



City of
**Norwood
Payneham
& St Peters**

MINUTES

OF THE

SPECIAL MEETING OF COUNCIL

HELD ON

WEDNESDAY 21 JULY 2010

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VENUE : Council Chambers, Norwood Town Hall

HOUR : 7.00pm

PRESENT

Council Members: Mayor Robert Bria
Cr Isaac Pasalidis
Cr John Frogley
Cr Carlo Dottore
Cr Kevin Duke
Cr Evonne Moore
Cr Connie Granozio
Cr Lance Manser
Cr Sue Whittington
Cr Paul Wormald
Cr John Minney
Cr Scott Sims
Cr Garry Knoblauch
Cr Mike Stock
Cr Barbara Erichsdotter

Staff: Mario Barone (Chief Executive Officer)
Peter Perilli (General Manager, Urban Services)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Gary Button (General Manager, Corporate Services)
Lisa Mara (General Manager, Governance & Community Affairs)
Alan Pickering (Property Officer)

APOLOGIES : Cr Lucy Marcuccitti

ABSENT : Nil

1. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 5 JULY 2010

Cr Erichsdotter moved that the minutes of the Council meeting held on 5 July 2010 be taken as read and confirmed. Seconded by Cr Sims and carried.

2. STAFF REPORTS

2.1 LINDE COMMUNITY GARDEN - DRAFT LEASE AGREEMENT

REPORT AUTHOR:	Property Officer
GENERAL MANAGER:	General Manager Governance & Community Affairs
CONTACT NUMBER:	8366 4507
FILE REFERENCE:	S/002108
ATTACHMENT:	A - B

PURPOSE OF REPORT

The purpose of this report is to present for the Council's consideration the draft lease agreement between the NP&SP Community Garden Association Inc and the City of Norwood Payneham & St Peters for the proposed Linde Community Garden to be established within Linde Reserve, Stepney and to authorise its release for community consultation. As a corollary to this, a proposal to amend the Dunstone Grove-Linde Reserve Community Land Management Plan to include the establishment and operation of a community garden within the Reserve is also being presented for the Council's approval to consult the community, prior to adopting the proposed amendment.

BACKGROUND

At its meeting held on 8 February 2010, the Council resolved as follows:

1. *That the proposal developed by the Community Garden Organising Committee, to establish a Community Garden on the former artificial bowling green at Linde Reserve, be approved.*
2. *That a lease agreement be developed in consultation with the Management Committee of the proposed NP&SP Community Garden Association, following incorporation of the Association.*
3. *That the development of the Linde Community Garden be incorporated into the Dunstone Grove/Linde Reserve Master Plan Project.*
4. *That the Chief Executive Officer be authorised to finalise the budget allocation for the Community Garden, utilising funding available for the Revitalising St Peters Project.*

As Members would be aware, the proposal for a Community Garden resulted from a community engagement exercise undertaken by the Council between November 2009 and February this year, as part of a process to determine the level of interest and commitment in establishing and operating a Community Garden in the City of Norwood Payneham & St Peters. An Organising Committee was established to progress the proposal and the former artificial bowling green was selected as the preferred site. The name given to the project was Linde Community Garden.

The NP&SP Community Garden Association became incorporated in February 2010 and the Management Committee has been meeting on a regular basis to progress the establishment of the Community Garden. A lease agreement has been drafted in consultation with the Management Committee and a copy of the draft lease is contained in **Attachment A**.

The Linde Community Garden site has now been incorporated into the Master Plan for Dunstone Grove-Linde Reserve and the scope of works to prepare the site is currently being finalised. The final layout for the design of the Community Garden is being progressively refined in tandem with finalising the scope of works under the Revitalising St Peters Project.

Pursuant to the provisions of the *Local Government Act 1999*, the Council is required to consult with the community before amending a Community Land Management Plan, or granting a lease agreement of this nature.

Therefore, approval is now sought to consult on amending the Dunstone Grove-Linde Reserve Community Land Management Plan, to accommodate the development of a community garden in Linde Reserve and to insert a reference to the Council's Community Gardens Policy in Section 12 of the Plan.

The proposed substantive amendments to the Community Land Management Plan are contained in Section 15 of the Plan and comprise the deletion of the words:

Former St Peters Bowling Club Premises.

The Council proposes to clear the buildings, bowling greens and fences that comprised the main site of the former St Peters Bowling Club.

Future use of the practice green, which is situated to the south of the car park off Stepney Street, will be addressed by the Master Plan.

and inserting in their place the following underlined words:

A community garden to be known as the Linde Community Garden will be established in the southern corner of Linde Reserve, immediately to the south west of the St Peters Child Care Centre.

The community consultation period will be at least twenty one (21) days, in accordance with the requirements of the Council's Community Consultation Policy.

If, after considering any comments received as a result of the public consultation process, the Council grants the lease and amends the Dunstone Grove-Linde Reserve Community Land Management Plan in accordance with the proposal, the Community Land Management Plans will be updated to reflect the granting of the lease in Section 12 of the Plan.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The establishment of a community garden in the Council area is relevant to many of the Objectives and Strategies in ***CityPlan 2030 Shaping Our Future***. Key Objectives include:

Outcome 1 Social Equity

A connected, accessible and pedestrian-friendly community

Objective 1.1 Convenient and accessible services

Objective 1.3 An engaged and participating community

Objective 1.4 More community life in public spaces

Objective 1.5 Healthy and active community

Linde Community Garden will expand community facilities in the Council, improve access to services and enhance the community hub component of the St Peters Precinct redevelopment.

The project will focus on encouraging interaction and social cohesion, as well as utilising the skills, knowledge and resources of the community, strengthening community leadership and promoting volunteering. The project will also help to increase physical activity and encourage healthier lifestyles as well as lifelong learning.

Outcome 4 Environmental Sustainability

A leader in environmental sustainability

Objective 4.3 Sustainable quality streetscapes and open spaces.

The establishment of the Community Garden will enhance the open space facilities at Linde Reserve. One of the key aims of the NP&SP Community Garden Association is to operate the Garden on sustainability principles.

The Council's ***Community Consultation Policy*** sets out the requirements for notifying the community and inviting comment.

The Council's ***Community Gardens Policy*** adopted by the Council in October 2008, sets out the requirements for a lease agreement to be prepared for the management and operation of a Community Garden located on land which is owned by the Council.

FINANCIAL AND BUDGET IMPLICATIONS

There is no cost to the Council associated with the preparation and approval of the lease agreement.

Up to \$37 000 has previously been approved by the Council towards the costs of establishing the Community Garden.

The draft lease proposes that the Association will be required to pay a 'peppercorn' rental each year for the use of the site. It also proposes that the Association will be responsible for the cost of all services used such as power and water, etc. Water supplied from the Stormwater Harvesting & Reuse System will be supplied free of charge up to the set allowance of 650 kL.

On-going funding for the day-to-day operation of the Community Garden will therefore not be required from the Council.

EXTERNAL ECONOMIC IMPLICATIONS

There are no economic implications associated with the approval of the draft lease. However, the project should generate a number of economic benefits for citizens and the local business community.

SOCIAL ISSUES

There are no social issues associated with the approval of the draft lease. However, the project will generate a number of social benefits for the citizens of the City of Norwood Payneham & St Peters.

CULTURAL ISSUES

There are no cultural issues associated with the approval of the draft lease. However, the project will enhance the cultural vitality of the local area and strengthen sense of place.

ENVIRONMENTAL ISSUES

The lease sets out the requirements for the Community Garden to comply with the Council's Environmental Management System.

The lease also provides for the Community Garden to have access to the recycled stormwater available through the Linde Reserve Stormwater Harvesting and Reuse System. This system should provide for all of the irrigation and non-potable water requirements of the Community Garden.

A key aim of the Community Garden is to demonstrate and promote environmental best practices to the wider community.

RESOURCE ISSUES

Staff time and other resources have been utilised in the preparation of the lease documents and in consulting with members of the Management Committee. On-going contact will be required from time to time to administer the lease.

Staff are currently liaising with the Management Committee in relation to the scope of works to prepare the site.

Staff will also be involved in the management of site preparation works, maintenance issues as required and other tasks such as the promotion of the project.

RISK MANAGEMENT

The draft Lease sets out the requirements for risk management by the NP&SP Community Garden Association Inc.

The Association has arranged Public Liability insurance (\$20m) and has now become an incorporated body.

One of the key aims of the lease agreement is to clearly outline all relevant legal and governance issues and responsibilities, as part of effective risk management for both the Council and the NP&SP Community Garden Association Inc.

The draft lease agreement and the proposed community consultation program complies with the requirements of the *Local Government Act 1999*.

The Council is required to follow all of the necessary statutory processes associated with the granting of the lease and amending the Community Land Management Plan.

CONSULTATION

- **Elected Members**

The Council has considered the issue on a number of occasions. Consideration and granting of a lease will give effect to the Council's previous decisions in respect to the establishment of a community garden.

- **Community**

The draft Lease has been developed in consultation with members of the Management Committee of the NP&SP Community Garden Association Inc. Written confirmation has been received that the Committee is satisfied with the provisions of the draft lease.

Extensive community support for the Community Garden was demonstrated during the community engagement exercise. The wider community will also have the opportunity to provide comment on the draft Lease during the consultation period.

The proposed amendment to the Dunstone Grove-Linde Reserve Community Land Management Plan and the draft Lease will be advertised in the three Messenger Press newspapers that circulate within the City and letters will be mailed to the owners and occupiers of property within the vicinity of the Dunstone Grove-Linde Reserve. The consultation period will be for a minimum of twenty one (21) days.

- **Staff**

The draft Lease has been discussed with the following staff:

- Manager, Development Assessment
- Assets & Special Projects Manager
- Manager City Assets
- Manager City Services
- Projects Officer

- **Other Agencies**

Not Applicable

DISCUSSION

The draft Lease incorporates each of the management and operational areas as recommended in the template issued by the Local Government Association of South Australia (LGA). This template will form the basis of all future leases developed for Council owned properties that are leased to community organisations.

The Lease Agreement incorporates the following documents:

Annexure A:	Lease Plan
Annexure B:	Maintenance Table
Annexure C:	Special Conditions
Annexure D:	Amended Clauses
Annexure E:	Deleted Clauses
Annexure F:	Improvement Register

Key features of the draft Lease include the following:

- The permitted use is that of a garden for the community:
 - where people can be brought together to work side by side, to learn about organic gardening and food production and share ideas and skills;
 - where environmentally sustainable gardening practices, such as recycling and organic gardening can be demonstrated; and
 - where produce grown will be shared amongst members of the Lessee, or given away or sold to gain income for the Lessee, but not sold for individual gain.
- The lease period is five (5) years with a right of preference to a new Lease at the end of the five year period, i.e. if the Council grants a new Lease at the end of the term, it will give preference to granting the Lease to the previous Lessee, unless the Council can give just and reasonable cause as to why the Lessee should not be granted the new Lease.
- The provisions relating to the permitted use of the facility reflect the aims and operational aspects of the Association as outlined in its Constitution.
- The lease fee is ten (10) dollars per year, if demanded. These arrangements reflect the considerable community benefit which will result from the initiative. However, the Council will have the right to require payment of fair market rental if the number of actively involved members who are not residents of the Council area becomes too high.
- Maximum of ten (10) chickens and hens (no roosters) may be kept in the event that the Association wishes to keep poultry in the future.
- The Association will be responsible for operational costs, including rates, taxes and levies and for services such as power, mains water, etc.
- An allowance of 650 kL of water per annum is to be supplied free of charge to the site. This will be sourced from the Linde Reserve Stormwater Harvesting and Reuse System. Additional water over this allowance is to be charged to the Association at the going rate applied by SA Water for domestic consumers.

If endorsed by the Council, the draft Lease will be released for community consultation for a period of twenty one (21) days commencing on 28 July 2010. Letters will be sent to all owners and occupiers of properties in the vicinity of the Community Garden, notifying them of the consultation and inviting them to make a submission. The consultation will also be promoted through display advertising in the Messenger Press, via the Council's website and the regular column in the Messenger. It is proposed that a Special Council Meeting to consider the feedback received would be arranged for late August 2010, prior to finalising the Lease.

OPTIONS

The Council could amend the provisions of the draft Lease. The changes would need to be discussed with members of the Management Committee of the Association. The Council could also decide not to approve the draft Lease, although this would delay the establishment of the Community Garden and possibly result in the loss of an opportunity and delay the project.

CONCLUSION

Finalisation of the lease is necessary before the site can be occupied by the NP&SP Community Garden Association Inc. A lease will also facilitate the submission of funding applications by the Association to various funding sources for the on-going operation of the Community Garden.

The views obtained from the community through the public consultation process will be included in the Council's final deliberations before granting the lease.

COMMENTS

Considerable interest in the Community Garden continues to be shown by citizens of the City. The Association now has approximately forty (40) foundation members and a mailing list of approximately one hundred (100) interested persons. Regular communication with members via newsletters has been undertaken as well as fundraising activities including a stall at the St Peters Fair.

The establishment of this Community Garden has been an excellent example of the community and the Council working together. The outcome to date has been successful and there is no reason to doubt the ongoing success of the project.

The community engagement process has also shown that if properly structured, successful outcomes can be achieved.

RECOMMENDATION

1. That the draft lease, as contained in Attachment A to this report, be endorsed for community consultation, in accordance with the Council's Community Consultation Policy.
2. That the proposal to amend the Dunstone Grove-Linde Reserve Community Land Management Plan, to include as a development proposal, the establishment of the Linde Community Garden, as contained in Attachment B to this report, be endorsed for community consultation, in accordance with the Council's Community Consultation Policy.

Cr Sims moved:

1. *That the draft lease, as contained in Attachment A to this report, be endorsed for community consultation, in accordance with the Council's Community Consultation Policy.*
2. *That the proposal to amend the Dunstone Grove-Linde Reserve Community Land Management Plan, to include as a development proposal, the establishment of the Linde Community Garden, as contained in Attachment B to this report, be endorsed for community consultation, in accordance with the Council's Community Consultation Policy.*

Seconded by Cr Whittington and carried.

3. CONFIDENTIAL REPORTS

Nil

4. CLOSURE

There being no further business, the Mayor declared the meeting closed at 7.26pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)