Complex, St Peters Child Care Centre & Pre-school, Payneham Library & Community Facilities, Glynde Depot etc.

The Cost Comparison

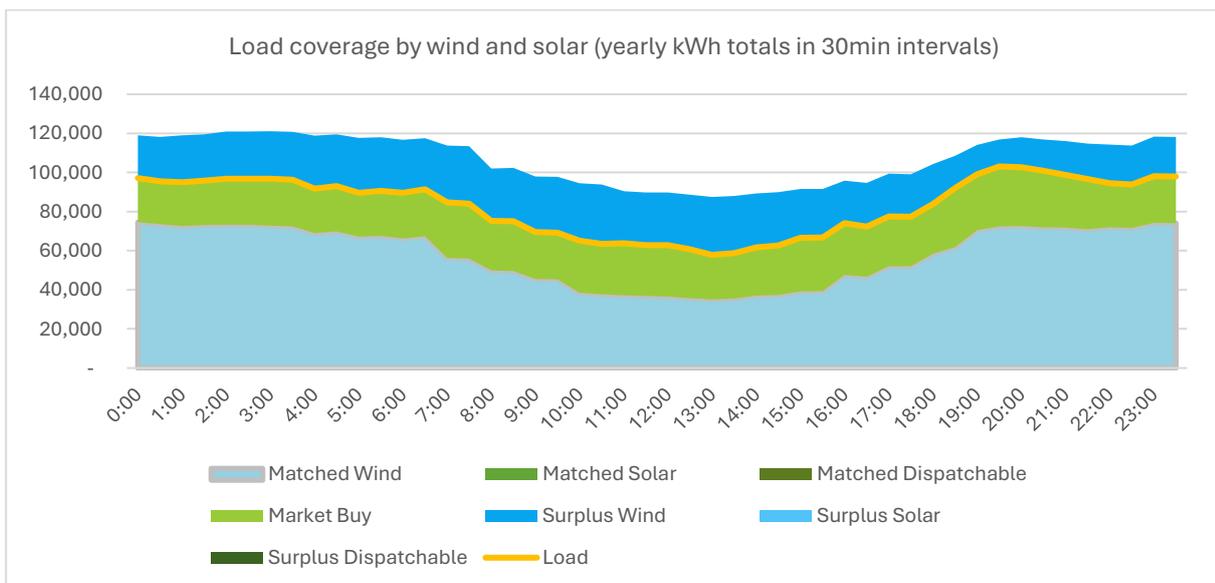
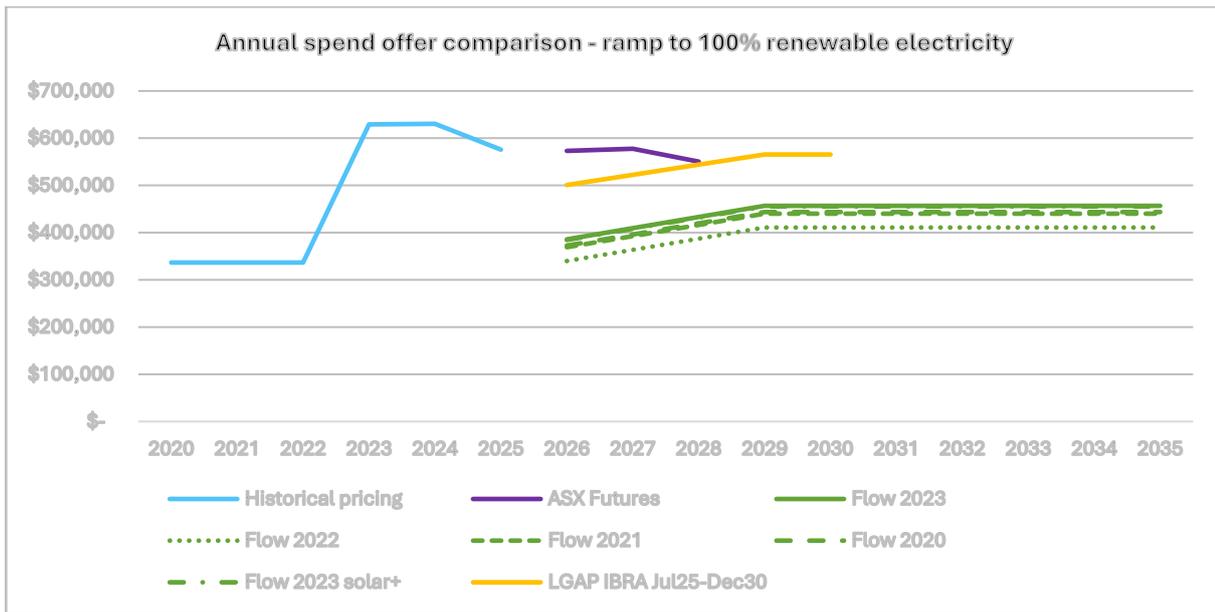
- Modelling for the City of Norwood Payneham & St Peters' forecast consumption of retail expenditure only. The Model excludes regulated network charges, market, and environmental charges, as these will remain constant across the different retail approaches.
- The chart and table compare the tender against historical, current, ASX futures, and offered by LGAP.
- Optimum savings best performed on the 100% wind offtake (load match chart also included), which provided a real-time match of 69.8% of required consumption at the 30-minute level.
- The City of Norwood Payneham & St Peters will achieve 100% of renewable energy consumption by 2030 as part of ramp up in purchase of Renewable Energy Certificates as part of the contract arrangements.

ANNUAL SPEND (Retail electricity)				
Ramp to 100% renewable electricity				
	FY ending	Flow Power	IBRA	BAU
	2026	\$ 385,812	\$ 500,870	\$ 573,219
	2027	\$ 409,472	\$ 522,415	\$ 577,651
	2028	\$ 433,132	\$ 543,960	\$ 550,455
	2029	\$ 456,791	\$ 565,505	
	2030	\$ 456,791	\$ 565,505	
	2031	\$ 456,791		
	2032	\$ 456,791		
	3yr Total	\$ 1,228,416	\$ 1,567,244	\$ 1,701,325
	3yr NPV	\$ 1,071,786	\$ 1,368,433	\$ 1,489,597
	5yr Total	\$ 2,141,999	\$ 2,698,254	
	5yr NPV	\$ 1,745,956	\$ 2,203,051	

¹ IBRA -based on Iberdrola unsolicited bid indicative pricing received in August 2024 for a 5-year contract. While not considered as a tenderer, indicative pricing presented here to act as a baseline for Flow Power's proposed pricing.

² BAU -Business-as-usual cost should council sign a typical electricity retail contract on the current electricity market.

³ NPV: Net Present Value to denote discounted cash flow.



The Modelling based on pricing contained in the tender from FlowPower, demonstrates clear cost advantages over the current ASX Electricity Futures, thereby offering stability beyond those years, until the middle of the next decade.

In short, the modelling indicates that the ERA Councils and the City of Tea Tree Gully, will achieve 100% renewable energy coverage with a long-term Retail PPA, for much less than the current expenditure on conventional electricity.

Based on the outcomes of the evaluation process, the Tender Evaluation Panel recommended Flow Power as a provider for an electricity contract for large, unmetered, and selected small sites for a period of 9.5 years between 1 July 2025 to 31 December 2034. As delegated by each Council, Contracts were signed and executed by each individual Council involved by their Chief Executive Officers.

OPTIONS

There are no options associated with this issue.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted and the actions that have been undertaken in respect to the Long-Term Power Renewal Electricity Procurement Project be received and noted.

13.4 ADDITIONAL RESOURCES – DEVELOPMENT OFFICER, BUILDING

REPORT AUTHOR: General Manager, Urban Planning & Environment
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4567
FILE REFERENCE: qA37075
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to seek Council approval to fund an additional (1) Full Time Equivalent (FTE) Development Officer, Building, to ensure that the Council meets its statutory obligations in respect to mandatory building inspections and continues to have sufficient resources available to enforce defective building work, inspect and enforce Essential Safety Provisions (ESP's) in buildings and manage increased workloads arising from recent legislative changes that have been introduced by the State Government.

BACKGROUND

The Council currently employs one (1) Full Time Equivalent (FTE) Senior Development Officer, Building, whose core responsibilities include assessing Development Applications, undertaking Building Inspections associated with different classes of buildings, as well as swimming pools, inspecting and enforcing ESP's and providing administrative oversight of the Council's *Building Fire Safety Committee*.

The Council also has contractual arrangements with a Private Certification firm to provide a building inspection service to supplement building inspections that are carried out by Council staff and also to provide cover for the Senior Development Officer, Building, during periods of Annual Leave or extended sick leave, as such needs arise.

The engagement of a consultant to assist in managing the workload of the Senior Development Officer, Building has had some benefits. However, it also has some significant constraints. For example, the Council is frequently provided with less than 24 hours' notice of requests for building inspections. This timeframe has often proved too short to enable the Senior Development Officer, Building, to engage the contracted Private Certifier to undertake the inspection on the Council's behalf and this timing constraint often results in the Senior Development Officer, Building undertaking the inspection at the expense of managing other priorities or from time to time, the building inspection request is not met.

In addition, when building defects are identified, many Private Certifiers often have conflicts of interest, to the extent that if enforcement action is required to be taken against building and construction companies, some Private Certifiers may also serve those building and construction companies as clients. This has resulted in difficulties outsourcing Private Certifiers to undertake enforcement action, which in turn has increased the workload of the Senior, Development Officer, Building, beyond his current capacity.

In addition to the above, legislative changes that came into effect on 1 October 2024, have further increased the workload capacity of the Senior Development Officer, Building. The legislative change now requires Certificates of Occupancy to be issued for all Class 1 buildings (i.e. all new dwellings). A Certificate of Occupancy (CoO) is required to be issued to provide assurance that a building is safe for occupation and can be issued by a Private Certifier or a Council. However, if a Private Certifier refuses to issue the CoO (and it is anticipated that many will as the fee is minimal and workload is potentially significant), then the Council becomes responsible for issuing the CoO.

To issue a CoO, a Council must review the Certificate of Compliance from the builder to ensure that all required work has been completed (which will usually require an inspection of the completed dwelling) and then issue the CoO. If any issues are identified, then these will usually need to be addressed prior to the CoO being issued, which in turn is likely to generate more workload for the Senior Development Officer, Building, to process CoO requests in a timely manner.

Owners of newly completed dwellings will have an expectation that requests for a CoO will be processed in a timely manner, as occupants generally have a desire to move into newly completed dwellings as soon as possible.

The current workload of the Senior Development Officer, Building is beyond his current capacity, even with assistance from a Private Certifier and this has resulted in some of the Council's mandatory minimum inspection requirements not being met and there being insufficient resource capacity to address defective building work in a timely manner. This risk exposure is no longer unacceptable and warrants the employment of an additional resource.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 2: Cultural Vitality

Objective 2.4: Pleasant, well designed and sustainable neighbourhoods.

Strategy: 2.4.1: Encourage sustainable and quality developments and urban design outcomes.

FINANCIAL AND BUDGET IMPLICATIONS

The defined Award Classification for a Development Officer, Building, having regard to current workplace market conditions, is General Officer, Level 5, which has a salary range of between \$97,453.85 and \$101,761.94. On-costs for positions at this level are generally around 20%, which accounts for additional costs, such as Mandatory Employer Superannuation contributions, Workers Compensation Insurance etc., above the annual salary incurred by the employer. The total initial annual cost to the Council would therefore be approximately \$117,000 to \$122,000.

The appointment of a Development Officer, Building would reduce the Council's expenditure on consultants who currently provide a building inspection service, to supplement building inspections carried out by Council staff and also provide cover for the Senior Development Officer, Building, during periods of Leave, as those needs arise. Across the 2022-2023 and 2023-2024 financial years, approximately \$7,000 per annum was incurred on the provision of an external building inspection service and additional assessment and enforcement support for the Senior Development Officer, Building. It is estimated that the appointment of a Development Officer, Building would eliminate this cost.

Having regard to the estimated savings that would be achieved through the reduced use of consultants, the estimated initial net annual cost to the Council for the employment of a new Development Officer, Building position would be in the order of \$113,000, inclusive of on-costs. The overall cost to the Council would be marginally offset by the \$54.50 statutory fee that applicants are charged for applications to obtain a Certificate of Occupancy, but this is anticipated to offset the overall cost of employing a Development Officer, Building by only 5-15%.

If the Council determines to approve the request for additional resources, the newly created position would be advertised in February and at best, the earliest that an incumbent would realistically commence would be in mid-March 2025. As such, there would be minimal impact on the 2023-2024 Budget.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

The Council provides Development Assessment, building inspection and development enforcement services, which provide the community with a sense of comfort and assurance that new developments and alterations and additions to existing buildings are undertaken in a legislative compliant manner and that the Council regularly achieves its mandatory inspection targets to ensure that buildings and structures, which are inspected are safe and 'fit-for-purpose'. To ensure that the community retains confidence in the Council's core development related service provision, it is important that the development assessment, building inspection and enforcement services are adequately resourced to fulfil the Council's statutory obligations.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

See discussion section of this report.

RISK MANAGEMENT

Based upon current and projected workloads, the Council does not currently have sufficient 'in-house' resources in place to meet its statutory minimum building inspections target nor sufficient resources to enforce defective building work in a timely manner, inspect and enforce Essential Safety Provisions (ESP's) in buildings and manage increased workloads arising from recent legislative changes introduced by the State Government. This creates a risk that from time to time, defective development may not be identified and or inspected and depending on the extent of the issues that need to be dealt with, could create a safety issue.

The Council does currently supplement its internal Development Assessment, inspection and enforcement resources with external support from a Private Certifier. However, the arrangements no longer achieve an effective, timely and efficient service provision.

The risk impacts of the Council not meeting its mandatory building inspections targets or having sufficient resources to manage overall workloads are significant. Some of the key risk impacts are set out below:

People

Insufficient resources can, over time, have a negative impact on staff morale and wellbeing.

Financial

If defective developments are left unchecked and cause issues and the Council does not achieve its minimum building inspection targets, the Council could potentially be held liable for any resulting damage or safety impacts.

Reputation

The community has an expectation that the Council fulfils its legal obligations for building inspections and takes whatever necessary steps are required to correct defective developments in a timely manner. If this cannot be regularly achieved, the community will lose faith in the Council's ability and capacity to fulfil its statutory obligations.

The level of risk, if left unaddressed, is considered to be High to Extreme, on the basis that if defective developments are left unchecked from time to time, there is a strong likelihood that negative impacts will occur and that the impact of those occurrences will be moderate to major, including potential damage to property and occupants. In this context, the current and projected risk level to the Council and the community is considered to be unacceptable and the best way to prevent the risks from continuing is with the allocation of additional and sufficient 'in-house' resources.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Not Applicable.
- **Staff**
Chief Executive Officer
Manager, Development & Regulatory Services
- **Other Agencies**
Not Applicable.

DISCUSSION

The Council's provision of Building Rules Assessment and Building Inspection Services, must meet the following legislative standards.

- Development Assessment

A decision in respect to Building Consent must be made within the following timeframes:

- Class 1 (dwellings) & 10 (sheds) – 20 business days (plus 5 for verification);
- Class 2-9 (other buildings) – 60 business days (plus 5 for verification).

- Building Inspections

The Council must inspect the following building work:

- Swimming Pools – 100% of swimming pools / safety features of which the Council is notified;
- Class 1 Buildings – one (1) inspection, carried out at any time during construction, of 66% of buildings commenced within the reporting year;
- Class 2-9 Buildings – one (1) inspection, carried out at any time during construction, of 90% of buildings commenced within the reporting year.

Class 1 buildings include detached dwellings, groups of attached dwellings, including town houses, row houses or the like and large-scale boarding houses. Class 2-9 buildings include sole occupancy units, other residential forms of development that are not Class 1 buildings, offices, shops, carparks, buildings of a public nature, garages, sheds, swimming pools, fence structures, freestanding walls and retaining walls.

- Essential Safety Provisions

The *Planning, Development & Infrastructure (General) Regulations 2017* describe *essential safety provisions* as (in part):

essential safety provisions means—

(a) *in relation to a building erected or altered after 17 June 1991—any safety systems, equipment or other provisions defined as such, or required to be installed under the Building Rules or a Ministerial building standard ...; or*

(b) *in relation to a building erected or altered after 1 January 1974 but before 17 June 1991—any safety systems, equipment or other provisions required under Part 59 of the revoked Building Regulations 1973 to be inspected, tested or maintained in good working order or submitted to a council, and in the case of log books, to be maintained and kept;*

All buildings require ESP's except Class 1 (dwellings) and Class 10 (sheds). A Form 1 is issued by the relevant authority (i.e. Council or a Private Certifier) which specifies what ESP's are required to be installed. A Form 2 is completed by an installer, noting that ESPs have been installed appropriately and where necessary, a Form 3 is to be submitted annually to the Council noting the ESP's have been maintained as required. A Ministerial Building Standard exists which sets out the requirements for ESP's, as does Regulation 94 in the *PDI (General) Regulations 2017*.

- Development Assessment Performance

In 2023-2024, 98.53% of decisions for Building Consent were made within the legislated assessment timeframes. In 2022-2023, 95.21% of decisions for Building Consent were made within the legislated timeframes.

While the overall performance in Development Assessment (using decisions within the legislated timeframes as a guide) has been at a high standard in recent years, it should be noted that as at the end of December 2024, the Senior Development Officer, Building, had eighty-three (83) Development Applications allocated for verification / assessment and fifty nine (59) pending inspections.

This is a high workload and in light of recent legislative changes requiring Certificates of Occupancy to be assessed and issued for all new dwellings, it is considered unlikely that the Building Rules Assessment and building inspection workload pressures will ease in the short to medium term.

• Building Inspection Performance

In 2022-2023, the Council:

- inspected more Class 1 Buildings than required;
- did not meet its inspection requirements for Class 2-9 buildings (fifteen (15) less inspections than required); and
- did not meet its inspection requirements for Swimming Pools (five (5) less inspections than required).

In 2023-2024, the Council:

- inspected more Class 1 Buildings than required;
- did not meet its inspection requirements for Class 2-9 buildings (two (2) less inspections than required); and
- did not meet its inspection requirements for Swimming Pools (nine (9) less inspections than required).

Details of the building inspections undertaken by Class of Building are set out below in Tables 1 and 2.

TABLE 1: NUMBER OF INSPECTIONS BY CLASS OF BUILDING – 2022-2023

Building Class	Target %	Building Works Inspected %	Building Works Commenced ***	Building Works Completed	Number of Building Works Inspected
Class 1*	66%	110.5%	171	N/A	189
Class 2-9**	90%	62.2%	53	N/A	33
Swimming Pools	100%	85.7%	N/A	35	30 <i>(26 inspected within required timeframe of 10 days)</i>

*Class 1 buildings include detached dwellings, groups of attached dwellings, including town houses, row houses or the like and large-scale boarding houses.

**Class 2-9 buildings include sole occupancy units, other residential forms of development that are not Class 1 buildings, offices, shops, carparks, buildings of a public nature, garages, sheds, swimming pools, fence structures, freestanding walls and retaining walls.

*** The number of building works commenced refers to developments for which the Council received notification. The number of building works inspected is higher than the number of building works commenced in the table above, because the Council identifies building work from time to time that requires an inspection, for which notification from the builder has not been received.

TABLE 2: NUMBER OF INSPECTIONS BY CLASS OF BUILDING – 2023-2024

Building Class	Target %	Building Works Inspected %	Building Works Commenced ***	Building Works Completed	Number of Building Works Inspected
Class 1*	66%	102.7%	184	N/A	189
Class 2-9**	90%	85.3%	41	N/A	35
Swimming Pools	100%	82.7%	N/A	52	43 <i>(37 inspected within required timeframe of 10 days)</i>

*Class 1 buildings include detached dwellings, groups of attached dwellings, including town houses, row houses or the like and large-scale boarding houses.

**Class 2-9 buildings include sole occupancy units, other residential forms of development that are not Class 1 buildings, offices, shops, carparks, buildings of a public nature, garages, sheds, swimming pools, fence structures, freestanding walls and retaining walls.

*** The number of building works commenced refers to developments for which the Council received notification. The number of building works inspected is higher than the number of building works commenced in the table above, because the Council identifies building work from time to time that requires an inspection, for which notification from the builder has not been received.

Taking into consideration the building inspection data set out in the tables above, it is important to note that the inspections standards are specified as “minimums.” Accordingly, it is not an over allocation of resources if the inspection requirements are exceeded with respect to Class 1 buildings while not meeting other inspection requirements. It is instead reflective of community expectations and demand for the inspection of different types of building work and responding to mandatory building notifications, which are received.

It should also be noted that multiple inspections of the same development, counts as one inspection, even if it involves three follow up inspections. In other words, follow-up inspections are not counted in building inspection numbers. Accordingly, the actual number of inspections completed is much higher than the data set out in the above tables.

While the Council's performance in respect to the inspection of Class 1 buildings has exceeded legislative requirements, it has been difficult to meet the State Government's Practice Directions in respect to inspections of Class 2-9 buildings and swimming pools.

Essential Safety Provisions (ESPs) Performance

Since the implementation of the centralised Planning Portal, which is an on-line repository for development related applications and determinations in South Australia, a robust register is available of buildings across the City that have ESP's which have been approved under the new Planning System that came into effect in March 2021. However, the Council's historic register (prior to the introduction of the new planning system) requires some proactive work to identify (and determine with certainty) what buildings in the City require ESP's and to ensure that these are complying with their annual Form submission requirements. This is an important task because ESP's that are not maintained properly, could expose building occupants to fire safety risks.

Unfortunately, this important proactive task is not able to be undertaken within existing resources.

Other Considerations

Annual Swimming Pool Audits

The Council is not always notified of the completion of swimming pools and / or the safety features associated with swimming pools. As such, the Council has previously undertaken an annual audit of all swimming pool approvals. This involves checking all approvals that have been issued for swimming pools, cross checking that the Council has been notified of the installation of each of those pools / safety features and if not, arranging an inspection.

The key rationale for the audit is ensuring that **all** pools / safety features are inspected, not only those of which the Council is notified, in order to minimise the risks for the community associated with water safety. With the employment of an additional resource as recommended, the Council's Audit of Swimming Pools for 2024, can be undertaken and completed.

Defective Building Work

There is an increasing trend of additional workload imposed by a high number of inspections which result in non-compliant / defective building work being identified. Approximately 50% and above of inspections that have been undertaken require follow up inspection(s). Some defects identified are minor, however, some are major and may also some require further subsequent inspections, meaning that the Senior Development Officer, Building often needs to undertake two or three inspections of the same stage of construction (e.g. wall/roof framing) to ensure all non-compliant building work is rectified to the required standard.

It is important to note that in the current environment within the building industry, in the opinion of staff, there appears to be minimal quality control checks being undertaken by some builders and this is resulting in a large number of defects being identified in building work in recent times. There also appears to be an increase of unskilled labour within the industry, which is resulting in construction work being undertaken without proper supervision.

Unfortunately, some non-compliant instances of building work go unseen / undetected, due to an inability for the Council to inspect every development being undertaken or due to a lack of timely notifications being provided builders and property owners. In many cases, the builders and property owners are relying on the Council to ensure defective building work is rectified and made compliant.

The Council is constantly being requested to monitor the progress of a build to ensure that all aspects of non-compliant building work are rectified rather than the builder or owner managing the defects and reporting back to the Council. Whilst some builders should be taking more responsibility in respect to this issue, the Council has an important role to play and should be as proactive as possible rather than reactive, to minimise the instances of defective building work being undertaken and unchecked.

Resource Benchmarking

A comparison of Building Rules Assessment, Development Enforcement and Building Inspection Services units at three (3) similar sized councils is set out below in Table 3:

TABLE 3: RESOURCE BENCHMARKING – DEVELOPMENT (BUILDING) RELATED SERVICES AT SIMILAR SIZED COUNCILS

Council	Population	Development Applications (2023-2024)	Number of Building Staff (full time equivalent)
City of Burnside	46,692	1025	3.5 (FTE)
City of Holdfast Bay	37,543	964	2.0 (FTE)
City of Norwood Payneham & St Peters	39,312	796	1.0 (FTE) plus external consultant support as needed.
City of Unley	39,085	916	4.0 (FTE)

By comparison, the City of Unley has an additional 3.0 FTE, the City of Holdfast Bay has an additional 1.0 FTE and the City of Burnside has an additional 2.5 FTE in the equivalent functional Units, serving similar resident populations and processing a similar number of Development Applications. These direct comparisons do not include the consultant support that is provided at the City of Norwood Payneham & St Peters, however, that support is equivalent to approximately 0.1FTE.

Whilst it is considered prudent to be cautious when comparing resource levels with equivalent sized councils, as amongst other things, organisational structures differ and some councils may potentially have excessive resources to provide equivalent functions, given the specialised nature of regulatory functions and the fact that the outputs tend to be of a very similar nature at most councils, the comparison of resources in this instance, is considered to provide a useful comparison to highlight the resourcing shortfall to provide effective and timely services to our community which is of a comparable size to the Cities of Burnside, Holdfast Bay and Unley.

OPTIONS

The Council must weigh up its tolerance for the risks that have been identified and that are outlined in this report and determine whether to approve the request for an additional Development Officer, Building. For the reasons set out in this report and particularly on the basis that the identified risk exposure is considered to be unacceptable, it is recommended that the additional resource be approved.

CONCLUSION

The current workload of the Senior Development Officer, Building is beyond his current capacity, even with assistance being provided by a Private Certifier and this has resulted in some of the Council's mandatory minimum inspection targets not being met and there being insufficient resource capacity to address instances of defective building work in a timely manner.

More specifically, if additional resources are not allocated to manage building inspections and building compliance in a timely manner, there is a significant risk of not regularly complying with the following legislative requirements:

- mandatory minimum inspection requirements for swimming pools;
- mandatory minimum inspection requirements for Class 2-9 buildings; and
- follow up, review and enforcement of Essential Safety Provisions.

Legislative compliance with respect to building inspections and Essential Safety Provisions, is a necessary function. Defective building work and inadequate fire safety provisions in multi-unit buildings have obvious potential consequences and where defective building work is identified, it often requires detailed consideration and rectification of the issues and resolving such issues is often resource intensive. On balance, the identified risk exposure is considered unacceptable.

In addition, the issue of resourcing will be further compounded by the recent introduction of legislative changes that now requires Certificates of Occupancy to be issued in respect to Class 1 buildings.

If the resourcing levels are increased, there will be less reliance on consultants to assist Council staff with building inspections which is likely to ensure a more effective and efficient service delivery. In addition, there will be greater cover and support for the Senior Development Officer, Building with 'in-house' resources, and the council will be able to foster succession planning with the less experienced Development Officer, Building which is important from a workforce planning perspective.

The provision of additional resources will also provide staff with capacity to undertake proactive work such as the Annual Swimming Pool Audit, updating the Council's historic register of Essential Safety Provisions and increased monitoring of instances of defective building work and ESP's, all of which will reduce the safety risk that is posed to the community by defective building work and the provision of inadequate ESP's.

COMMENTS

Nil.

RECOMMENDATION

That the employment of an additional permanent position, titled Development Officer, Building within the Development Assessment Unit, to provide Development Assessment, Building Compliance and Building Inspection services, be approved and that the Council's 2023-2024 Budget be amended accordingly.

Section 3 – Governance & General Reports

13.5 NOMINATION TO EXTERNAL BODIES – LIBRARIES BOARD OF SA

REPORT AUTHOR: Governance Officer
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4533
FILE REFERENCE: qA90077
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the invitation from the Local Government Association of South Australia (LGA) for nominations for appointment to the Libraries Board of South Australia.

Libraries Board of South Australia

The LGA is seeking nominations for a Local Government Elected Member or staff member to be appointed to the Libraries Board of South Australia (the Board) for a three (3) year term, following the resignation of Ms Megan Berghuis (formerly of the City of Unley).

In accordance with the *Libraries Act 1982*, the Board is required to:

- formulate policies and guidelines for the provision of public library services;
- to establish, maintain and expand collections of library materials and, in particular, collections of such materials that are of South Australian origin, or have a particular relevance to this State;
- administer the State Library;
- establish and maintain such other public libraries and public library services as may best conduce to the public interest;
- promote, encourage and assist in the establishment, operation and expansion of public libraries and public library services by councils and others;
- collaborate with an administrative unit of the Public Service or any other public sector agency (within the meaning of the Public Sector Act 2009) and any other authority or body, in the provision of library and information services;
- make recommendations to the Minister on the allocation of funds that are available for the purposes of public libraries and public library services;
- initiate and monitor research and experimental projects in relation to public libraries and public library services;
- to keep library services provided in the State under continuing evaluation and review; and
- to carry out any other functions assigned to the Board under this or any other Act or by the Minister.

Regular reports on these activities are provided to the LGA.

The Board meets monthly and sitting fees are paid to Board Members.

The current LGA nominated members of the Board are:

- Cr Joost den Hartog, City of Port Adelaide Enfield; and
- Ms Bridget Mather, Coorong District Council.

Nominations addressing the selection criteria, together with a current Resume, must be forwarded to the LGA by 31 January 2025.

A copy of the Selection Criteria and Nomination form is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

RECOMMENDATION

1. The Council notes the report and declines the invitation to submit a nomination to the Local Government Association for the Libraries Board of South Australia.

or

2. The Council nominates _____ to the Local Government Association for the Libraries Board of South Australia.

Attachments – Item 13.5

Attachment A

Nomination to External Bodies Libraries Board of SA



Libraries Board SA — Call for Nominations

Governing Statute (if applicable)	section 9, <i>Libraries Act 1982</i>
Purpose/Objective	<p>The functions of the Libraries Board SA are to:</p> <ul style="list-style-type: none"> • formulate policies and guidelines for the provision of public library services; and • establish, maintain and expand collections of library materials and, in particular, collections of such materials that are of South Australian origin, or have a particular relevance to this State; and • administer the State Library; and • establish and maintain such other public libraries and public library services as may best conduce to the public interest; and • promote, encourage and assist in the establishment, operation and expansion of public libraries and public library services by councils and others; and • collaborate with an administrative unit of the Public Service or any other public sector agency (within the meaning of the Public Sector Act 2009) and any other authority or body, in the provision of library and information services; and • make recommendations to the Minister on the allocation of funds that are available for the purposes of public libraries and public library services; and • initiate and monitor research and experimental projects in relation to public libraries and public library services; and • keep library services provided in the State under continuing evaluation and review; and • to carry out any other functions assigned to the Board under this or any other Act or by the Minister.
Administrative Details	<ul style="list-style-type: none"> • up to 10 meetings held per year • some intrastate travel required • appointments are for a period not exceeding 3 years • a sitting fee of \$590 per session is payable

<p>Selection Criteria (to be addressed by applicant)</p>	<p>LGA nominees may comprise:</p> <ul style="list-style-type: none"> • council members • librarians employed in a public library • community information officers employed by a council • any other officers or employees of a council <p>Nominees must have local government knowledge and experience</p> <p>Representatives of regional councils are encouraged to nominate.</p>
<p>Liability and indemnity cover</p>	<p><i>The LGA requires that persons appointed to Outside Bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the Outside Body on an annual basis.</i></p>

For more information contact: LGA Nominations Coordinator at nominationscoordinator@lga.sa.gov.au or 8224 2000

Libraries Board SA — Nomination Form

Instructions

This form:

- *Must be submitted by a council*
- *Must be emailed in PDF format to nominationscoordinator@lga.sa.gov.au*
- *Receipt of nomination will be acknowledged by return email*
- *CV and response to selection criteria (if applicable) may be emailed separately by the nominee and will be treated confidentially*

This nomination form fulfils the requirements of the LGAs Appointments and Nominations to Outside Bodies Policy, [available here](#).

SECTION 1 to be completed by Council, SECTION 2 to be completed by Nominee.

Please refer to the **Call for Nominations** information sheet (PART A) for details of the Outside Body and the selection criteria to be met by the nominee.

SECTION 1: COUNCIL to complete

Libraries Board SA		
Council Details		
Name of Council submitting the nomination		
Contact details of council officer submitting this form	Name:	
	Position:	
	Email:	
	Phone:	
Council meeting date and minute reference		
Nominee Full Name		
elected member <input type="checkbox"/> OR employee of council <input type="checkbox"/> OR employee of local government entity <input type="checkbox"/>		
<i>Note: by submitting this nomination council is recommending the nominee is suitable for the role.</i>		

SECTION 2: NOMINEE to complete

Libraries Board SA			
Nominee Details			
* Denotes a Mandatory Field. The information in this form is provided by the LGA to the relevant Minister/State Government Authority for the purposes of actioning an appointment to an outside body. Successful Nominees may be contacted directly by the relevant body using the information provided in this form.			
First Name:*		Gender	
Middle Name:*			
Surname:*			
Home / Personal Postal Address:*			
Phone:		Mobile:	
Personal Email:			
Why are you interested in this role?			
CV	attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Response to selection criteria (if applicable) <i>Please refer to the Call for Nominations information sheet for the selection criteria to be addressed.</i>	<i>Nominee to provide response to selection criteria (of no more than 2 pages) for consideration by the LGA Board of Directors.</i> attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies on Outside Bodies?			
Yes <input type="checkbox"/> OR No <input type="checkbox"/>			
If Yes, please list any fields of interest or Outside Bodies of interest:			
<ul style="list-style-type: none"> • • • 			
Undertaking:			
<i>The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?</i>			
Yes <input type="checkbox"/> No <input type="checkbox"/>			
Signature of Nominee: _____			

13.6 EASTERN HEALTH AUTHORITY - LEASE AGREEMENT

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE: qA159668
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the Lease Agreement between the Council and the Eastern Health Authority Inc, for the tenancy of Unit 3 at the St Peters Town Hall Complex to the Council for approval.

BACKGROUND

The Eastern Health Authority (EHA) is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999* (the Act) with the Cities of Norwood Payneham & St Peters, Burnside, Campbelltown, Prospect and the Town of Walkerville as the Constituent Councils.

In accordance with its Charter, EHA is established for the purpose of providing public and environmental health services primarily to and within the areas of the Constituent Councils and has been a tenant of the St Peters Town Hall since 9 February 1998.

At its meeting held on 2 September 2024, the Council resolved the following in respect to the lease of the premises:

That Council approves a Lease to Eastern Health Authority for the offices that they currently occupy for five (5) years (all other terms of the Lease to remain the same), noting that it is committed to Eastern Health Authority using the facilities into the future but seeks greater flexibility in the ongoing management of its community land.

Following the Council Meeting, EHA were subsequently advised of the Council's decision as set out above. On 25 October 2024, a letter was sent to the Council from the Chief Executive Officer, EHA, requesting that the Council reconsider its position regarding the term of the new lease. This letter was received and noted by the Council at the meeting held on 4 November 2024.

At its meeting held on 2 December 2024, the Council revoked the decision of the Council made at the meeting held on 2 September 2024 and resolved the following in respect to the lease of the premises:

- 1. That the Council agrees to enter into a Lease with the Eastern Health Authority for the offices that they currently occupy at Unit 3 in St Peters Town Hall Complex for a further twenty (10 + 10) year period.*
- 2. That the draft Lease, as presented to the Council at its meeting held on 2 September 2024 (Attachment A), be endorsed for the purposes of community consultation, in accordance with the Council's Community Consultation Policy.*

Community consultation on the draft Lease was conducted from 12 December 2024 to 3 January 2025 and no submissions were received.

A copy of the draft Lease is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The proposed Lease provides for a rental of \$124,150 per annum plus GST and outgoings. This is a commercial rental reflective of the market rental value of the premises. The rent is to be increased by CPI annually and to market rental value upon renewal.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Legal agreements (ie, leases and/or licences) are required to be in place for Council owned facilities that are used by third parties, to ensure legislative compliance and reduce exposure to claims from third parties who may suffer injury or loss, whilst using Council owned facilities.

The conditions of the Lease between the Council and EHA, therefore contain provisions requiring the Lessee (EHA) to:

- indemnify the Council against claims arising from the Lessee's negligence; and
- take-out and maintain appropriate insurance covers.

The draft Lease also clearly outlines the relevant legal, governance and risk management requirements to ensure that the Council's and EHA's responsibilities are met.

CONSULTATION

- **Elected Members**

Crs Whittington and Moorhouse are the Council's appointees on the Board of EHA.

The Council considered the draft Lease at its Meetings held on 2 September 2024 and 2 December 2024. In addition, the Council considered a request received from EHA in relation to the Lease at its Meeting held on 4 November 2024.

- **Community**

Consultation with the community has been undertaken in accordance with the Council's *Community Consultation Policy*.

- **Staff**

Not Applicable.

- **Other Agencies**

Not Applicable.

DISCUSSION

The previous Lease between the Council and EHA for the tenancy located at Unit 3 in the St Peters Town Hall Complex was for ten (10) years commencing on 1 June 2012 and expiring on 31 May 2022. The current Lease has been in a 'holding over' period with the Lease conditions continuing to apply since that time, whilst discussions and negotiations have been taking place with EHA.

EHA has continued to meet its obligations as a tenant pursuant to the provisions of the Lease.

The St Peters Town Hall Complex is classified as *Community Land* and therefore, in accordance with Section 202 of the *Local Government Act 1999*, as the proposed Lease term is greater than five (5) years, the required community consultation on the draft Lease was required to be undertaken.

OPTIONS

As the Council determined to enter into a Lease for a period of twenty years (10 +10) on 2 December 2024, approving the execution of the Lease is giving effect to that decision.

CONCLUSION

From an administrative point of view, the current Lease arrangements have worked well, with EHA meeting the various obligations which are set out in the Lease.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council notes that community consultation on the proposed Lease between the Council and the Eastern Health Authority has been undertaken.
2. That the Council approve the proposed Lease between the Council and the Eastern Health Authority as contained in Attachment A.
3. That the Mayor and Chief Executive Officer be authorised to sign and seal the Lease Agreement between the Council and the Eastern Health Authority, as contained in Attachment A to this report.

Attachments – Item 13.6

Attachment A

Eastern Health Authority Lease Agreement





City of
**Norwood
Payneham
& St Peters**

LEASE AGREEMENT

between

THE CORPORATION OF THE CITY OF NORWOOD
PAYNEHAM AND ST PETERS

and

EASTERN HEALTH AUTHORITY INCORPORATED

**UNIT 3, ST PETERS TOWN HALL COMPLEX
101 PAYNEHAM ROAD, ST PETERS SOUTH
AUSTRALIA**

SCHEDULE**Item 1**

The Lessee

Name:

Eastern Health Authority Inc.

Registered Business Number:

ABN: 52 535 526 439

Address:

PO Box 275, Stepney SA 5069

Item 2

The Complex and the Facility

Name of Complex:

St Peters Town Hall Complex

Location:

101 Payneham Road, St Peters SA 5069

(Situated on the western corner of St Peters Street and Payneham Road)

Name of Facility:

Eastern Health Authority Office

Location:

Unit 3, 101 Payneham Road, St Peters SA 5069

(Situated within the St Peters Town Hall Complex)

Being a portion of the land comprised in Certificate of Title Volume 5827 Folio 303

Position and Dimensions of Leased Area:

As coloured in red and labelled 'Tenancy 3' on the Plan annexed to this Lease as Annexure A

Item 3

The Lease Period

Ten (10) years

With one (1) renewal option of ten (10) years, commencing on 5 January 2035, if exercised

Item 4

The Commencement Date

5 January 2025

LEASE AGREEMENT

PARTIES

THE CORPORATION OF THE CITY OF NORWOOD PAYNEHAM AND ST PETERS of 175
The Parade, Norwood SA 5067 (**Council**)

EASTERN HEALTH AUTHORITY INCORPORATED ABN 52 535 526 439 of PO Box 275, Stepney
SA 5069 (**Lessee**)

BACKGROUND

- A. This Lease is issued pursuant to Section 202 of the *Local Government Act 1999*.
- B. The Community, Recreational or Sporting Complex described in Item 2 of the Schedule ("the Complex") is owned by or under the care, control and management of the Council, within which exists the premises described in Item 2 of the Schedule ("the Facility").
- C. The Lessee has requested a lease to occupy the Facility and the Council has resolved to grant the Lessee a lease over the Facility.
- D. The Lessee has inspected the Facility and is satisfied that the Facility is in good condition and is fit for the purposes for which the Lessee intends to use it.
- E. The Council and the Lessee wish to record the conditions of the Lease in this document.

TERMS AND CONDITIONS OF LEASE

1. INTERPRETING THIS LEASE

1.1 The statements in the Background above form part of this Lease.

1.2 The expressions below have the following meanings:

Council includes the Council's employees, servants, agents and contractors.

Facility means the community, recreational or sporting facility being leased (as described in Item 2 of the Schedule) including any buildings, structures, fences, improvements and fixtures that:

- (a) are on the property now; or
- (b) are erected during the term of this Lease.

GST means the tax on taxable supplies under *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Lessee and the "Lessee's visitors" includes the Lessee's employees, servants, agents, contractors, and anybody else that the Lessee allows onto or into the Facility.

Proximity card readers and **proximity cards** refer to the electronic devices that are used to lock and unlock doors at the Complex.

Schedule means the Schedule at the front of this Lease.

1.3 A reference to a party includes that party's successors and transferees.

- 1.4 Words in the singular include words in the plural and vice versa.
- 1.5 If two or more persons are referred to in the Schedule as "the Lessee" then this Lease binds them jointly and severally.
- 1.6 The words "person" or "group" includes a body corporate.
- 1.7 A reference to any Act or law includes any Act or law that amends or replaces it.
- 1.8 A reference to "the Lease Period" in this Lease includes any extension to it.
- 1.9 Clause headings are for reference only and should not be taken into account in interpreting this Lease.
- 1.10 This Lease shall be subject in all things to the consent of the Development Assessment Commission or its successors if such consent is required.
- 1.11 The provisions of the *Retail and Commercial Leases Act 1995* will not apply to this Lease.

2. GRANT OF LEASE

The Council grants to the Lessee a Lease of the Facility:

- 2.1 for the Lease Period stated in Item 3 of the Schedule;
- 2.2 starting on the date stated in Item 4 of the Schedule; and
- 2.3 on condition that the Lessee meets all of its obligations under this Lease.

3. THE LESSEE'S OBLIGATIONS

The Lessee agrees with the Council as follows:

3.1 Lease Fee

- 3.1.1 The Lessee must pay to the Council the annual Lease Fee set out in Item 5 of the Schedule at the time and in the manner specified in Item 6 of the Schedule.
- 3.1.2 The Lease Fee will be reviewed annually during the lease period on each anniversary of the Commencement Date and in accordance with clauses 3.1.3, 3.1.4 and 3.1.5.
- 3.1.3 Every fifth year of the Lease (including any renewal periods, if the Lease is renewed by the Lessee) the Council will review the Lease Fee by obtaining a valuation of the market rent that the Facility, without the fit-out and improvements of the Lessee being included in the valuation, but including reference to the value of the licences granted within the lease and apply one hundred per cent (100%) of that rental valuation as the amount of rent payable, i.e. marked to market. The valuation may be the figure obtained by the Council as part of its asset revaluation exercise that is undertaken every five (5) years and subsequently increased by CPI movements up to the year that the mark to market rent review is applied.

- 3.1.4 In the years during the Lease Period that the Lease Fee is not being reviewed by being marked to market, any increase in the Lease Fee will be in proportion to the percentage change in the Consumer Price Index (CPI) published by the Australian Government for Adelaide (All Groups) for the previous twelve months, using the quarter that is penultimate to the review date. [For example: if the anniversary of the commencement date is 1 January, then annual movements in the September quarter will be used]
- 3.1.5 When the CPI is being used as the basis for the annual review of the rent, the annual Lease Fee will not change if there is no annual increase in the CPI.

3.2 Rates, Taxes, Charges and Costs

- 3.2.1 With the exception of general rates charged by the Council, the Lessee must pay on time and in full all rates, taxes, levies and charges relating to the Facility no matter whether they are charged, levied or payable by the Lessee or the Council.
- 3.2.2 The Lessee will be responsible for 50% of the Council's costs associated with the preparation of this Lease and 100% of the Council's costs associated with any renewal of this Lease.
- 3.2.3 If the Lessee requires the lease to be registered on the Certificate of Title the Lessee must pay all of the additional costs incurred by the Council in having the lease registered at Land Service SA including professional fees incurred in the preparation and lodging of a lease plan and the preparation and lodging of additional documents and amendments necessary to have the lease prepared in a form suitable for registration.
- 3.2.4 The Lessee must comply with its obligations under this Lease at its own cost.

3.3 Sub-Leasing

- 3.3.1 The Lessee must not assign, transfer or sub-lease the Facility or any part of it unless it first gets the consent of the Council in writing. The Council will have absolute discretion in its decisions to approve, approve subject to conditions (including rent levels) or refuse its consent.
- 3.3.2 Where the Council gives consent to a sub-lease, the Lessee must ensure that any sub-Lease has the same terms and conditions as are detailed in this Lease.
- 3.3.3 The Lessee must not use this Lease as security for a loan or otherwise deal with the Facility without first obtaining the prior consent of the Council in writing. Such consent to be at the sole discretion of the Council.

3.4 Use of the Facility

- 3.4.1 The Lessee must not use nor allow any other person to use the Facility for any purpose or activity except for that stated in Item 7 of the Schedule unless it first gets the consent of the Council in writing.

3.5 To Comply with Laws and Council Policies

- 3.5.1 The Lessee must comply with the provisions of all Acts, regulations, bylaws, codes and Council policies, plans and systems which affect the Facility or the Lessee's use of the Facility.

- 3.5.2 The Lessee must comply with any requirement imposed by any local government or semi-government authority in relation to the Facility or to the Lessee's use of the Facility.
- 3.5.3 Without limiting the generality of 3.5.2, the Lessee must specifically comply with all requirements under laws dealing with occupational health and safety, public health, public safety, fire safety and safety generally.
- 3.5.4 At its sole discretion, the Council may carry out work, install fixtures and equipment and enter into contracts to have the Facility comply with the provisions of all Acts, regulations, by-laws and codes which affect the Facility or the Lessee's use of the Facility.
- 3.5.5 If the Council incurs expenditure under 3.5.4 then the Lessee must pay to the Council all costs so incurred by the Council as soon as demanded by the Council.

3.6 Maintenance and Repair

- 3.6.1 The Lessee must maintain the Facility in good condition and free from hazards and must:-
- (a) keep the Facility clean, tidy and free from dirt, rubbish, pests and vermin;
 - (b) keep the Facility in good repair (fair wear and tear and damage by fire, storm, tempest, act of god, war, riot, civil commotion and earthquake excepted);
 - (c) paint any buildings and other improvements in the Facility to the Council's satisfaction;
 - (d) keep all sinks, drains, pipes and other plumbing that directly relate to the Facility in good repair and free from blockages and ensure that no part of the Facility becomes insanitary;
 - (e) keep all of the Lessee's property in good condition so as to prevent any hazard to any person or any deterioration in the condition of the Facility;
 - (f) repair any damage to the Facility caused by the Lessee or its visitors;
 - (g) notify the Council as soon as it becomes aware of any defects in the Facility or anything which could present a hazard or cause harm to any person or the Facility.
- 3.6.2 The Lessee does not have to undertake structural works on the Facility except for:
- (a) works on any building or structure erected by the Lessee under clause 3.10;
 - (b) works needed as a result of a negligent or wrongful act or omission by the Lessee or its visitors;
 - (c) works needed as a result of a breach of this Lease by the Lessee; or
 - (d) works needed as a result of the use to which the Facility is being put.

- 3.6.3 The obligations imposed upon the Lessee in this clause are to be carried out at the Lessee's expense except if the cost of doing it is covered by insurance which either the Council or the Lessee has taken out under this Lease. This clause does not prevent the Council from recovering moneys spent on insurance excesses.

3.7 Entry by the Council

- 3.7.1 The Lessee must allow the Council to enter the Facility for the purpose of inspecting its condition and state of repair;
- 3.7.2 Except in an emergency, the Council must give the Lessee reasonable notice before exercising its right under this clause.

3.8 Work Required by the Council

- 3.8.1 If the Council finds on inspection that any part of the Facility for which the Lessee is responsible needs maintenance or repair or completion of commenced works then the Council may notify the Lessee in writing of the work to be done and the time within which such work must be done.
- 3.8.2 The Lessee must comply with the notice to the satisfaction of the Council within the time stated in the notice (which must not be less than fourteen (14) days except in the case of an emergency).
- 3.8.3 If the Lessee fails to carry out the work required by the notice within the time specified or fails to do the work to the satisfaction of the Council then the Council may undertake the repairs. The cost of such repairs and any other reasonable expenses incurred by the Council will be recoverable from the Lessee.

3.9 Erection and/or Alteration of Buildings

- 3.9.1 The Lessee must not carry out any alterations or additions to the Complex without first applying in writing to the Council.
- 3.9.2 The Lessee must provide full details of the proposed alteration and additions to the Council.
- 3.9.3 Unless the Lessee first gets the consent of the Council in writing it must not in or on the Facility:
- (a) erect a building or structure;
 - (b) fix anything to the outside of a building or structure;
 - (c) alter any existing water supply or drainage facilities;
 - (d) alter or demolish an existing building or structure;
 - (e) install any water, gas, solar, wind or electrical infrastructure, facility, equipment or appliances;
 - (f) install any infrastructure, equipment or facility for the transmission or receiving of electronic data or electronic communication, including telephones, television and public address systems, provided that this clause does not include equipment that is merely plugged into existing power points and cannot be fairly deemed to be a fixture;

- (g) install any lighting;
- (h) install any air conditioning equipment;
- (i) paint any building, structure or other surface in a colour different to that which exists;
- (j) make any other change of a permanent nature.

- 3.9.4 The Council may impose any conditions it considers necessary if it gives its approval, including requiring the Lessee to obtain the Council's consent to any agreements that the Lessee enters into in relation to the alterations or additions.
- 3.9.5 If the Council consents to any of the works under this clause then the works will be done at the cost and risk of the Lessee and the Lessee must pay to the Council as soon as demanded by the Council such of the Council's costs (including consultant's costs and legal costs) incurred as a result of the Lessee's alterations and additions whether or not the alterations and additions proceed or are completed that the Council may demand and in accordance with any reasonable conditions set by the Council.
- 3.9.6 The Lessee must carry out any approved alterations and additions:
- (a) in strict accordance with any plans and specifications approved by the Council in its capacity as Lessor under this Lease;
 - (b) in accordance with the conditions imposed by the Council and with the approvals made by Council in its capacity as Lessor under this Lease;
 - (c) in a proper and workmanlike manner;
 - (d) in accordance with all Statutory Requirements; and
 - (e) in a way to minimise disturbance to others.
- 3.9.7 Within one (1) calendar month of the conclusion of any works undertaken by the Lessee the Lessee will provide the Council with a certificate of satisfactory completion of the works together with copies of all documentation associated with the works including:
- (a) copies of warranties,
 - (b) as constructed plans,
 - (c) valuations or cost figures,
 - (d) photographs,
 - (e) statements providing details of any incidents or accidents or injuries that are likely to result in claims because of the implementation of the works or a statement that no such incidents or accidents occurred.

3.10 Ownership of Improvements

- 3.10.1 Unless the Lessee obtains the written acknowledgment of the Council, all structures, improvements, fixtures and fittings located in or on the Facility at any time during the Lease Period will become the property of and belong to

the Council irrespective of whether the Lessee or the Council purchased or acquired them.

3.11 Lessee's Property

- 3.11.1 The Council may (despite anything else to the contrary in this Lease) serve the Lessee with a notice in writing (either during the term of the Lease or at the end of the lease) requiring the Lessee to remove any of the Lessee's fixtures and fittings from the facility.
- 3.11.2 The Lessee must comply with the notice within twenty-eight (28) days of receiving it and must at its own cost repair any damage caused to the Facility.
- 3.11.3 If the Lessee fails to comply with the notice, the Council may do any of the actions required by the notice and the Lessee must pay to the Council any costs incurred by the Council in doing so.

3.12 Signs

- 3.12.1 Unless the Lessee first gets the consent of the Council in writing, the Lessee must not display in or on the Complex any sign that is visible from outside the Complex.
- 3.12.2 At the cost of the Lessee, major facility identification signs must prominently include the current logo of the Council.

3.13 Offensive Activities

- 3.13.1 The Lessee must not do, nor allow its visitors to do, within the Facility or on any adjoining property:
- (a) anything that is noisy, offensive or dangerous;
 - (b) anything that may cause annoyance, nuisance, or damage to any occupier or owner of nearby land;
 - (c) anything that may become an offence against any Act, regulation or by-law;
 - (d) anything that may cause any insurance policy to become void or to be subject to an increased premium.
- 3.13.2 The Lessee must not bring anything into the Facility which is dangerous, harmful, poisonous, explosive or flammable unless it first gets the consent of the Council in writing.

3.14 Notification of Accidents and Hazards

- 3.14.1 The Lessee must promptly notify the Council in writing of:
- (a) any accident that occurs in, on or associated with the Facility;
 - (b) anything that needs repairing;
 - (c) anything that could present a hazard or that could harm any person or the Facility.

3.15 Keys, Locks & Proximity Cards

- 3.15.1 The Lessee must ensure that the Facility is keyed at all times in conformity with the master key system that the Council maintains for all of its properties and if electric locks are utilised at the Complex the Lessee must ensure its systems and practices synchronise with the systems and practices established from time to time by the Council.
- 3.15.2 The Lessee will reimburse the Council the cost of supplying keys and proximity cards that are additional to the number of original keys or proximity cards set out in Item 8 of the Schedule.
- 3.15.3 The Lessee will be responsible for any costs incurred by the Council to re-key the Facility should the Lessee cause replacement of the locks and keys to be necessary or desirable.
- 3.15.4 The Lessee will maintain a register of the holders of any keys and proximity cards for the Complex and will make that register available to the Council upon request.

3.16 Security Systems

- 3.16.1 The Council will provide at its cost the installation and operation of a security system within the Complex, including the Facility.
- 3.16.2 The Lessee shall cause the security system to be operated properly every day, that is, to be armed when the premises are vacant and disarmed when being used.
- 3.16.3 The Lessee will be responsible to pay for any costs charged by the security contractors that are monitoring the security system for the Complex if such costs can be reasonably inferred to have been caused by the action, negligence or oversight of the Lessee.
- 3.16.4 The Lessee is to provide the Council with the names and contact details of the persons nominated from time to time by the Lessee to the security contractors that are monitoring the security system for the Complex as being the persons to be contacted in the event of any incidences, alerts and alarms associated with the security system operating within the Premises.

3.17 Fire Monitoring Systems

- 3.17.1 The Lessee shall cause the fire monitoring system to be operational at all times (power outages and other infrastructure failures beyond the control of the Lessee excepted).
- 3.17.2 The Lessee is alert the Council immediately it becomes aware that the fire monitoring system is not working.

4. INDEMNITIES AND INSURANCES

4.1 Indemnity

The Lessee indemnifies the Council against all actions, demands, losses, damages, costs and expenses for which the Council may become liable arising wholly or partly from any of the following:

- 4.1.1 the misuse, negligent use, waste or abuse by the Lessee or its visitors of any services at the Facility including, but not limited to, water, gas, electricity or oil;
- 4.1.2 the overflow, leakage or escape of water (including rain water), fire, gas or electricity or other harmful agent in or from the Facility caused or contributed to by any act or omission of the Lessee or its visitors;
- 4.1.3 loss, damage or injury to property or persons caused or contributed to by the Lessee or its visitors' use or occupation of the Facility;
- 4.1.4 loss, damage or injury to property or persons in or on the Facility caused or contributed to by the neglect or default of the Lessee or its visitors.
- 4.1.5 loss, damage or injury to property or persons in or on the Facility caused or contributed to by Lessee's neglect or failure to observe or perform any of its obligations pursuant to this Lease.

4.2 Limits on the Council's Liability

- 4.2.1 The Lessee will occupy and use the Facility at the risk of the Lessee.
- 4.2.2 The Lessee releases the Council from any costs or loss arising from any accident, damage or injury occurring on the Facility except where such accident, damage or injury results from any wilful or negligent act or omission of the Council.
- 4.2.3 The Council is not responsible for any loss of or damage to any fixtures, fittings or personal property of the Lessee.
- 4.2.4 The Council is not responsible for any costs or loss suffered by the Lessee arising from any malfunction of or interruption to:
 - (a) water, gas or electricity services;
 - (b) air conditioning equipment;
 - (c) fire equipment;
 - (d) any other plant, machinery or services; or
 - (e) the blockage of any gutters pipes or drains.

4.3 Public Risk Insurance

- 4.3.1 The Lessee must take out and maintain during the Lease Period a public risk insurance policy for Twenty Million Dollars (\$20,000,000) or such other amount as stated in Item 9 of the Schedule. The policy will be in respect of injury, loss or damage occurring in or on the Facility and will note the Council's rights and interests as proprietor of the Facility.
- 4.3.2 The Council may during the life of the Lease nominate from time to time other minimum amounts of cover that the Lessee is required to have in its public risk insurance policy and the Lessee shall immediately comply with the nomination.

- 4.3.3 The Lessee must produce a copy of the policy and a certificate of currency each year on renewal of the policy or at such other time as the Council may request.

4.4 Property and Contents Insurance

- 4.4.1 The Council will take out and maintain at its cost an insurance policy in respect of the Facility against damage by fire, lightning, storm, explosion, earthquake, malicious damage and/or such other risks as the Council thinks fit for full reinstatement value.
- 4.4.2 The Lessee is responsible for obtaining insurance to cover its own contents or other assets which are located in or on the Facility from time to time.

4.5 Insurance Claims

- 4.5.1 The Lessee must notify the Council in writing, giving full details, whenever the Lessee becomes aware of a possible claim under any insurance required in this Lease.
- 4.5.2 If there is a claim under any insurance policy taken out by the Council then:
- (a) the Council alone may deal with the insurer regarding the claim;
 - (b) the Council may settle the claim as it thinks fit, and the Lessee will be bound by the settlement;
 - (c) the Lessee may be required to pay to the Council any excess which the Council has to pay under the insurance policy; and
 - (d) if requested, the Lessee must pay any excess as soon as the Council demands payment.

4.6 Termination or Reduction of Fees on Damage

If the whole or any part of the Facility is destroyed or damaged for any reason such as to make it substantially unfit for the Lessee's use and occupation then this clause will apply.

- 4.6.1 The Council may (in its absolute discretion) decide not to rebuild or reinstate the Facility. If the Council so decides then it may end this Lease by written notice to the Lessee.
- 4.6.2 If the Council elects not to end this Lease under clause 4.6.1, then it must ensure that the Facility is made fit for use by the Lessee within a reasonable time frame.
- 4.6.3 Until the Council either ends the Lease or makes the Facility fit for use, the Lease Fee and any other payments due under this Lease will be reduced. The amount of any reduction will be determined by the Council and will depend upon the nature and extent of the damage sustained and will continue until the Facility is reinstated or made fit for the Lessee's occupation and use.
- 4.6.4 If, after six (6) months the Facility has not been substantially reinstated by the Council, this Lease may be terminated by either party by giving notice to the other in writing.

4.6.5 Any such termination will not reduce the rights of either party in respect of any previous breaches of this Lease.

5. THE COUNCIL'S OBLIGATIONS

5.1 Quiet Possession

The Council agrees that if the Lessee pays the Lease Fee in accordance with this Lease and complies with its obligations under this Lease, then the Lessee may quietly enjoy the Facility for the purposes set out in Item 7 of the Schedule.

6. EXPIRY OR EARLY TERMINATION OF LEASE

6.1 Termination

6.1.1 This clause applies if the Lessee:-

- (a) fails to pay the Lease Fee or any other money which is due to the Council for a period of twenty eight (28) days from the due date for payment;
- (b) fails to meet any other of its obligations under this Lease;
- (c) becomes bankrupt, is wound up or in the case of an incorporated body ceases to be incorporated under the *Associations Incorporation Act 1985*;
- (d) fails to perform its functions as stated in Item 7 of the Schedule.

6.1.2 The Council may serve on the Lessee a notice in writing stating:

- (a) the nature of the breach;
- (b) what the Lessee must do to remedy the breach;
- (c) the time frame in which the Lessee must remedy the breach;
- (d) whether the Lessee is to pay any compensation and, if so, how much.

6.1.3 If the Lessee fails to comply with the notice within the time stated in it then the Council may end this Lease and take possession of the Facility.

6.1.4 The right to terminate the Lease and enter into possession will not reduce the Council's right to take any other action for any of the Lessee's previous breaches.

6.2 Surrender

6.2.1 Upon the expiration or earlier termination of the Lease, the Lessee will peacefully and quietly surrender and give up possession of the Facility.

6.2.2 Subject to clause 3.11, the Lessee must remove from the Facility any of the Lessee's fixtures and fittings and must immediately repair any damage caused in removing them.

6.2.3 The Lessee will leave the Facility in good condition, repair and cleanliness.

- 6.2.4 Any reasonable costs incurred by the Council in cleaning or repairing any damage caused by the Lessee in surrendering the Facility may be recovered by the Council from the Lessee.

7. OTHER RIGHTS AND OBLIGATIONS

7.1 The Council able to Undertake Works

The Council or any persons authorised by the Council may at any time enter the Facility and carry out any improvements, additions, alterations or any other work. In so doing, the Council must use its best endeavours to cause as little disturbance as possible to the Lessee.

7.2 Emergency Incidents

7.2.1 If an emergency situation arises anywhere within the Council area whereby in the reasonable opinion of the Council the impacts of the emergency situation can be lessened through utilisation of the Facility the Council may direct the Lessee to make the Facility available for such use.

7.2.2 The Council shall reimburse the Lessee for any outgoing expenses and losses incurred by the Lessee making the Facility available under the provisions of this clause.

7.3 Resumption

If the Council receives notice of any proposed resumption or acquisition of the Facility by any Government (Federal or State) or other authority, or if the control of the Facility is otherwise taken away from the Council, then the Council may terminate this Lease by giving three (3) months' notice in writing to the Lessee.

7.4 Renewal

7.4.1 At the end of the initial Lease Period, the Lessee will be entitled to one (1) extension of this Lease for the period set out in Item 3 of the Schedule provided that :-

- (a) the Lessee gives the Council a written notice of its desire to be granted the extension not less than three (3) and not more than six (6) months before the expiration of the initial Lease Period;
- (b) the Lessee has not committed any frequent and/or substantial breaches of the Lease during the current Lease Period; and
- (c) the Lessee is not in breach of the Lease at the time the notice is given.

7.4.2 The extended term will be on the same terms and conditions as this Lease but will exclude the right of further renewal.

7.5 Holding Over

7.5.1 If, with the consent of the Council, the Lessee continues to occupy the Facility after the expiry of the Lease then this Lease will continue as a monthly Lease on these same terms and conditions.

7.5.2 Either party may give the other one (1) month's written notice to terminate the monthly lease with the lease expiring one month from the date the notice is given.

8. GENERAL

8.1 Waiver

The failure or omission by either party to take any action for the breach of any term or condition of this Lease will not stop either party from taking action in relation to any other breaches of the same or any other term or condition of the Lease.

8.2 Notices

Any notice required to be given by either party to the other must be in writing and must be given by delivering it or posting it to the address appearing in the Schedule or to such other place as may be nominated by either party to the other.

8.3 Severance

If any provision or obligation of this Lease is invalid, unlawful or not applicable, then it will be deleted from the Lease without affecting any other of the parties' obligations under this Lease.

8.4 Entire Agreement

The terms contained in this Lease comprise the whole of the agreement between the parties. It is expressly agreed and declared by the parties that no further or other terms exist between them with respect to the Facility or the Lease.

8.5 No Warranty

The Lessee acknowledges that the Council has not given any warranty as to the condition of the Facility or its suitability for the use referred to in the Schedule or for any other use.

9. SPECIAL CONDITIONS

9.1 Any Special Conditions as set out in Item 10 of the Schedule are incorporated into this Lease.

9.2 Where there is any inconsistency between any Special Condition and any other obligation in this Lease then the Special Condition will prevail.

SIGNED as an agreement and dated.....

EXECUTED by an authorised representative of **THE CORPORATION OF THE CITY OF NORWOOD PAYNEHAM AND ST PETERS** under delegation pursuant to section 44 of the Local Government Act 1999:

.....

.....

Signature of Authorised Representative

Signature of Witness

.....

.....

Name of Authorised Representative (print)

Name of Witness (print)

.....

Position of Authorised Representative (print)

SIGNED on behalf of **EASTERN HEALTH AUTHORITY INCORPORATED** in accordance with its constitution or articles of association:)
)
)

.....

.....

Signature of President

Signature of Secretary

.....

.....

Name

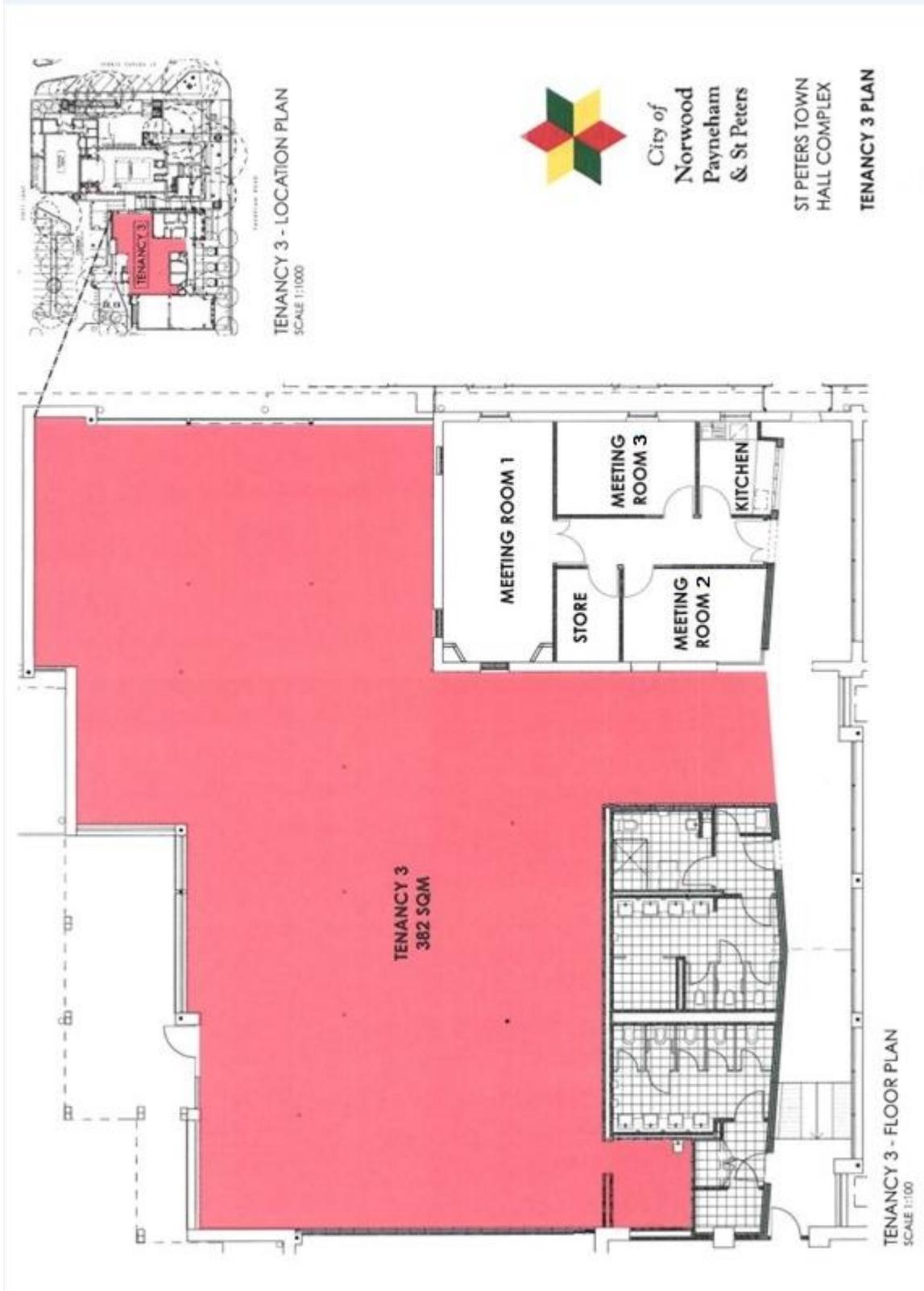
Name

ANNEXURE A

Schedule Item 2

LOCATION PLAN OF THE FACILITY

The attached plan shows the position and dimensions of the Facility leased to the Lessee.



ANNEXURE B**Schedule Item 10****SPECIAL CONDITIONS**

For the purpose of these special conditions the following definitions apply:

Community Meeting Rooms means the meeting rooms within the Complex located immediately adjacent to the Facility;

1. Licence for Access to Other Areas within the Complex**1.1 Grant of License to access Common Areas within the Complex**

- 1.1.1 For the term of the Lease, the Council grants a nonexclusive licence to the Lessee to permit the Lessee to enter the common areas, passages and stairways of the Complex necessary for the Lessee to access the Facility and enable use of the toilets and other utility areas within the Complex.
- 1.1.2 The Lessee will not be liable to contribute towards the cost of cleaning, replenishing supplies or maintaining the common areas of the Complex including the public toilets.

1.2 Grant of Licence to use the adjoining Community Meeting Room Number 2 within the Complex

- 1.2.1 For the term of the Lease, the Council grants an exclusive licence to the Lessee to permit the Lessee to use the adjoining Community Meeting Room Number 2 (shown as 'Meeting Room 2' on the Plan annexed to this Lease as Annexure A) between the hours of 8:30 AM and 5:30 PM for the Lessee's purposes.
- 1.2.2 Unless otherwise agreed to by the Council, the Lessee will not install any furniture or equipment within Community Meeting Room Number 2 and will leave said room in a clean, clear and tidy state at the end of each day that it is used.
- 1.2.3 Upon a request from the Council, the Lessee may at its absolute discretion, permit with or without conditions the Council to use adjoining Community Meeting Room 2 during the business hours reserved to the Lessee, including the Council hiring said room to other parties.

1.3 Special Use of Community Meeting Rooms

- 1.3.1 Provided bookings are made in advance and accepted the Lessee will be permitted to use the Community Meeting Rooms for the following purposes associated with its activities:
 - (a) Immunisation Clinics;
 - (b) Board meetings;
 - (c) Audit Committee meetings;
 - (d) professional peer group meetings and training sessions; and

- (e) other special purposes that the Council may agree to permit, on a case by case basis.
- 1.3.2 Bookings may be made two (2) years in advance.
- 1.3.3 The Lessee will not be charged a fee for the use of the Community Meeting Rooms provided the Council does not incur additional costs for:
 - (a) cleaning;
 - (b) setting up or reinstating furniture or equipment within the Community Meeting Rooms; or
 - (c) the use of equipment or resources.
- 1.3.4 Chairs are not to be removed from the Community Meeting Rooms without permission from the Council.
- 1.3.5 If the Lessee creates a "patient waiting area" in the corridors of the Complex which requires chairs, these are to be supplied by the Lessee and are not to be stored within the Complex, except within the Lessee's Facility, without permission from the Council.
- 1.3.6 The same terms and conditions that the Council applies to community groups when they are using the Community Meeting Rooms through the application of this clause will apply to the Lessee's use of the Community Meeting Rooms unless contradicted by the provisions in this clause.

1.4 Non-Exclusive Use of Community Meeting Rooms and Function Room

In addition to the exclusive licence granted in the Special Condition 1.2 above and the provision for free use contained Special Condition 1.3 above, the Lessee may apply to use any or all of the three (3) Community Meeting Rooms and the Function Room within the Complex on the same terms and conditions that the Council will apply to local community groups when they are using the Community Meeting Rooms.

1.5 Grant of Licence to use Car Park

- 1.5.1 For the term of the Lease, the Council grants an exclusive licence to the Lessee to permit the Lessee to use seven (7) of the car parking spaces within the Complex for the purpose of parking cars owned or leased by the Lessee, between the business hours of 8:30 am and 5:15 pm, Monday to Friday subject to compliance with any restrictions that the Council may apply from time to time.
- 1.5.2 The number of car parks and conditions upon which they can be used may be varied by written agreement between the Council and the Lessee.
- 1.5.3 The Council may seek reimbursement of costs incurred by the Council from the Lessee in line marking or sign posting any of the car parking spaces that the Lessee has an exclusive licence to use.

1.6 Grant of Licence to use Service Yard for waste storage and bicycle parking

- 1.6.1 For the term of the Lease, the Council grants a nonexclusive licence to the Lessee to permit the Lessee to use the service yards within the Complex for the purpose of storing its rubbish and waste materials, pending removal of these materials from the Complex.

- 1.6.2 For the term of the Lease, the Council grants a nonexclusive licence to the Lessee to permit the Lessee to use the secure pedal bicycle parking racks located within the service yards within the Complex or at such other area which the Council may provide and nominate within the Complex for the purpose of providing racks or other methods of parking pedal bicycles for the convenience and safety of employees of the Council, the Lessee and other lessees within the Complex
- 1.6.3 The Lessee will comply with any instructions issued from time to time by the Council in respect to the use of the service yard, any refuse or recycling containers within the Complex and the state of the service yard.

13.7 TRAFFIC MANAGEMENT & ROAD SAFETY COMMITTEE

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE: fA35585
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to present information to enable the establishment of the Council's Traffic Management & Road Safety Committee. In addition, the updated Local Area Traffic Management Policy is presented for the Council's adoption.

BACKGROUND

The Council has had a Traffic Management & Road Safety Committee (the Committee) since 2012, which has provided a valuable role in assisting the Council to resolve traffic management issues informed by specialist technical advice.

At the Council Meeting held on 5 December 2022, the Council determined to establish the Committee until 31 October 2024, pursuant to Section 41 of the *Local Government Act 1999* (the Act).

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's Local Area Traffic Management Policy provides a critical component of the framework under which the Council will address traffic management issues associated with roads and road-related areas under its care, control and management.

FINANCIAL AND BUDGET IMPLICATIONS

The Specialist Independent Members of the Committee are paid a Sitting Fee of \$400 per Meeting of the Committee and it is proposed that this continues.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable

RISK MANAGEMENT

Supporting the Council with informed decisions and recommendations regarding traffic management, includes assessing the risks associated with undertaking certain traffic management and road safety initiatives.

CONSULTATION

- **Elected Members**

The Council has established a Traffic Management & Road Safety Committee since 2012 and the Council receives Minutes of the Committee Meetings and recommendations made by the Committee. Elected Members are also provided with the Committee Meeting Agendas once published.

- **Community**

Meetings of the Committee are open to the public to attend in accordance with the Act. The Committee Meeting documents, Terms of Reference and the Local Area Traffic Management Policy, are publicly available on the Council's website.

- **Staff**

The preparation of the information in this report has been prepared with input from the Council's Manager, Traffic & Integrated Transport and Traffic Engineer.

- **Other Agencies**

Not Applicable.

DISCUSSION

Section 41 of the LG Act enables the Council to establish committees for various purposes including to inquire into and report to the Council on matters within the ambit of the Council's responsibilities, to provide advice to the Council and to exercise, perform or discharge delegated powers, functions or duties¹.

Terms of Reference

The Terms of Reference address the operational framework and mandatory requirements to be considered when the Committee is established.

It is not proposed to make any significant changes to the operation of the Committee from the previous Committee established by the Council.

The draft Terms of Reference for the Committee are contained in **Attachment A**.

Delegated decision-making

It is proposed that the Committee continue to be provided with the limited delegation of powers and functions of the Council under the *Road Traffic Act 1961*, in accordance with the *Instrument of Delegation to the Traffic Management & Road Safety Committee* as contained in **Attachment B**.

This delegated decision-making enables the Committee to make the final determination on matters, on behalf of the Council, in accordance with their role and function.

Appointment of Committee Members

In accordance with the draft Terms of Reference, it is proposed that the Committee be established with six (6) Members comprising of three (3) Elected Members and three (3) Specialist Independent Members. Given the difficulty in sourcing traffic management specialists to sit on Committees such as this and given that the existing Specialist Independent Members have advised that they wish to continue, it is recommended that Mr Shane Foley, Mr Charles Mountain and Mr Nick Meredith, be appointed to serve on the Committee.

Mr Shane Foley has been a Member of the Committee since 2012 and has worked as a traffic and transport planning consultant for some 45 years including providing traffic engineering services to Local and State Government, as well as private clients.

¹ *Local Government Act 1999*, Section 41(2)

Mr Charles Mountain was appointed to the Committee in 2022 and has extensive experience in road safety, including working as Manager, Transport & Traffic at the City of Unley and currently at the RAA.

Mr Nick Meredith has been a Member of the Committee since 2012 and has more than 50 Years experience in all facets of traffic engineering, traffic management and transport planning, including providing services to Local and State Government and the private sector.

It is recommended that the Specialist Independent Members receive remuneration as a Sitting Fee of \$400 per Meeting.

In accordance with Section 41(4) of the Act, the Council must appoint a person as the Presiding Member of the Committee or make provision for the appointment of a Presiding Member. It is recommended that one of the three (3) Elected Members who are appointed to the Committee by the Council is also appointed as the Presiding Member of the Committee.

Local Area Traffic Management Policy

The Local Area Traffic Management Policy (the Policy) has been in existence since 2012, with the current version adopted by the Council at the Meeting held on 1 June 2020. The Policy has been reviewed and updated based on contemporary governance standards which includes removing the procedural information to a more appropriate Guideline/Procedure document.

The changes do not materially alter the principles of the Policy, however the re-ordering of information to assist with clarity, means that using track changes to show the suggested changes would be confusing and therefore a 'clean' version is presented for consideration.

The updated draft Policy is contained in **Attachment C** and a copy of the current Policy is contained in **Attachment D** for comparison as needed.

OPTIONS

The Council can decide not to establish the Committee and/or not to provide delegated authority to the Committee to make decisions on behalf of the Council in certain circumstances. However, the Committee provides important informed advice to the Council and in relation to exercising delegated decision-making, does so diligently. It is therefore recommended that the Council establish the Committee in accordance with the recommendation, recognising that it is a valuable component of the framework under which the Council seeks to address traffic management issues.

The appointment of the Specialist Independent Members from the previous Committee, is recommended in recognition of the highly technical skills and experience required and to ensure the continued efficient and effective operation of the Committee as well as ongoing knowledge of traffic related issues within the City.

The Council can decide not to adopt the updated Local Area Traffic Management Policy, however it provides important guidance to assist the Council, staff and the Committee, with consideration of often complex traffic management issues in a consistent and objective manner. As another key component of the framework for dealing with traffic management issues, it is recommended that the Council adopt the Policy.

CONCLUSION

Traffic management and general road safety issues are matters frequently raised with the Council and the structure that uses the skills and expertise of the Committee where necessary, has served the Council well since 2012.

COMMENTS

Nil

RECOMMENDATION

1. That pursuant to Section 41 of the *Local Government Act 1999*, the Council establishes the City of Norwood Payneham & St Peters Traffic Management & Road Safety Committee (the Committee), in accordance with the Terms of Reference as contained in Attachment A.
2. In exercising the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Road Traffic Act 1961* contained in the *Instrument of Delegation to the Traffic Management & Road Safety Committee* provided as Attachment B, are hereby delegated to the Committee subject to the limitations contained within the Instrument.
3. That the following three (3) Specialist Independent Members be appointed to the Committee until the Committee ceases operation at the end of the Council term:
 - Mr Shane Foley
 - Mr Charles Mountain
 - Mr Nick Meredith
4. That the following three (3) Elected Members be appointed to the Committee until the 31 October 2026:
 - Cr _____
 - Cr _____
 - Cr _____
5. That Cr _____ be appointed as the Presiding Member of the Committee.
6. That the Sitting Fee applicable to the Specialist Independent Members of the Committee be set at \$400 per meeting.
7. That the Council adopt the Local Area Traffic Management Policy as contained in Attachment C and notes that the procedural information in the previous Policy will be contained in an Operational Guideline (or similar) and approved by the Chief Executive Officer.

Attachments – Item 13.7

Attachment A

Traffic Management & Road Safety Committee





TRAFFIC MANAGEMENT & ROAD SAFETY COMMITTEE

TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The Council has established the Traffic Management & Road Safety Committee (the Committee) pursuant to Section 41 of the *Local Government Act 1999*.
- 1.2 These Terms of Reference were adopted by the Council on XXX.

2. PURPOSE

- 2.1 The purpose of the Committee is to consider traffic management and road safety related matters within the City and either advise or determine such matters within their delegated authority.

3. FUNCTIONS AND RESPONSIBILITIES

- 3.1 Matters may be referred to the Committee by the Council in response to a petition received, or any other circumstance that the Council considers necessary. In any other circumstances, relevant matters may be referred to the Committee by the person acting in the role of Manager, Traffic & Integrated Transport.
- 3.2 The Committee may:
 - 3.2.1 make a final determination on traffic management issues in accordance with the requirements of the Council's Local Area Traffic Management Policy (the Policy) and within the delegated powers and functions that the Council has made to the Committee; and
 - 3.2.2 consider proposals and consultation feedback to inform recommendations to the Council regarding traffic and parking which seek to improve traffic management and road safety throughout the City.

4. DELEGATED AUTHORITY

- 4.1 The Council has delegated certain powers and function under the *Road Traffic Act 1961* (and related statutory Instruments) to the Committee, limited only to those in the attached Instrument of Delegation. The Committee has no other delegated powers or functions on behalf of the Council.
- 4.2 As requested by the Council, or where a matter cannot be resolved by the Committee using a delegated power or function from the Council, the Committee will make a recommendation to the Council or to the Manager, Traffic & Integrated Transport.

5. MEMBERSHIP AND CONDITIONS OF APPOINTMENT

- 5.1 The Committee has six (6) Members comprising of three (3) Elected Members and three (3) Specialist Independent Members, all of whom will be appointed by the Council. Specialist Independent Members cannot be an Elected Member or staff member of the City of Norwood Payneham & St Peters.

- 5.2 The Specialist Independent Members will have skills, experience, and knowledge in relation to traffic management and road safety.
- 5.3 The term of appointment for all Members of the Committee will be as determined by the Council, and each Member is eligible for re-appointment to the Committee by the Council.
- 5.4 Remuneration will be paid to each Special Independent Member of the Committee (based on a set fee per meeting attended) as determined by the Council.
- 5.5 Prior to the Council appointing Independent Members to the Committee, a Selection Panel appointed by the Chief Executive Officer will evaluate potential candidates with consideration given to the requirements of Clause 5.2 of these Terms of Reference before making a recommendation to the Council.
- 5.6 The appointment of Independent Members will be subject to the endorsement of the Selection Panel's recommendation by the Council.

6. PRESIDING MEMBER

- 6.1 The Council will appoint the Presiding Member of the Committee.
- 6.2 If the Presiding Member of the Committee is absent from a meeting, then the Members present will determine by resolution who will preside at the meeting.
- 6.3 The role of the Presiding Member of the Committee is to:
 - 6.3.1 oversee and facilitate the orderly conduct of Committee Meetings in accordance with the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013*, and any other procedures relevant to the Committee.
 - 6.3.2 ensure that the Guiding Principles set out in Regulation 4 of the *Local Government (Procedures at Meetings) Regulations 2013*, are observed during Committee Meetings and that all Committee Members have an opportunity to participate in discussions in an open and responsible manner.

7. MEETINGS

- 7.1 Ordinary Meetings of the Committee will be convened not less than four times per year.
- 7.2 The Committee will approve a schedule of Meetings for each year and Special Meetings will be convened as needed for urgent matters.
- 7.3 Meetings will be held in the Mayor's Parlour, Norwood Town Hall, unless otherwise notified.
- 7.4 Notice of each Committee Meeting confirming the venue, time, and date, together with an Agenda of items to be discussed, shall be forwarded to each Member of the Committee, no later than three (3) clear days before the Meeting.
- 7.5 If there is no business for the Committee to consider, prior to Notice of a Committee Meeting being forwarded to Committee Members, the Chief Executive Officer may cancel a scheduled meeting of the Committee, in consultation with the Presiding Member, and advise all Committee Members via email.
- 7.6 Subject to the operation of Section 90 of the *Local Government Act 1999*, and in accordance with the requirement of Section 132 of the *Local Government Act 1999*, the Agendas and Minutes of the Committee Meeting will be published on a website as determined by the Chief Executive Officer.
- 7.7 In accordance with Section 88 of the *Local Government Act 1999*, Notice of Meetings of the Committee must be displayed at the Principal Office of the Council and on a website determined

by the Chief Executive Officer, and must continue to be published and kept on display until the completion of the relevant Meeting.

- 7.8 The quorum for a Meeting of the Committee shall be four (4) Members of the Committee, with at least two (2) of those Members present being Specialist Independent Members.
- 7.9 The Chief Executive Officer may adjourn a scheduled meeting of the Committee, in circumstances where sufficient apologies have been received to indicate a quorum will not be achieved for the scheduled Meeting.¹
- 7.10 Meetings of the Committee must be conducted in accordance with the *Local Government Act 1999* and Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013*.
- 7.11 All decisions of the Committee shall be made based on a majority decision of the Members present.
- 7.12 Each Member of the Committee at a Meeting will have one (1) vote. The Presiding Member will have a deliberative vote and does not, in the event of an equality of votes, have a casting vote.
- 7.13 Minutes of the Committee Meetings shall be circulated within five (5) days after a Meeting to all Committee Members and to all Members of the Council.
- 7.14 Deputations may be made to the Committee based on the following conditions:
- 7.14.1 A person or persons wishing to appear as a deputation to a Committee Meeting must deliver to the Principal Office of the Council a written request to the Committee at least four (4) hours before the scheduled start time of the Meeting. A request may provide in person, or emailed to townhall@npsp.sa.gov.au.
- 7.14.2 A deputation request must be on a matter relevant to the role and function of the Committee.
- 7.14.3 The Presiding Member of the Committee may refuse to allow a deputation to appear at a Committee Meeting.
- 7.14.4 The Chief Executive Officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- 7.14.5 If the Presiding Member of the Committee refuses to allow a deputation to appear at a Committee Meeting, the Presiding Member must report the decision to the next Committee Meeting.
- 7.14.6 Persons granted a deputation may speak to the Meeting for a maximum of five (5) minutes unless further time is allowed with leave of the Meeting.

8. REPORTING

- 8.1 A report will be presented to the Council Meeting following each Meeting of the Committee which will contain recommendations from the Committee for the Council to consider for determination as well as any other matters considered by the Committee by way of the Committee Minutes being attached to the Report.

9. TERM OF THE COMMITTEE

- 9.1 The Committee is established for the Council term and will be wound up without further action by the Council at the conclusion of the term of the Committee.

¹ *Local Government (Procedures at Meetings) Regulations 2013, Regulation 7(1)*

Attachment B

Traffic Management & Road Safety Committee





City of
Norwood
Payneham
& St Peters

City of Norwood Payneham & St Peters

Instrument of Delegation

1. The City of Norwood Payneham & St Peters (the **Council**) delegates each function or power of the Council which is listed in the attached table to the Traffic Management & Road Safety Committee established by the Council pursuant to Section 41 of the *Local Government Act 1999*.
2. The delegations are granted pursuant to Section 44 of the *Local Government Act 1999*.
3. If two or more delegates are nominated in respect of a power or function, then each nominated delegate is granted a delegation and may exercise the power or function independently of any other delegate.
4. The delegations are granted subject to the following conditions and limitations:
 - (a) the delegate must exercise a delegated function or power in accordance with:
 - (i) applicable legislative and other legal requirements;
 - (ii) the Terms of Reference for the operation of the Traffic Management & Road Safety Committee; and
 - (iii) due regard to relevant policies and guidelines adopted by the Council;
5. If a delegation of a power or function under this Instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this Instrument and the remaining delegations will continue to operate according to their terms.
6. The delegations provided for in this Instrument of Delegation will come into operation on 2 December 2024.
7. The delegations granted by this Instrument will remain in force until varied or revoked by resolution of the Council, or the Traffic Management & Road Safety Committee ceases to exist.

By resolution of the Council made on 20 January 2025.

Delegations to the Traffic Management & Road Safety Committee

DELEGABLE POWERS AND FUNCTIONS



City of
Norwood
Payneham
& St Peters

ROAD TRAFFIC ACT 1961

Capacity of Council	Statutory provision	Power/function	Delegate
Road Authority	Section 17(1)	Install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road	Traffic & Road Safety Committee
Road Authority	Section 17(2)	Remove a traffic control device or cause a traffic control device to be removed	Traffic & Road Safety Committee

Attachment C

Traffic Management & Road Safety Committee





City of
Norwood
Payneham
& St Peters

NAME OF POLICY: Local Area Traffic Management

POLICY MANUAL: Governance

BACKGROUND

This Policy is a critical component of the framework under which the Council will address traffic management issues associated with roads and road-related areas under its care, control and management, with the exception of regulatory functions.

Traffic is defined as the movement of people and goods from one place to another by any mode, including driving a motor vehicle, walking (by foot, scooter or with the assistance of a mobility aid), riding a bicycle and catching a bus.

The way traffic moves through the city affects the whole community and can adversely impact citizen safety and neighbourhood liveability. Traffic management measures aim to improve safety for all road and path users, enhance community well-being, and encourage the adoption of active and sustainable transport modes.

The Council does not undertake traffic management investigations with regard to roads under the care, control and management of the State Government, these issues will be referred to the Department for Infrastructure and Transport (DIT) for consideration and response to the complainant. The Council does however, work collaboratively with DIT regarding issues involving the interaction of Council streets with State Government roads. State Government roads within the Council area are shown in **FIGURE 1**.

The traffic management legislative framework is broad and includes:

- *Road Traffic Act 1961 (SA)*;
- Code of Technical Requirements for the Legal Use of Traffic Control Devices in South Australia;
- Australian Road Rules;
- relevant Operational Instructions issued by the Department for Infrastructure and Transport (DIT);
- Minister for Transport and Infrastructure's Instrument of General Approval and Delegation (dated 22 August 2013)
- relevant Australian Standards; and
- relevant Austroads Guidelines.

Other Council documents that are relevant to this Policy are:

- City Plan 2030 (particularly Outcome 1: Social Equity; Outcome 2: Cultural Vitality and Outcome 4: Environmental Sustainability);
- Infrastructure & Asset Management Plans
- Plan to Cycle: Cycling Plan Action Plan 2021-2026;
- On-Street Parking Policy;
- Smart City Plan;
- Tree Strategy 2022-2027; and
- Accessibility and Inclusion Strategy.

KEY PRINCIPLES

1. Traffic management aims to:
 - enhance road safety;
 - balance the needs of all road users;
 - encourage active and sustainable transport;
 - consider competing priorities and impacts to the surrounding street network;
 - provide landscaping opportunities where possible; and
 - reduce the environmental impact of traffic.

2. The Council supports:
 - the introduction of a 40km/h Area Speed Limit in residential streets, where appropriate circumstances permit and in consultation with the affected community;
 - advocating for speed limit enforcement in partnership with the South Australian Police for identified excessive speed locations; and
 - increasing opportunities to shift to environmentally friendly means of transport such as walking, cycling and using public transport.

3. Dependent on the scale of the traffic issue under consideration it may warrant further investigation, design, community consultation and budget consideration. Such issues will be staged and prioritised, depending on the level of complexity and cost and where possible, components will be integrated into the Council's *Capital Works Program*. The Council's response to the traffic issues raised will be scaled dependent on the following recognising that many issues are able to be resolved without the need for a detailed investigation:
 - street typology;
 - traffic speed;
 - through traffic;
 - crash history;
 - vulnerable road users
 - other factors which may be relevant.

ROAD SAFETY AT SCHOOLS

Road safety issues around schools occurs at concentrated time periods associated with car transportation of children to and from school. The Council will assist schools to improve road safety as set out below.

- School zones will be installed where permitted and necessary;
- School crossings and fencing will be provided subject to meeting the Department for Infrastructure & Transport (DIT) warrant (if applicable), and subject to funding agreements from the Council, DIT and the school; and
- collaborating with the School and the DIT, to encourage more school transport by walking, cycling and public transport. This may include upgrades to walking and cycling infrastructure and parent/student education.

STREET TYPOLOGY

Professional traffic engineering judgement will be used to determine the *street typology* as set out in **TABLE 1**. The *street typology* provides guidance on the acceptable traffic volumes for a street, by assessing the street environment as set out below.

- The land-use along the street;
- access requirements to other traffic generating land-uses in the vicinity, such as schools, community facilities, and commercial, retail and employment precincts;
- the level of pedestrian and/or cyclist activity, and
- street layout including length, width, and capacity for traffic.

Table 1: Street Typology Definition, and Recommended Traffic Volumes

Street Typology	Description	Recommended Traffic Volume (Vehicles per day)
Neighbourhood Street	A street providing local residential access only, where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.	Less than 2,000
Connector Street	A street that connects neighbourhood streets through and between neighbourhoods.	Less than 3,000
Main Connector Street	A street that connects Connector Streets to the arterial road network.	Less than 6,000
Secondary Arterial Road	A road that connects urban arterial roads.	More than 6,000
Arterial Road	Transport corridors for through traffic.	State Government Controlled

TYPES OF TRAFFIC MANAGEMENT MEASURES

The need for traffic management measures will be determined on a site-specific basis with regard to professional traffic engineering judgement, the street typology, and the relevant Standards, guidelines and legislative requirements, noting that not all traffic issues identified by citizens justify traffic management action being taken.

Categories of traffic management measures are set out below.

- Minor traffic management measures that include signs and or pavement marking; and
- Major traffic management measures that include physical devices such as roundabouts, slow points, kerb extensions, centre blisters, pedestrian refuges, median islands, cyclist infrastructure, pedestrian or school crossings and modifications to speed limits.

Physical devices can successfully moderate traffic speed and/or volume, but can also result in negative effects that include, diversion of traffic to other streets, reduction of on-street parking spaces and reduced street network permeability. The investigation of complex traffic issues requires a thorough approach that includes traffic data analysis, design, community consultation and budget considerations.

TRAFFIC MANAGEMENT & ROAD SAFETY COMMITTEE

The Council has established the *City of Norwood Payneham & St Peters' Traffic Management & Road Safety Committee* (the Committee), for the purposes of dealing with traffic management and road safety issues, which have been referred to the Committee by the Council or as part of an investigation undertaken through this Policy.

The Committee operates in accordance with their Terms of Reference which have been adopted by the Council and has been delegated the necessary powers conferred on the Council to make decisions for and on behalf of the Council in certain circumstances in accordance with the delegation granted by the Council, and the Committee's Terms of Reference.

Where there is not a delegated power or function to the Committee, or where requested, the Committee will recommend an action to the Council for their decision or to an employee with the appropriate delegated authority.

PROCESS TO RESPOND TO CITIZEN REQUESTS, CONCERNS AND PETITIONS

In order to ensure transparent and informed decision making, the Council has developed a consistent approach to the consideration and resolution of these issues, irrespective of how the issue is received by the Council.

Traffic related issues will be investigated using the process set out below:

1. Council staff will investigate the issue/s raised in a timely manner, depending on competing demands and staff capacity.
NOTE - If the concerns are raised in the form of a Petition that has been prepared and submitted in accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, **the Petition must be considered by the Council prior to any investigations being undertaken.**
2. The investigations will be undertaken within a framework that is developed using professional engineering judgement and include a review of the criteria (if applicable), set out below:
 - the street typology;
 - the street layout, and any existing traffic management measures;
 - current traffic data, including traffic/cyclist volume and traffic speed (traffic data is current if collected within the last five (5) years);
 - pedestrian surveys;
 - crash data provided by the Department for Infrastructure & Transport;
 - previous traffic studies and documentation (if available), to determine if the issue has been raised before, and if any previous recommendations have been made but not implemented; and
 - on-site observations of traffic operations that relate to the raised concern.
3. The investigation will result in one of the following outcomes:
 - No action being required;
 - No action being required, but the issue will continue to be monitored;
 - Minor traffic management measure/s being implemented;
 - Major traffic management measures being warranted at an isolated location, street or broad area and further investigations are warranted. Further investigation may include one or more of the following; concept design, community consultation, referral to the Traffic Management & Road Safety Committee, Council consideration, a funding submission to the Council or the Department for Infrastructure & Transport, and integration into the Council's Capital Works Program.

4. The Council will undertake appropriate consultation in accordance with the Council's Community Consultation Policy when implementing or proposing changes to traffic controls that may result in an impact to the community.
5. If the issue justifies action that can be addressed in the short-term, with minor traffic management measures that meet relevant standards and guidelines, the works will be implemented in a timely manner depending on competing demands and staff capacity.
6. The citizen or convenor of the Petition who raised the request or concern will be notified of the outcome.

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's Manager, Traffic & Integrated Transport, telephone 8366 4542.

ADOPTION OF THE POLICY

This Policy was adopted by the Council XXXX.

REVIEW PROCESS

This Policy will be reviewed within two (2) years following the adoption date of the Policy.

Attachment D

Traffic Management & Road Safety Committee





City of
Norwood
Payneham
& St Peters

NAME OF POLICY: Local Area Traffic Management

POLICY MANUAL: Governance

BACKGROUND

Traffic management is one of the more challenging issues which the Council is required to consider, given the competing demands on local roads which must be taken into account.

Traffic management affects the whole community and the Council is therefore required to balance the needs of a broad range of road users, with an appropriate and acceptable level of amenity for its community.

This Policy provides the framework under which the Council will address traffic management issues associated with roads under its care, control and management.

DISCUSSION

KEY PRINCIPLES

Proportionality

A proportionate response means that the Council's actions will be scaled to the seriousness of the issue which is identified. To this end, the Council recognises that most traffic management issues or concerns which are raised, can be resolved without the need for a detailed investigation to be undertaken.

This Policy focuses on those issues which give rise to formal investigations being undertaken and the decision making process for the Council, in terms of considering the implementation of traffic management measures and calming devices where hazards have been identified.

Consistency

This Policy identifies a range of factors upon which the Council will assess the need for traffic management intervention, thereby providing a strategic, consistent, integrated and transparent approach to problem solving.

This will include:

- identification of the 'problem' and addressing the 'issue' rather than dealing with perceptions;
- an agreed road classification for all of the roads which are located within the City of Norwood Payneham & St Peters and which are under the care, control and management of the Council, in terms of the functional use of roads;
- recognition that roads need to provide safe access for vehicles, pedestrians and cyclists;
- ensuring appropriate and efficient use of limited Council resources; and
- an agreed process by which traffic investigations and decision making will be undertaken.

Scope

This Policy will apply to any complaints, concerns and/or issues which are raised regarding traffic management along those roads which are under the care, control and management of the Council.

This Policy deals with issues which are raised:

- by citizens, property owners or members of the public;
- by Elected Members;
- by Local Members of Parliament;
- through a petition; or
- by any other party or means.

LEGISLATIVE & CORPORATE REQUIREMENTS

This Policy is to be administered in conjunction with relevant legislative and corporate documents, strategies and directions.

All decisions which are made must take into account the following:

- Australian Standards;
- Austroads Guide to Traffic Engineering Practice;
- Road Traffic Act (SA);
- Code of Technical Requirements for the Legal Use of Traffic Control Devices in South Australia;
- Technical specifications issued by the Department for Planning Transport and Infrastructure (DPTI);
- Ministers Notice to Councils outlining relevant delegations and authorisations;
- City of Norwood Payneham & St Peters' Local Area Traffic Management Plans;
- City of Norwood Payneham & St Peters' Strategic Plan 2030; and
- City of Norwood Payneham & St Peters' City Bike Plan.

POLICY

Road Functionality

The Council will consider the classification of roads under its care, control and management based on functionality, which in turn is based on the Average Annual Daily Traffic (AADT) volume that is recorded for a road.

The road classifications in terms of functionality have been determined by the Council to be:

- | | |
|-----------------------|--------------------------------------|
| • Arterial Road | 10,000 (or greater) vehicles per day |
| • Sub-Arterial Road | 6,000 to 10,000 vehicles per day |
| • Main Collector Road | 3,000 to 6,000 vehicles per day |
| • Collector Road | 2,000 to 3,000 vehicles per day |
| • Local Road | up to 2,000 vehicles per day |

Decisions made by the Council in respect to the implementation of traffic management measures, will be based upon functionality of the road, as set out above.

Roads Under the Care, Control and Management of Department for Planning Transport & Infrastructure (DPTI) Roads

The Council will not undertake traffic management investigations regarding roads under the care, control and management of the Department for Planning Transport and Infrastructure (DPTI).

In respect to the City of Norwood Payneham & St Peters these roads are:

- Dequetteville Terrace;
- Flinders Street;
- Fullarton Road;
- Glynburn Road;
- Hackney Road;
- Kensington Road;
- Magill Road;
- Nelson Street;
- North Terrace;
- Payneham Road;
- Portrush Road;
- Lower Portrush Road;
- Lower North East Road;
- Stephens Terrace;
- Rundle Street; and
- The Parade (between Fullarton Road and Portrush Road).

Any traffic management issues which are raised and which are associated with the roads listed above, will be referred to the Department for Planning Transport and Infrastructure (DPTI) for consideration and response to the complainant.

Traffic Management & Road Safety Committee

For the purposes of dealing with traffic management and road safety issues, which are required to be referred in accordance with this Policy, the Council has established the City of Norwood Payneham & St Peters' Traffic Management & Road Safety Committee ("the Committee").

The Committee has been delegated all of the necessary powers conferred on the Council to make decisions for and on behalf of the Council, regarding any and all traffic management issues which are referred to the Committee in accordance with the requirements of this Policy.

The Committee shall operate in accordance with the Terms of Reference as adopted (and as varied) by the Council.

Local Area Traffic Management (LATM) Studies

The Committee has the authority to commission the preparation of Local Area Traffic Management (LATM) Studies, for a local area.

For roads under the care, control and management of the Council, the key objectives of an LATM Study are to:

- undertake an analysis of vehicular volumes, speeds, classification and reported crash data along each of the roads within the Study Area;
- undertake detailed investigations for the purpose of ascertaining the key traffic issues within the Study Area and provide clear strategies in dealing with these issues;
- examine access and egress to and from the Study Area for all road users via the Arterial Road Network on the perimeter of the Study Area;
- undertake community consultation and engagement as required to ensure all key stakeholders are provided with an opportunity to participate in the undertaking of the Study;
- investigate issues associated with schools which are located within the Study Area and outline clear strategies to the Council in terms of addressing issues identified;
- engage key stakeholders such as the Department for Planning Transport and Infrastructure (DPTI) and South Australia Police (SAPOL) on relevant issues;
- in making recommendations dealing with traffic management issues, consider the use of non-intrusive physical devices by utilising more passive measures (e.g. linemarking);
- develop an overall Traffic Management Plan for the Study Area identifying the implementation of recommendations in short, medium and long-term priorities;
- provide cost estimates for the implementation of all recommendations made which should include (if applicable) final design, tender documentation and contract administration; and
- submit a detailed Final Report outlining the results of the investigations into all of the issues which have identified, the results of consultation undertaken and the priority of recommendations and strategies that are to be implemented for the Council's consideration.

Traffic Management Investigations

The Council receives complaints regarding traffic management issues from its citizens, property owners, members of the community generally, road users, etc.

Complaints which are received are either formalised in writing, made verbally or in person by citizens attending the Council Offices. In order to ensure transparency and effective decision making, the Council believes that there should be a consistent approach to the consideration and resolution of complaints irrespective of how the complaints are received by the Council.

In order to ensure a consistent, transparent and effective approach, the following process will be used to investigate traffic management complaints which are received:

- Once a complaint is received, Council staff will investigate the issues which are raised and provide a written response to the complainant, outlining the investigation which has been undertaken and the decision which has been reached.

- In investigating the issues which are raised, Council staff will have regard to the following:
 - previous traffic data which has been collated (i.e. vehicular volumes and speeds);
 - previous consideration of the issues raised (or similar) through an LATM Study or similar; and
 - previous decisions made by the Council regarding the issues raised or complaint which has been made (or similar).
- If traffic data (i.e. vehicular volumes and speeds) is available and is not more than five (5) years preceding the time of the complaint is received, then a decision is to be made based on the data which is already available. That is, the collection of new data will not be commissioned.
- If traffic data (i.e. vehicular volumes and speeds) is available but is older than five (5) years preceding the time of the complaint is received, new traffic data is to be collated, and will consist of a seven (7) day continuous automated count(s).
- In addition to vehicular volumes and speeds, reported crash data will also to be considered for the period of the five (5) years preceding the time of the complaint.
- Should the investigation which is undertaken identify that there is no justification or warrant to implement traffic management measures, the complainant will be advised in writing, of the outcome of the investigation.
- Should the investigation which is undertaken identify a warrant for the need to implement traffic management measures, the matter will be discussed with the Elected Members for the particular Ward in the first instance and if those Elected Members do not agree with the proposed measures, the matter will be referred to the Committee for a final determination and the complainant will be advised, in writing, of the Committee's decision.
- If the complainant is dis-satisfied with the outcome of the investigation which is undertaken by Council staff, where it was determined there is no justification or warrant to implement traffic management measures, the complainant may submit a request, in writing, for the matter to be reviewed.
- Once a written request for a review is received from a complainant who is dis-satisfied with the outcome of the investigation, Council staff will meet with the Elected Members for the Ward to discuss the investigation which has been undertaken and the reasons for the decision reached.
- If the Ward Members are in agreement with the outcome of the investigation and the decision reached, Council staff will write to the complainant advising of the outcome of the review and it shall be considered at that point that the Council has satisfactorily dealt with the matter.
- If the Ward Members are not in agreement with the outcome of the investigation and the decision reached, the matter will be referred to the Committee for a final determination for and on behalf of the Council in accordance with the Committee's Terms of Reference and its delegated authority.
- The complainant will then be notified of the decision made by the Committee and it shall be considered at that point that the Council has satisfactorily dealt with the matter.

- Should a decision at any point in time involve the implementation of traffic calming measures, the Council will undertake consultation with the residents and property owners of the street in which such measures are proposed to be introduced and the results of that consultation process shall be taken into account by the Committee, prior to there being any changes made.

Petitions

Petitions regarding traffic management issues which are received by the Council, will be referred to the Committee for consideration.

The Committee shall acknowledge the petition and note that Council staff will then investigate the issues which are raised through the petition. The process which will be used by Council staff in addressing the matter shall be the same as that which is set out in the *Traffic Management Investigations* Section of this Policy.

REVIEW PROCESS

The Council will review this Policy within two (2) years of the adoption date of the Policy.

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's Manager, Traffic & Integrated Transport, telephone 8366 4542.

ADOPTION OF THE POLICY

This Policy was adopted by the Council on 2 April 2012.
This Policy was reviewed by the Council on 6 August 2018.
This Policy was reviewed by the Council on 1 June 2020.

TO BE REVIEWED

May 2022

13.8 BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

REPORT AUTHOR: Manager, Governance
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4593
FILE REFERENCE: qA166591
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present information to enable the establishment of the Business & Economic Development Advisory Committee.

BACKGROUND

The Council has had a Business & Economic Development Advisory Committee (the Committee) since 2006. Since then, the Committee has played a valuable role by providing advice to the Council in respect to Council-wide business and economic development opportunities, strategies and initiatives.

At the Council Meeting held on 5 December 2022, the Council determined to establish the Committee until 31 October 2024, pursuant to Section 41 of the *Local Government Act 1999* (the Act).

The previous Committee has ceased operation and this report seeks to re-establish the Committee and re-appoint the immediate past Specialist Independent Members who were appointed to the previous Committee by the Council at the Council Meeting held on 22 March 2023 following an extensive and rigorous selection process.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The *City of Norwood Payneham & St Peters Economic Development Strategy 2021-2026* (the Economic Development Strategy) provides important strategic direction to guide economic development within the City, identifying priority areas and articulating the Council's role in supporting business and economic development.

The Committee monitors the implementation of the Economic Development Strategy and provides advice to the Council on related matters.

FINANCIAL AND BUDGET IMPLICATIONS

The Specialist Independent Members of the Committee are paid a Sitting Fee of \$300 per Meeting of the Committee and it is proposed that this continues.

EXTERNAL ECONOMIC IMPLICATIONS

The Committee plays a significant role in supporting the Council to advance a community environment conducive to business growth and economic development within the City.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The previous Committee met on a quarterly basis. It is proposed that the Committee meet more frequently. To this end, a meeting every second month is now proposed.

There will also be an increase in the costs associated with the operation of the Committee, given the payment of additional Sitting Fees due to the proposed increase from four (4) to six (6) Meetings per year. This equates to an approximate increase from \$8,400 in Sitting Fees (assuming each of the Specialist Independent Members was present at each quarterly Meeting) to \$12,600 (assuming each of the Specialist Independent Members attends each Meeting). This increase in cost of \$4,200 is negligible and the benefits of increased Meetings as well as the proposed new meeting format, which use the skills and expertise of the Committee more effectively, outweigh the cost impact.

RISK MANAGEMENT

The Council's Economic Development Strategy identifies various actions to address risks to economic growth within the City. In monitoring this Strategy and supporting the Council with informed decisions and recommendations regarding business and economic development, the Committee assesses related risks from a 'whole of Council' perspective.

CONSULTATION

- **Elected Members**
The Council has established a Business & Economic Development Advisory Committee since 2006 and the Council receive Minutes from the Committee Meetings and recommendations made by the Committee. Elected Members are also provided with the Committee Meeting Agendas once published.
- **Community**
Meetings of the Committee are open to the public to attend in accordance with the Act. The Committee Meeting documents, Terms of Reference and the *City of Norwood Payneham & St Peters Economic Development Strategy 2021-2026* are available on the Council's website.
- **Staff**
The preparation of the information in this report has been prepared with input from the Council's Manager, Marketing & Place Activation.
- **Other Agencies**
Not Applicable.

DISCUSSION

Section 41 of the Act enables the Council to establish committees for various purposes including to inquire into and report to the Council on matters within the ambit of the Council's responsibilities, to provide advice to the Council and to exercise, perform or discharge delegated powers, functions or duties².

Terms of Reference

The Terms of Reference address the operational framework and mandatory requirements to be considered at the time the Committee is established.

The draft Terms of Reference seek to clarify the role of the Committee, recognise the value added by the skills and experience of the Specialist Independent Members and support the effective and efficient operation of the Committee to meet the needs of the Council.

It is proposed that Meetings of the Committee will allow for both decision-making opportunities to facilitate making recommendations to the Council and also incorporate informal forums, discussions and presentations to further draw on the expertise of the Committee Members to gain maximum benefit from their skills and experience.

² *Local Government Act 1999*, Section 41(2)

The Committee will continue to operate as an Advisory Committee only with no delegated decision-making authority on behalf of the Council.

The draft Terms of Reference for the Committee are contained in **Attachment A**.

Appointment of Committee Members

As per the draft Terms of Reference, it is proposed that the Committee be established with up to eleven (11) Members comprising the Mayor, three (3) Councillors and seven (7) Specialist Independent Members.

Based on the level of expertise in the Committee membership prior to it ceasing operation on 31 October 2024 and given all the former Specialist Independent Members with the exception of Ms Rebecca Thomas, have advised that they wish to continue, it is recommended that Ms Amanda Grocock, Ms Amanda Pepe, Mr Ben Pudney, Mr Joshua Baldwin, Mr Matt Grant and Ms Trish Hansen be re-appointed to the Committee.

The above proposed Specialist Independent Members were appointed to the Committee on 22 March 2023, following an extensive Expression of Interest and thorough selection process and represent a mix of business and industry sectors which has served the Committee and the Council well. Based on the spread of skills, knowledge and experience of the proposed Specialist Independent Members it is not considered necessary at this stage to undertake a selection process for another Specialist Independent Member.

A brief biography for each proposed Specialist Independent Members is set out below.

Ms Amanda Grocock – while Ms Grocock’s small business relates to Business Consultation, she has had an extremely varied career with skills and experience in marketing and communication, investment, visitor attraction, strategic planning, stakeholder engagement, retail and property management and urban design and placemaking. In particular, Ms Grocock’s time as General Manager of the Rundle Mall Management Authority means she understands the structure, issues and opportunities associated with outdoor shopping precincts and the importance of marketing and promotion in their success. Ms Grocock’s identification of key issues, including business attraction, the emergence of hyper-location and its importance in the local economy as well as improving the visitor experience, align with some of the Council’s strategic directions, as set out in the Economic Development Strategy and other relevant documents.

Ms Amanda Pepe – has extensive experience in food and hospitality, media and arts. Ms Pepe has held a number of different roles and has served on various boards and committees, most recently as a Director of UNESCO Adelaide City of Music and Chair of ACE (Adelaide Contemporary Experimental). Ms Pepe’s experience in the food and hospitality sector together with her connections with the arts sector provide a valuable contribution to the Committee and assist the Council in expanding the creative industries sector.

Mr Ben Pudney - is a non-executive director and advisor and former defence industry executive. Mr Pudney was recently employed by ASC Pty Ltd as the Executive Manager, Supply Chain responsible to the Board for the development and execution of company strategy and plans. Mr Pudney brings focus to the strong partnership opportunities that the Council can investigate as part of the substantial investment in defence that the Federal and State Government are proposing over the next 10 years (AUKUS deal). Mr Pudney’s experience and knowledge in working with the small business supply chain presents opportunities for consideration for where Council investment and planning can benefit local businesses.

Mr Joshua Baldwin - is the owner of Munro Property, which is located on The Parade, Norwood. Mr Baldwin has also been a member of the Council’s Norwood Parade Precinct Committee and brings a significant degree of knowledge, expertise and enthusiasm around the state of the property market and the impact of government decisions on property owners and businesses. Mr Baldwin has an extensive knowledge in real estate and property, which is a critical area of expertise when it comes to understanding the state of the economy and in establishing a framework around the growth and attraction of different sectors.

Mr Matt Grant - is currently employed by the District Council of Lower Eyre Peninsula as the Executive Director Growth & Strategy. Mr Grant is employed using a hybrid model where he is only required to be in the Lower Eyre region one (1) week a month, in alignment with Council meetings. The rest of the time Mr Grant hot desks in the Adelaide CBD or hot desks at different businesses along The Parade, as he is a resident of the Council area. In addition, Mr Grant has his own consultancy business. Mr Grant's extensive knowledge and experience in economic development across a number of councils, including the City of Adelaide and the City of Prospect, and the process of impacting and influencing economic development in that setting means he understands what does and does not work and what may be transferrable to the City of Norwood Payneham & St Peters. Mr Grant understands the need for short term wins whilst longer term strategies and directions continue to run their course and that attraction (business and visitor) through the leveraging of grant funding opportunities and connections with other Councils will create better economic and community outcomes.

Ms Trish Hansen – Ms Hansen represents a number of different sectors, including arts and culture, which is an extremely important sector within the City. In addition to her strong support for the arts and creative industry, particularly during the COVID Pandemic, Ms Hansen also encouraged staff to focus strongly on regenerative design and in particular the importance of the circular economy.

It is recommended that the Specialist Independent Members receive remuneration as a Sitting Fee of \$300 per Meeting.

In accordance with Section 41(4) of the Act, the Council must appoint a person as the Presiding Member of the Committee or make provision for the appointment of a Presiding Member. It is recommended that Mayor Bria be appointed as the Presiding Member.

OPTIONS

The Council can decide not to establish the Committee. However, it is recommended that the Council establish the Committee in accordance with the recommendation, recognising that it is a valuable contributor to economic growth in the City and effectively assists the Council with the implementation of the Economic Development Strategy.

As the key role of the Committee is to oversee the implementation of the Economic Development Strategy, it is recommended that the Council appoints the previous Specialist Independent Members to the Committee to ensure the effective continuing operation of the Committee.

CONCLUSION

The Council has a key role to play in fostering a community environment conducive to business and economic growth and the Council is committed to assisting the business sector to create and maintain a sustainable and resilient economy. The *City of Norwood Payneham & St Peters Economic Development Strategy 2021-2026* provides strategic guidance to this role and the Committee assists in monitoring, and advising on, the implementation of this strategy.

In addition, the Committee is a valuable resource with a majority of skilled and experienced Specialist Independent Members who collaborate with the Elected Member representatives to advise the Council on relevant matters. This structure has been in place since 2006 and served the Council well.

COMMENTS

Nil

RECOMMENDATION

8. That pursuant to Section 41 of the *Local Government Act 1999*, the Council establishes the City of Norwood Payneham & St Peters Business & Economic Development Advisory Committee (the Committee), in accordance with the Terms of Reference as contained in Attachment A.
9. That the following six (6) Specialist Independent Members be appointed to the Committee until the 31 October 2026:
 - Amanda Grocock
 - Amanda Pepe
 - Ben Pudney
 - Joshua Baldwin
 - Matt Grant
 - Trish Hansen
10. That the following three (3) Councillors be appointed to the Committee until the end of the Council term:
 - Cr _____
 - Cr _____
 - Cr _____
11. That Mayor Robert Bria be appointed as the Presiding Member of the Committee.
12. That the Sitting Fee applicable to the Independent Members of the Committee be set at \$300.00 per meeting.

Attachments – Item 13.8

Attachment A

Business & Economic Development Advisory Committee





BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The Council has established the Business & Economic Development Advisory Committee (the Committee) pursuant to Section 41 of the *Local Government Act 1999* (the Act).
- 1.2 These Terms of Reference were adopted by the Council on XX.

2. PURPOSE

- 2.1 The Committee provides high-level, independent expert advice to the Council on economic development matters and employment growth opportunities in the City of Norwood Payneham & St Peters and monitors the implementation of the Council's Economic Development Strategy.
- 2.2 Within the functions and responsibilities of the Committee as provided in these Terms of Reference, the Committee will:
 - 2.2.1 Receive and consider reports submitted to the Committee by the Chief Executive Officer and Senior Staff to recommend a course of action and advise the Council; and
 - 2.2.2 Facilitate a Discussion Forum for the presentation of topics by the Chief Executive Officer, Senior Staff or raised by a Committee member.

3. FUNCTIONS & RESPONSIBILITIES

- 3.1 Identify issues, opportunities, and initiatives which impact on business and economic development in the City of Norwood Payneham & St Peters.
- 3.2 Provide advice to the Council and recommend to facilitate the identification of opportunities, issues, strategies and actions associated with business and economic development.
- 3.3 Assist the Council to facilitate and promote economic growth and development in the City of Norwood Payneham & St Peters.
- 3.4 Provide advice to the Council as required, to facilitate the creation of business networks (both within South Australia and Australia), which provide benefits for the City of Norwood Payneham & St Peters and the business sector.
- 3.5 Provide information to assist the Council with advocacy initiatives and opportunities to work actively with State and Federal Governments and their agencies, the private sector and relevant peak bodies on key economic priorities which deliver positive outcomes for the City and the community.
- 3.6 Consider and advise the Council on medium and long term matters relevant to business and economic development within the City of Norwood Payneham & St Peters.

4. DELEGATED AUTHORITY

- 4.1 The Committee does not have any delegated powers, functions or duties of the Council and only acts in accordance with these Terms of Reference, and any direction from Council.

5. MEMBERSHIP AND CONDITIONS OF APPOINTMENT

- 5.1 The Committee will have up to eleven (11) Members comprising of the Mayor and no more than three (3) Councillors, and up to seven (7) Specialist Independent Members. Specialist Independent Members cannot be an Elected Member or staff member of the City of Norwood Payneham & St Peters.
- 5.2 The Specialist Independent Members must live, work or study in metropolitan Adelaide and will have knowledge, skills and experience relevant to the functions of the Committee which can include (but is not limited to) business and economic development, multimedia, tourism, strategic planning, property, marketing and similar areas of expertise and who are regarded as leading practitioners in their respective fields.
- 5.3 The term of appointment for all Members of the Committee will be as determined by the Council, and each Member is eligible for re-appointment to the Committee by the Council.
- 5.4 All Members of the Committee must comply with the Conflict of Interest provisions set out in the *Local Government Act 1999*.
- 5.5 Prior to the Council appointing Independent Members to the Committee, a Selection Panel appointed by the Chief Executive Officer will evaluate potential candidates with consideration given to the requirements of Clause 5.2 of these Terms of Reference before making a recommendation to the Council.
- 5.6 The appointment of Specialist Independent Members will be subject to the endorsement of the Selection Panel's recommendation by the Council.

6. PRESIDING MEMBER

- 6.1 The Council will appoint the Presiding Member of the Committee.
- 6.2 If the Presiding Member of the Committee is absent from a meeting, then the Members present will determine by resolution who will preside at the meeting .
- 6.3 The role of the Presiding Member of the Committee is to:
 - 6.3.1 oversee and facilitate the orderly conduct of Committee Meetings in accordance with the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013*, and any other procedures relevant to the Committee.
 - 6.3.2 ensure that the Guiding Principles set out in Regulation 4 of the *Local Government (Procedures at Meetings) Regulations 2013*, are observed during Committee Meetings and that all Committee Members have an opportunity to participate in discussions in an open and responsible manner.

7. MEETINGS

- 7.1 Ordinary Meetings of the Committee will be held every two (2) months.
- 7.2 The Committee will approve a schedule of Meetings for each year and Special Meetings will be convened as needed for urgent matters.
- 7.3 Meetings will be held in the Mayor's Parlour, Norwood Town Hall, unless otherwise notified.
- 7.4 Notice of each Committee Meeting confirming the venue, time, and date, together with an Agenda of items to be discussed, shall be forwarded to each Member of the Committee, no later than three (3) clear days before the Meeting.
- 7.5 If there is no business for the Committee to consider, prior to Notice of a Committee Meeting being forwarded to Committee Members, the Chief Executive Officer may cancel a scheduled meeting of the Committee, in consultation with the Presiding Member, and advise all Committee Members via email.
- 7.6 Subject to the operation of Section 90 of the *Local Government Act 1999*, and in accordance with the requirement of Section 132 of the *Local Government Act 1999*, the Agendas and

- Minutes of the Committee Meeting will be published on a website as determined by the Chief Executive Officer
- 7.7 In accordance with Section 88 of the *Local Government Act 1999*, Notice of Meetings of the Committee must be displayed at the Principal Office of the Council and on a website determined by the Chief Executive Officer, and must continue to be published and kept on display until the completion of the relevant Meeting.
- 7.8 The quorum for a Meeting of the Committee shall be six (6) Members of the Committee, with at least four (4) of those Members present being Specialist Independent Members.
- 7.9 The Chief Executive Officer may adjourn a scheduled meeting of the Committee, in circumstances where sufficient apologies have been received to indicate a quorum will not be achieved for the scheduled Meeting.¹
- 7.10 Meetings of the Committee must be conducted in accordance with the *Local Government Act 1999* and Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013*.
- 7.11 All decisions of the Committee shall be made based on a majority decision of the Members present.
- 7.12 Each Member of the Committee at a Meeting will have one (1) vote. The Presiding Member will have a deliberative vote and does not, in the event of an equality of votes, have a casting vote.
- 7.13 For Discussion Forum Items the following applies:
- 7.13.1 No decision making will occur in response to an Agenda Item in a Discussion Forum.
- 7.13.2 Discussion will be focused on the issues and matters that are the subject of the item raised in the Discussion Forum.
- 7.13.3 A Discussion Forum item may include a presentation from an external party.
- 7.13.4 At the conclusion of each Discussion Forum item the Presiding Member will provide an opportunity for the Chief Executive Officer, a General Manager, Manager or officer to identify the next steps.
- 7.14 Minutes of the Committee Meetings shall be circulated within five (5) days after a Meeting to all Committee Members and to all Members of the Council. For Discussion Forum Items, the title of the matter and brief summary of the discussion points will be included, as well as any undertaking made by the Chief Executive Officer, General Manager or Manager.

8. REPORTING

- 8.1 A report will be presented to the Council Meeting following each Meeting of the Committee which will contain recommendations from the Committee for the Council to consider for determination as well as any other matters considered by the Committee by way of the Committee.

9. TERM OF THE COMMITTEE

- 9.1 The Committee is established for the Council term and will be wound up without further action by the Council at the conclusion of the term of the Committee.

¹ *Local Government (Procedures at Meetings) Regulations 2013*, Regulation 7(1)

14. ADOPTION OF COMMITTEE RECOMMENDATIONS
Nil

15. OTHER BUSINESS
(Of an urgent nature only)

16. CONFIDENTIAL REPORTS

16.1 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.

16.2 STAFF RELATED MATTER

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

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

17. CLOSURE