

# Council Meeting Agenda & Reports

**6 April 2021**

## Our Vision

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

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

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**City of  
Norwood  
Payneham  
& St Peters**

1 April 2021

## 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:

**Tuesday 6 April 2021, commencing at 7.00pm.**

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

Yours faithfully



Mario Barone  
**CHIEF EXECUTIVE OFFICER**

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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 1 MARCH 2021**
  - 4. MAYOR'S COMMUNICATION**
  - 5. DELEGATES COMMUNICATION**
  - 6. QUESTIONS WITHOUT NOTICE**
  - 7. QUESTIONS WITH NOTICE**  
Nil
  - 8. DEPUTATIONS**  
Nil
  - 9. PETITIONS**  
Nil
  - 10. WRITTEN NOTICES OF MOTION**

## 10.1 CAT MANAGEMENT IN SOUTH AUSTRALIA – SUBMITTED BY CR EVONNE MOORE

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**NOTICE OF MOTION:** Cat Management in South Australia  
**SUBMITTED BY:** Cr Evonne Moore  
**FILE REFERENCE:** qA1039 qA2136  
**ATTACHMENTS:** Nil

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

### NOTICE OF MOTION

That the following resolution made at the Council meeting held on 1 February 2021 be rescinded:

*That the Council writes to The Honourable David Speirs, Minister for Environment and Water, requesting that the State Government together with the Dog & Cat Management Board undertake a review of cat management laws with a view to introducing uniform cat management regulations, including provisions for the containment of cats, in metropolitan Adelaide and/or State-wide.*

### REASONS IN SUPPORT OF MOTION

1. It is a good thing to keep tame owned domestic cats inside at night. But it is better to encourage and educate people to do this rather than impose laws on them. The community group our Council has worked with since 1997, Cats Assistance to Sterilise Inc, has always advocated for residents to keep their tame pet cats inside at night where possible.
2. However it is a punitive thing to force confinement 24 hours a day on to all cat owners regardless of their situation. It will impose a significant burden on many cat owners, with a particularly heavy burden on many elderly, poor people, renters, and people with disabilities. Elderly people may have trouble catching their cat to take it inside at night or to stop it sitting on their fence. Renters may not be able to have an animal inside their rented premises. What are they to do with their cat? People with disabilities too may find it challenging to keep a cat confined inside at all times. Not everyone can afford a cat-proof fence or large metal cage enclosure. Poor people will find it harder to have a pet cat if compulsory confinement comes in. The extra cost of kitty litter for an indoor cat and the worry it may get out the door when you go outside will deter poorer people from having a cat. Cats which are used to exercising in a back-garden may become restive and unruly if locked indoors 24 hours a day.

Pets provide much company for the elderly, the isolated and sick people. The benefits of pet ownership are well documented. If we make it harder for people to own a pet cat, we make many people's lives less fulfilling.

If we make it harder for people to own a cat, we ensure more cats are abandoned and dumped.

3. Compulsory confinement of cats will make much of the work Cats Assistance to Sterilise Inc does in co-operation with our Council impossible to continue. C.A.T.S. often helps residents who are feeding stray cats. Most stray cats by their nature cannot be confined to one property. Stray cats can be fed by residents, trapped and desexed. But they cannot be confined to one property unless they are very sick. Cat confinement will mean less residents looking after stray cats and more unowned hungry cats roaming our neighbourhoods killing mice, rats and birds.

Last year, the Council received a complaint about cats at a property in a suburb next to mine. Council staff visited the property in question to speak with the resident who was the subject of the complaint and then asked C.A.T.S. to try to resolve this complaint. Ms. C. Pierson of C.A.T.S. asked me if I could help. I spoke with the elderly owner of the property and gained his agreement to trap and desex his cats and the cats visiting his property. I gained the cooperation of two neighbours who were enthusiastic about stabilizing the local cat population. In the end the neighbours set traps on their properties and over the next 13 months 13 cats were trapped, desexed and returned to the resident's property. Some of these cats may have been passing through the resident's property, not resident there.

C.A.T.S. paid for these cats to be desexed. The resident cooperated with one neighbour who caught 17 kittens. These kittens received medical care and were eventually adopted out through the work of another cat welfare group of Volunteers. This case was a great example of neighbours working with a resident, C.A.T.S. and the Council to control the local cat population humanely. Strong support networks were formed during this work.

This example is typical of the work which C.A.T.S. and our Council do together throughout our Council area.

This work will not be done in future if compulsory cat confinement comes in. If there is a complaint to Council about any cat seen in the street or on a neighbour's property, the Council will be obliged to send a Council officer to speak to the owner/ person feeding the cat(s) and to remove the cat(s) if the cat(s) is not confined to one property. Residents may face Council fines if their cat is found outside their property. This is likely to lead to increased social conflict between neighbours. The Council will also incur considerable extra costs for Council officers to trap and confine cats.

4. Cats Assistance to Sterilise Inc has advised the Council over the past few weeks that it will not be able to work with a Council which supports compulsory confinement of domestic cats. It would be a great pity if the many years of cooperation between C.A.T.S. and this Council to control local cat populations through a humane mass desexing program were to be ended.

Our Council has been working with C.A.T.S. for several decades to keep our cat population as low as possible. That is why our Council receives few complaints. Where complaints are received, the Council can and does take action.

5. The February resolution of our Council to request Minister David Speirs to consider introducing compulsory cat confinement is now undermining the cooperation of Cats Assistance to Sterilise Inc with our Council. The passing of this resolution would now appear to be in conflict with Council's *Dog and Cat Management Plan*. This policy states that the Council "will continue its existing partnership with Cats Assistance to Sterilise Incorporated (CATS) to assist with cat management issues ..." (p 10 *Dog and Cat Management Plan 2019-2024*).

This Council has run a successful partnership with C.A.T.S. for some 30 years to control the size of our cat population. Why would we throw that work away?

6. Legislated compulsory cat confinement will be onerous, expensive and time-consuming for Council officers to police. This may not be obvious at first glance. But just as a complaint from a resident about a street tree must be investigated by Council staff, and a complaint about a heaving footpath must be inspected by Council staff, so a complaint that a cat has been seen on a street or neighbour's property will have to be investigated by Council staff, whether at night or in the day. It is highly likely that our Council staff will have to be setting traps to catch 'offending' cats seen on a street or neighbouring property.

The Whyalla Council introduced a Cat By-law in 2007. In 2013 a compliance audit on the Council conducted by the Dog and Cat Management Board as part of the Board's statutory requirement showed that the Whyalla Council was not enforcing its Cat By-law. The Board ordered the Council to provide evidence of its enforcement activities. So whether it is a Council By-law or State-wide legislation, Councils will be required to enforce cat legislation. This will mean trapping 'offending' cats, confining them somewhere and trying to work out what to do with them if they are unclaimed or not owned. Both the RSPCA and the Animal Welfare League have stated that they do not wish to continue to receive cats from Councils. Caring for impounded cats will be expensive for Council.

I urge you to consider the cost of extra staff resources and the impact on our already stressed budgets if legislated cat confinement is introduced. Plus the economic and social costs for many of our most vulnerable residents.

#### **STAFF COMMENT**

Nil

**11. STAFF REPORTS**

**Section 1 – Strategy & Policy**  
**Reports**

## 11.1 INVESTIGATIONS OF A PROPOSED CITYWIDE 40KM/H SPEED LIMIT FOR RESIDENTIAL STREETS AND THE PARADE

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**REPORT AUTHOR:** Manager, Traffic & Integrated Transport  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4542  
**FILE REFERENCE:** qA60176  
**ATTACHMENTS:** A - E

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### PURPOSE OF REPORT

The purpose of this report is to:

- inform the Council of the investigations which have been undertaken into the proposed introduction of a Citywide 40km/h area speed limit for residential streets and The Parade; and
- seek Council endorsement to commence community consultation for a proposed 40km/h area speed limit in the residential streets of Norwood and Kent Town.

### BACKGROUND

At the Council meeting held on 6 April 2020, the Council resolved to request the Council's *Traffic Management & Road Safety Committee*, to investigate the introduction of a Citywide 40km/h speed limit in residential streets and The Parade.

Initial investigations were subsequently undertaken by Council staff, the results of which were presented to the *Traffic Management & Road Safety Committee* (Committee) meeting held on 18 August 2020. The report included discussion on the strategic context that underpins the lowering of speed limits, as well as information on the safety benefits, the status of areas with reduced speed limits in other parts of Metropolitan Adelaide and an overview of community understanding of the safety benefits of lowered speed limits. A copy of the report considered by the Committee is contained in **Attachment A**.

The initial investigations concluded that implementing a Citywide 40 km/h speed limit at one time is complex due to a constraint or lack of support in one area may preclude implementation in all other areas. Therefore, it was recommended to the Committee that a staged approach be undertaken, commencing with the suburbs of Kent Town and Norwood, which are located adjacent to Stepney, Maylands and Evandale, already subject to a 40km/h area speed limit. This would be a pragmatic way to enable the progression of reduced speed limits in residential streets in the short term.

Subsequently, Council staff undertook the detailed investigations required by the Department for Infrastructure & Transport (DIT) to implement a 40km/h area speed limit in Norwood and Kent Town. A report documenting these investigations and outcomes was presented to the Traffic Management and Road Safety Committee meeting held on 16 February 2021 and a copy of that report is contained in **Attachment B**.

The detailed investigations concluded that there is a justification to implement a 40km/h area speed limit in the residential streets of Norwood and Kent Town, excluding The Parade West and Osmond Terrace.

The investigations have been completed and it is therefore timely to present the findings to the Council to ascertain whether the proposal to introduce a Citywide 40km/h speed for residential streets and The Parade should be pursued further and if so, whether it should be pursued on a staged basis.

## RELEVANT STRATEGIC DIRECTIONS & POLICIES

Reducing traffic speed in residential streets and The Parade has the potential to support and facilitate the Outcomes and Objectives of the Council's Strategic Management Plan, *City Plan 2030*, as listed below.

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

A connected, accessible and pedestrian-friendly community.

Objective 1: Convenient and accessible services, information and facilities.

Objective 2: A people-friendly, integrated, sustainable and active transport network.

Objective 3. An engaged and participating community.

Objective 4. A strong, healthy, resilient and inclusive community.

### ***Outcome 2: Cultural Vitality***

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

Objective 4. Pleasant, well designed, and sustainable urban environments

Objective 5. Dynamic community life in public spaces and precincts.

## FINANCIAL AND BUDGET IMPLICATIONS

If the Council determines to proceed to community consultation to gauge the community's level of interest in reduced speed limits in residential streets, the community consultation will be undertaken by staff. It is anticipated that the costs for printing and distribution would be in the order of \$4,000.

If, following community consultation, the Council determines to proceed with the implementation of reduced speed limits in residential streets in Norwood and Kent Town, additional costs will be incurred for the planning, manufacture and installation of signage. The cost of implementing the required signage and promotion is estimated to be in the order of \$25,000.

## EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

## SOCIAL ISSUES

The introduction of a Citywide 40 km/h speed limit was considered by the Council in 2015, but was not implemented due to results of the community survey which was undertaken, whereby 67% of respondents indicated that they were satisfied with the current speed limits.

However, 40km/h speed limits have become more widespread in recent years and the familiarity of 40km/h speed limits has resulted in a higher level of community acceptance for lowered speed limits. The City of Unley was the first South Australian Council to implement 40km/h Citywide in 1999 and the City of Prospect most recently endorsed a Citywide 40km/h speed limit in January 2021. Large Councils such as the City of Charles Sturt and the City of Port Adelaide Enfield have been rolling out 40km/h speed limits in designated areas for several years.

Recently this Council implemented a 40km/h speed limit in Stepney, Maylands and Evandale and since that time, Council staff have received a number of requests for a 40km/h speed limit to be introduced in other suburbs, including Norwood, Kent Town, St Peters, Hackney, Felixstow, Glynde, Payneham, Trinity Gardens, Kensington and Marryatville.

Notwithstanding the above, it is likely that there will still be considerable debate, discussion and possibly opposition to the introduction of 40km/h speed limits. As such, it will be important to provide information and facts on the benefits of speed reduction as part of the consultation material.

## CULTURAL ISSUES

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

The work required to undertake community consultation for the proposal to introduce a 40km/h speed limit in residential streets in Norwood and Kent Town can be undertaken by Council staff, within existing resources.

## **RISK MANAGEMENT**

Not Applicable.

## **COVID-19 IMPLICATIONS**

Not Applicable.

## **CONSULTATION**

### **Traffic Management & Road Safety Committee**

The Traffic Management & Road Safety Committee considered this matter at meetings held on 18 August 2020 and 16 February 2021. Crs Kevin Duke, Carlo Dottore and Fay Patterson are members of the Committee.

#### **Staff**

General Manager, Urban Planning & Environment  
Manager, Economic Development & Strategic Projects

#### **Community**

The Parade Master Plan, which has been endorsed by the Council, proposed the implementation of the following speed limits along The Parade:

- 50 km/h from Fullarton Road to Osmond Terrace; and
- 40 km/h from Osmond Terrace to Portrush Road.

Community engagement of these proposed speed limit changes via The Parade Masterplan project received 62.6% and 52.8% support respectively.

Final approval from the Department for Infrastructure & Transport to change speed limits on The Parade has not yet been provided. Therefore The Parade has been excluded from the community consultation for a 40km/h area speed limit in the residential streets in Norwood and Kent Town.

#### **Other Agencies**

- Department for Infrastructure and Transport (the Department):

A meeting between Council staff and staff from the Department was held on 9 February 2021, to discuss the implementation of reduced speeds in Norwood and Kent Town with the following outcomes:

The Department provided approval for the Council to commence community consultation for a 40km/h speed limit on the residential streets in Norwood and Kent Town (excluding Osmond Terrace and The Parade West).

The Department agreed that further consultation for reduced speed limits on The Parade is not required because it was undertaken as part of The Parade Master Plan Project, receiving majority support.

The Department are currently considering the introduction of reduced speed limits along The Parade as per The Parade Master Plan, but recommended that this be undertaken separately from the area-wide 40km/h speed limit and instead it would be assessed as a 'road corridor speed reduction'.

The Department supports the installation of variable message signs on The Parade to enable 25km/h speed limit during large events at the Norwood Oval.

- City of Burnside
- City of Adelaide
- SAPOL

## DISCUSSION

The investigations into a Citywide 40 km/h speed limit were undertaken in two stages, and have been presented to the Traffic Management & Road Safety Committee (the Committee) as follows:

- Initial investigations into a Citywide 40km/h speed limit - presented to the Committee on 18 August 2020.
- Investigations into a 40km/h speed limit in Norwood and Kent Town - presented to the Committee on 16 February 2021.

The investigations, findings and outcomes are set out below.

### **Initial investigations into a Citywide 40km/h speed limit (presented to the Traffic Management & Road Safety Committee meeting held on 18 August 2020)**

The initial investigations into a Citywide 40km/h speed limit included a literature review of the current status of 40km/h in South Australia and how that could best be translated to the City of Norwood Payneham & St Peters. The investigations included:

- The Strategic Context;
- Why 40km/h?
- What other Councils are doing in Metropolitan Adelaide;
- Evaluation of the 40km/h Area Speed Limit in Maylands, Evandale and Stepney;
- NPSP: A Road Safety Snapshot;
- Overview of public opinion and community understanding; and
- Review of the DIT requirements to gain approval for implementing 40km/h area speed limits.

The key findings and outcomes of these initial investigations identified that:

- Lowering urban speed limits is a direct outcome of 'The Safe System Approach' which was adopted in Australia in 2011. The Safe System Approach has four main pillars that are Safe Roads, Safe Speeds, Safe Vehicles and Safe People and is mandated in the National Road Safety Strategy and the South Australian Road Safety Strategy – Toward Zero Together.
- Traffic speed across the City's road network is higher than 40 km/h and therefore is not aligned with the Safe System Approach for minimising conflict with pedestrians and cyclists.
- The implementation of 40km/h signs in appropriate streets results in widespread minor speed reduction, indicating that it is a successful and low-cost intervention that changes motorist behaviour and improves safety.
- There has been 160 crashes involving vulnerable users (cyclists and pedestrians) within the Council's road network over the past five (5) years and a reduced speed limit to 40km/h represents an opportunity to significantly reduce the number of crashes over time.
- The Department of Infrastructure & Transport (the Department) supports 40km/h speed-limited areas to help create a speed environment appropriate to residential streets and in precincts where existing speeds are not overly high.

- Community acceptance of 40km/h speed limits is not strong overall but this is likely to be attributed to a lack of understanding of the safety benefits to all road users and increased liveability for residents. Community acceptance is likely to increase if widespread education and information is undertaken as part of the community consultation process.
- The Speed Limit Guidelines (by the Department) have been updated to provide more flexibility for Local Government to implement 40km/h speed limit areas. The Department no longer *requires* Local Government to consult the community prior to implementation of 40km/h speed limits, but do however *recommend* that consultation is undertaken.

The initial investigations concluded that implementing a 40 km/h speed limit across the entire city at one time is complex because a constraint or lack of support in one area may preclude implementation in all other areas. Therefore, it was recommended that a staged approach would be a pragmatic way to enable progress in the short term.

The suburbs of Norwood and Kent Town were selected for the first stage because:

- the short street sections in Norwood and Kent Town and existing vehicle speeds would readily meet some of the requirements set out by the Department;
- research undertaken by the City of Charles Sturt found that people living in suburbs closest to the Adelaide CBD (such as Norwood and Kent Town) were more likely to support reduced speed limits; and
- reduced speed along The Parade has already been endorsed by the Council and supported by the community and the Department as part of The Parade Master Plan Project.

Given the findings set out above, the Committee endorsed the investigation of the introduction of a 40km/h area speed limit in Norwood and Kent Town. The full report presented to the Traffic Management & Road Safety Committee held on 18 August 2020 is contained in **Attachment A**.

#### **Investigations into a 40km/h speed limit in Norwood and Kent Town (presented to the Traffic Management & Road Safety Committee meeting held on 16 February 2021)**

The area that has been investigated for the possible implementation of a 40km/h area wide speed limit (the subject area) is bound by Magill Road, Portrush Road, Kensington Road and Dequetteville Terrace. The subject area lies adjacent to Stepney, Maylands and Evandale, where the Council introduced a 40km/h speed limit since 2019. The affected areas are depicted on the map contained in **Attachment C**.

The Parade, Rundle Street and Flinders Street lie within the subject area and are under the care, control and management of the Department for Infrastructure and Transport (the Department). The speed limits proposed for The Parade (aligning with The Parade Master Plan) are formally being considered by the Department and discussions to expedite this process are ongoing. Community consultation is not required for reduced speed limits on The Parade because this was undertaken with majority support, as part of The Parade Master Plan. The Department has informed the Council that Rundle Street, and Flinders Street will not be converted to 40km/h in foreseeable future. Therefore, all roads under the care, control and management of The Department will be exempt from the proposed 40km/h area wide speed limit.

The Council does not have the authority to install 40km/h speed limit signs and approval must be granted by The Department. The investigations described in this report, align with the requirements of the *Speed Limit Guideline for South Australia*. The list of requirements are listed in the Table below, together with the current progress of each item. Community consultation is not a requirement of the Department, but the Guidelines suggest that where the speed limit change affects a large area, consultation is recommended and it may be in the form of a survey of a representative sample of that community.

**TABLE 1: THE DEPARTMENT FOR INFRASTRUCTURE & TRANSPORT REQUIREMENTS PRIOR TO APPROVAL FOR THE IMPLEMENTATION OF A 40KM/H AREA SPEED LIMIT**

Item	Requirement (from Speed Limit Guidelines of South Aust.)	Current Progress
1	A clear boundary (generally bound by arterial roads, rivers, rail lines etc)	Completed
2	Resolution from Council	In progress, dependant on consultation outcomes
3	Indication of support from Local State Member of Parliament	In progress
4	Consultation with neighbouring Councils, DIT & SAPOL	Completed
7	Speed data collection & street speed/length analysis	Completed
8	Proposed traffic calming devices where analysis dictates	Not required
10	A site plan showing proposed signs, parking controls and traffic calming devices	To be undertaken if endorsed by Council post-consultation
11	A Traffic Impact Statement	In progress

The investigations and analysis identified that all Council-owned streets meet the requirements for a 40km/h area wide speed limit without the need for additional traffic calming devices. This was identified from collecting traffic data and determining that the arithmetic mean speed of the relevant streets was less than 50km/h as per item 7 in the Table above.

The function and land use of each street and the interface between the Council roads and the Department roads have been assessed to ensure that the speed limit reduction was appropriate and consistent for each street. In addition, the main streets that continue into the City of Burnside and the City of Adelaide were also assessed for consistency. This assessment identified that it would be appropriate for the speeds on The Parade West and Osmond Terrace to be excluded from the 40km/h speed limit and be maintained at 50km/h as described below.

#### *The Parade West*

The Parade West acts as a sub-arterial road, linking roads owned by the Department: Rundle Street (50km/h), Flinders Street (60km/h), Fullarton Road (60km/h) and The Parade (future proposed 50km/h). Roads with this function are rarely reduced to 40km/h unless major infrastructure changes were applied and therefore, it is prudent to retain 50km/h along The Parade West at the present time.

#### *Osmond Terrace*

Osmond Terrace is a major north-south link between Nelson Street, Stepney (a Department road with a speed of 60km/h) and Prescott Terrace (a City of Burnside road with a speed of 50km/h). Liaison with the Department and the City of Burnside, identified that there are no plans to reduce the speed limits of these roads. Therefore, for motorist consistency it is considered appropriate to maintain the existing speed of 50km/h along Osmond Terrace.

In summary, it is proposed that a 40km/h area speed limit be implemented in all Council-owned streets in Norwood and Kent Town, except for The Parade West and Osmond Terrace. Other roads that will remain unchanged are roads maintained by the Department for Infrastructure and Transport which are Fullarton Road, Rundle Road and Flinders Street. A map depicting the proposed speed limits for Norwood and Kent Town is contained in **Attachment D**.

If the Council accepts the rationale for reducing speed limits in residential streets and the rationale for pursuing reduced speed limits in a staged manner, for the reasons set out in this report and the reports considered by the Traffic Management and Road Safety Committee (contained in Attachments A and B), then the next stage in the process of implementing reduced speed limits is to undertake community consultation.

At the Traffic Management & Road Safety Committee meeting held on 16 February 2021, the Committee resolved to recommend to the Council that it proceed to undertake community consultation on the proposal to introduce a 40km/h area wide speed limit in Norwood and Kent Town as detailed in **Attachment D** of this report.

The proposed consultation methodology was agreed at the Committee meeting and is detailed below for the consideration of and endorsement by the Council.

## CONSULTATION METHODOLOGY

### Previous Consultation on 40km/h Speed Limits

The Council has undertaken consultation for 40km/h previously as set out below.

- *Citywide 40km/h speed limit - 2015*

The introduction of a Citywide 40 km/h speed limit (except The Parade), was considered in 2015 but was not implemented following consideration of the submissions received from a community survey.

Approximately 24,000 survey forms were delivered to residents, property owners and business operators and there was a 26% response rate. 67% response indicated that they were satisfied with the speed limits that currently apply to the residential streets within the City, 21% were dissatisfied, and 12% were neutral. In addition, more than three quarters (76%) of the survey respondents thought that the speed limit of 50 km/h that currently applies to the majority of residential streets within the City “*is about right*”. Given the survey results, the Council unanimously determined that on the basis of the results of the survey, there was no warrant or mandate to pursue the matter any further.

- *Stepney, Maylands & Evandale Local Area Traffic Management Plan - 2017*

Consultation for a 40km/h area wide speed limit in the suburbs of Stepney, Maylands and Evandale was undertaken as part of the Local Area Traffic Management Plan. There was general support for a reduced speed limit, with 68% either agreeing or strongly agreeing to the draft recommendation to introduce a 40kph speed limit. The Council was satisfied that the consultation results met the criteria of ‘*majority support*’, and therefore, endorsed the introduction of a 40km/h area speed limit in Stepney, Maylands and Evandale.

- *The Parade Master Plan - 2019*

The Parade Master Plan which proposed 50 km/h on The Parade from Fullarton Road to Osmond Terrace; and 40 km/h on The Parade from Osmond Terrace to Portrush Road.

These sections of The Parade are under the care, control and management of the Department for Infrastructure & Transport (the Department), who have provided “*in-principle*” support for the reduced speed limits. Community engagement was undertaken as part of The Parade Masterplan Project and there was 62.6% support for 50km/h from Fullarton Road to Osmond Terrace and 52.8% support for 40km/h from Osmond Terrace to Portrush Road, indicating a majority level of community support for reduced speed.

### Proposed Consultation Methodology for 40km/h speed limit Norwood and Kent Town

The proposed community consultation strategy involves letterboxing a simple and engaging postcard flyer into every residence and business in Norwood and Kent Town (estimated to be 5,100 postcards). The postcard would provide information on why the Council is seeking to introduce a 40km/h speed limit:

*Worldwide research shows that in 40km/h neighbourhoods:*

- *Streets are safer for everyone,*
- *Streets are quieter and nicer to live in,*
- *Its more enjoyable to walk or ride a bike, and*
- *Traffic flow is smoother with less CO2 emissions.*
- *Travel time will not increase. The road layout and current speeds in Norwood & Kent Town means that travel time would only be reduced by a few seconds...if at all.*
- *The Council does not raise revenue with reduced speed limits. Fines are imposed by SAPOL, who work independently from the Council to enforce speed limits on residential streets*

The postcard will also provide a QR Code and link to a detailed map and a short online *Have Your Say!* questionnaire and provide details on how to request a hard-copy questionnaire to be posted if required. A mock-up of the postcard is contained in **ATTACHMENT E**. If the Council endorses the recommendation to proceed to community consultation, the postcard content would be refined by the Council's Communications staff.

It is also proposed that the survey questions would include the following:

- *Do you support a 40km/h speed limit on residential streets in Norwood and Kent Town as shown on the map? Yes/No/Unsure*
- *Do you live and/or work in Norwood or Kent Town?*
- *Space for Comment.*

In addition to the postcard, other forms to raise awareness of the *Have Your Say!* campaign will be undertaken, including core flute signs at key locations, a media release and on-line/social media.

## **OPTIONS**

The investigations and proposed outcomes discussed in this report have identified that:

- The residential streets in Norwood and Kent Town meet the guidelines for a 40km/h area wide speed limit and the Department for Infrastructure and Transport has given approval to commence consultation. The 40km/h area speed limit would not apply to any roads under the care, control and management of the Department or the Council roads that act as major collector roads which are The Parade West and Osmond Terrace.
- The speed limits proposed for The Parade (aligning with The Parade Master Plan) are formally being considered by DIT and discussions to expedite this process are ongoing. Community consultation is not required for reduced speed limits on The Parade because this was undertaken with majority support, as part of The Parade Master Plan.

The Council is now required to consider whether it accepts the rationale for reducing speed limits in residential streets and if so, whether it accepts the rationale for pursuing reduced speed limits across the City in a staged manner. If the Council endorses the rationale, then it is recommended that community consultation commence for the proposal to implement a 40km/h area speed limit in the residential streets of Norwood and Kent Town.

Possible options for the next steps are listed below.

### **Option 1**

Do nothing. The Council can determine that despite the outcomes of the investigation, the reduced speed limits in Norwood and Kent Town as contained in **Attachment D** should not be implemented.

This approach is not recommended as the proposed reduction of speed limits has merit and it is prudent to proceed to consultation.

### **Option 2**

The Council can decide that community consultation is not required and endorse the implementation of a 40km/h area speed limit for Norwood and Kent Town without consultation.

Consultation is not a requirement of the Department of Infrastructure & Transport and therefore, the Council does have authority to implement 40km/h without consultation. However, this approach is not recommended because it would be beneficial to the success of the speed limit proposal to determine whether there is a high level of community support before implementing the speed limit change.

### **Option 3**

The Council can endorse the proposal to proceed with community consultation to introduce a 40km/h speed limit on residential streets in Norwood and Kent Town (except for The Parade West and Osmond Terrace), as contained in **Attachment D**.

This approach is recommended for reasons set out in this report.

## CONCLUSION

It is considered that there is justification to pursue the implementation of reduced speed limits in residential streets in Norwood and Kent Town, for the reasons outlined in this report and that the Council proceed to undertake community consultation on the proposal to introduce a 40km/h area speed limit on residential streets in Norwood and Kent Town (except for The Parade West and Osmond Terrace), as contained in **Attachment D**.

## COMMENTS

Council staff will continue to liaise with the Department to introduce reduced speed limits on The Parade to coincide with the timing of the implementation of a 40km/h speed limit in the residential streets of Norwood and Kent Town, subject to the outcomes of the consultation process.

If the Council resolves to undertake community consultation on the proposal to introduce a 40km/h area speed limit on residential streets in Norwood and Kent Town (except for The Parade West and Osmond Terrace), the results of the consultation will be referred to the Council's Traffic Management & Road Safety Committee for consideration in the first instance and then the Committee will make further recommendations to the Council.

## RECOMMENDATION

1. That the outcomes of the investigations which have been undertaken by staff, as outlined in this report and the reports presented to and considered by the Traffic Management & Road Safety Committee on 18 August 2020 and 16 February 2021, regarding the proposal to investigate a Citywide 40km/h speed limit in residential streets and The Parade, be received and noted.
2. That the Council notes that the proposal outlined in this report to investigate reduced speed limits in residential streets in Norwood and Kent Town, meets all of the requirements set out in the Department for Infrastructure and Transport publication, *Speed Limit Guideline for South Australia*.
3. That having regard to the outcomes of the investigations which have been undertaken and the requirements of the Department for Infrastructure & Transport publication, *Speed Limit Guideline for South Australia*, the Council endorse community consultation on the proposal to introduce a 40km/h area wide speed limit in residential streets in Norwood and Kent Town (except for The Parade West and Osmond Terrace), as detailed in Attachment C to this report.
4. That the Council notes that:
  - (a) a report will be presented to the Council's Traffic Management & Road Safety Committee, advising of the outcomes of the community consultation;
  - (b) a report will be presented to the Council following the Traffic Management & Road Safety Committee's consideration of the outcomes of the community consultation;
  - (c) ongoing liaison will be undertaken with the Department for Infrastructure & Transport regarding reducing speed limits on The Parade, as set out in the endorsed Thee Parade Master Plan project; and
  - (d) the proposal for reduced speeds on The Parade includes variable message signs that would enable a speed limit of 25km/h during large events at the Norwood Oval.

## **Attachments – Item 11.1**

# **Attachment A**

## **Investigations of a Proposed City-Wide 40km/h Speed Limit for Residential Streets and The Parade**

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**City of  
Norwood  
Payneham  
& St Peters**

## 5.1 INVESTIGATION OF THE INTRODUCTION OF A CITY WIDE 40KM/H SPEED LIMIT FOR RESIDENTIAL STREETS AND THE PARADE – STAGE 1 INVESTIGATIONS

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**REPORT AUTHOR:** Manager, Traffic & Integrated Transport  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4542  
**FILE REFERENCE:** qA60176  
**ATTACHMENTS:** Nil

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### PURPOSE OF REPORT

The purpose of this report is to present to the Committee, Stage 1 of the investigations into the introduction of a City-wide 40km/h speed limit for residential streets and The Parade, Norwood.

The outcomes of these investigations aim to provide the Committee with sufficient information to make an informed recommendation to the Council on the future direction of the proposal.

### BACKGROUND

At the Traffic Management and Road Safety Committee meeting held on 16 June 2020, the Committee endorsed that Stage 1 of the investigations into the introduction of a City-wide 40km/h speed limit comprising a literature review, be undertaken.

The Stage 1 investigations set out in this report include:

- Strategic Context;
- Why 40km/h?
- What other Councils are doing in Metropolitan Adelaide, Case Studies;
- Evaluation of the 40km/h Area Speed Limit in Maylands, Evandale and Stepney;
- NPSP: A Road Safety Snapshot;
- Overview of public opinion and community understanding; and
- Updated DPTI guidelines for approval.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Reducing traffic speed in residential streets and The Parade has the potential to support and facilitate the Outcomes and Objectives of the Council's Strategic Management Plan, City Plan 2030, *Shaping Our Future* listed below.

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

A connected, accessible and pedestrian-friendly community.

Objective 1: Convenient and accessible services, information and facilities.

Objective 2: A people-friendly, integrated, sustainable and active transport network.

Objective 3: An engaged and participating community.

Objective 4: A strong, healthy, resilient and inclusive community.

#### ***Outcome 2: Cultural Vitality***

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

Objective 4: Pleasant, well designed, and sustainable urban environments

Objective 5: Dynamic community life in public spaces and precincts.

### FINANCIAL AND BUDGET IMPLICATIONS

It is difficult to estimate the anticipated costs because there are several unknown factors at this time. The extent of traffic data collection, community consultation and infrastructure required could only be identified after further investigations have commenced.

## **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

## **SOCIAL ISSUES**

The implementation of lower speed limits will always be the source of much debate and discussion. As such, any investigations of such a proposal must balance the pros and cons of lowered speed limits and carefully consider community expectations.

## **CULTURAL ISSUES**

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

The work required to investigate a city wide 40km/h speed limit requires considerable resources from the Council and this may affect the delivery of other traffic management and transport related projects and issues.

## **RISK MANAGEMENT**

Not Applicable.

## **COVID-19 IMPLICATIONS**

Not Applicable.

## **CONSULTATION**

- Committee**

The Committee considered this matter at its meeting held on 16 June 2020.

- Community**

Community consultation was undertaken as part of The Parade Masterplan project. The results of the community consultation revealed that the community was supportive of reduced speed limits on The Parade.

A community survey for a City-wide 40km/h speed limit was undertaken in 2015 and the proposal did not receive support.

DPTI does not require that the Council undertake community consultation to implement 40km/h areas but recommend that where the speed limit change affects a large area, consultation be undertaken in the form of a survey of a representative sample of the community, together with an education campaign on the benefits of reduced speed.

- Staff**

General Manager, Urban Planning & Environment

- Other Agencies**

As part of undertaking the investigations of the proposal, information has been sought from DPTI, SAPOL, the Cities of Campbelltown, Burnside and Adelaide and the Town of Walkerville.

## DISCUSSION

### Strategic Context

#### The Safe System Approach

Lowering urban speed limits is a direct outcome of The Safe System approach which was adopted in Australia in 2011. Originating in Sweden in the 1980's, it became the landmark Organisation for Economic Co-operation and Development (OECD) report, 'Towards Zero' (2008), which has since been adopted in many countries world-wide.

The guiding principles to the Safe System approach are that:

1. *People make mistakes. Humans will continue to make mistakes and the transport system must accommodate these. The transport system should not result in death or serious injury as a consequence of errors on the roads.*
2. *Human physical frailty. There are known physical limits to the amount of force our bodies can take before we are injured.*
3. *A 'forgiving' road transport system. A Safe System ensures that the forces in collisions do not exceed the limits of human tolerance. Speeds must be managed so that humans are not exposed to impact forces beyond their physical tolerance. System designers and operators need to take into account the limits of the human body in designing and maintaining roads, vehicles and speeds.*

The Safe System Approach has four main pillars that are **Safe Roads**, **Safe Speeds**, **Safe Vehicles** and **Safe People** as shown in Figure 4 below. The relevant pillar that relates to Local Government and this investigation is **Safe Speeds**.



Figure 4: The Safe System Approach

#### The National Road Safety Strategy 2011-2020

The *National Road Safety Strategy* is the overarching document which provides the national framework for road safety and has been committed to by all State and Territory Governments.

The Strategy states that speed limits across the network should be aligned with the Safe System Approach stating that 'road users who are not protected by a vehicle are extremely vulnerable in collisions and the risk of death or serious injury increases markedly over 30km/h'.

Priority Action No. 6 of the National Strategy states:

- *Implement 40km/h (or lower) speed limits in high pedestrian and cyclists use zones;*
- *Investigate 30km/h (or lower) speed limits in high-risk pedestrian and cycling areas; and*
- *Investigate and implement low-cost infrastructure options to reflect a lower speed environment, when applying speed reductions as a road safety treatment.*

#### The South Australian Road Safety Strategy 2020 - Towards Zero Together

The State Road Safety Strategy 2020 also embeds the Safe System Approach. The key outcomes for safer speeds identified include:

- *Increasing speed limit consistency;*
- *Increasing community awareness of the impact of speed; and*
- *Increasing compliance through better technology and increased penalties.*

*The State Strategy recognises that safe travel speeds would ideally be less than 30km/h in areas where conflict with people walking and cycling is possible, less than 50km/h where side impacts are possible and less than 70km/h on roads where head-on collisions are possible.*

The South Australian Road Safety Strategy – Toward Zero Together is currently being updated to 2031.

This provides an opportunity for the introduction of a State-wide approach to safer speeds, resulting in a greater level of consistency across all Local Government Areas. In light of the improved safety and residential amenity as an outcome of lower traffic speeds, it would be prudent for the Council to advocate for 40 km/h, as the default speed on appropriate local roads as part the Government's South Australian Road Safety Strategy 2031.

#### Department for Planning Transport & Infrastructure (DPTI)

The DPTI publication, *Speed Limit Guidelines for South Australia*, DPTI provides a State-wide point of reference for applying speed limits and supports 40km/h speed limits in streets with **high pedestrian activity**.

The *Functional Hierarchy for South Australia's Land Transport Network* defines The Parade between Fullarton Road and Portrush Road as a Priority Pedestrian Area, Major Cycling Route and Public Transport Corridor. As such, The Parade, Norwood aligns with the Guidelines to be a 40km/h speed limited road. Given that The Parade between Fullarton Road and Portrush Road is maintained by DPTI, the Council is required to work in partnership with DPTI in the assessment, consultation and implementation process of a 40km/h speed limit.

In addition to high pedestrian activity areas, DPTI advise that a 40km/h speed-limit area **may** be introduced to help create a speed environment appropriate to local streets. DPTI suggests that the speed limit of 40 km/h is generally appropriate in precincts where existing speeds are not overly high. These may be areas where higher speed streets have been treated with local area traffic management devices, or where speeds are naturally low because of existing road and traffic characteristics.

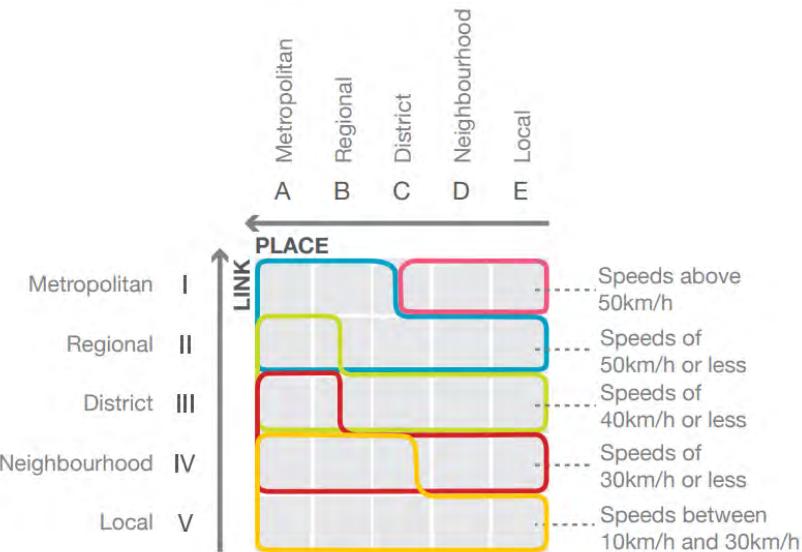
Review and analysis by DPTI indicates that a 10km/h reduction in speed limit will, on average, result in a 3-4km/h change in mean speeds.

#### Streets for People: Compendium for South Australian Practice

The *Streets for People Compendium* was produced by the State Government and the Heart Foundation in 2012, to provide an overview of best practice street design.

The Compendium uses the Link and Place approach to determine appropriate speeds for streets. The Link and Place approach is generally used throughout Australia instead of the traditional road hierarchy model. It recognises that streets have a Link category (a movement corridor), but also have a Place category (a destination in its own right). The Link & Place matrix provides a two-dimensional street classification into which every kind of street can be located.

Figure 5 below illustrates the Link and Place matrix and shows the recommended speed for each street depending on where it would fall within the matrix. For instance, Portrush Road would be a Metropolitan Link and a Neighbourhood/Local Place, resulting in recommended speed above 50km/h. The Parade is a District Link and a District Place whereby 40km/h or less is recommended. All Council roads would fall into the categories of Local, Neighbourhood or District Links and Places, resulting in recommended speeds of between 10 and 30km/h.

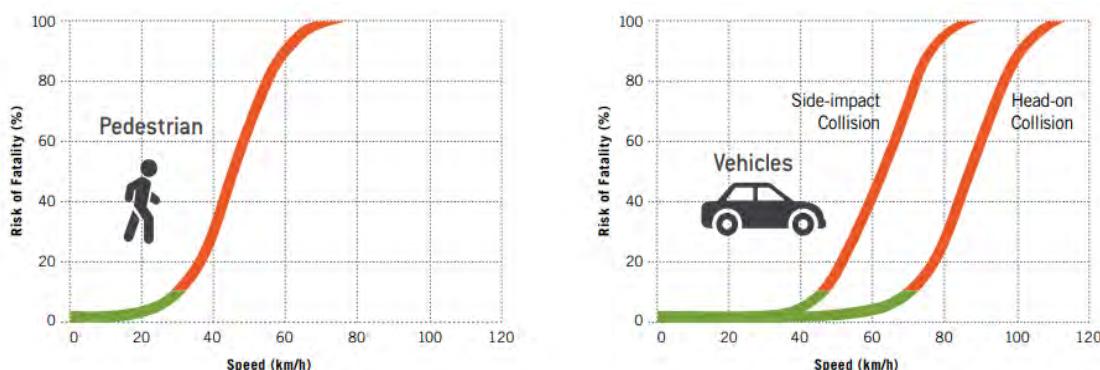


*Figure 5: The Link and Place Matrix*

#### Why 40km/h?

In 2003, the default urban speed limit was reduced from 60km/h to 50 km/h in South Australia. Data collection in 2003, found that the mean speeds on urban streets had fallen by 2.2km/h and casualty crashes had reduced by 20%.

Although this has improved safety for people in motor vehicles, it is still unsafe for cyclists and pedestrians and does not significantly improve community liveability. Based on current research, the speed environment should desirably be less than 35 km/h in order to reduce serious injuries between people and motor vehicles. The chances of a pedestrian or cyclist surviving a crash decreases rapidly above 30km/h as illustrated in Figure 3 below.



*Figure 6: Collision-force and risk of fatality, from Towards Zero Together*

A speed limit of 30km/h is gaining support in some areas. DPTI will consider the adoption of a 30km/h speed limit for high pedestrian activity centres where pedestrian volumes are very high and retail, dining entertainment recreation or tourism facilities generates frequent pedestrian movement across the road at numerous location along the road.

On a global scale, recent research has counted one hundred and sixty municipalities in fifteen European Countries that have now adopted 30km/h (or 20mph) as a more appropriate speed (<http://en.30kmh.eu/>). These include small to medium communities as well as large cities such as Paris and London.

### **What other Councils are doing in Metropolitan Adelaide**

40km/h speed limit areas are located in parts of the Cities of Charles Sturt, Mitcham, Port Adelaide Enfield and the City of Norwood Payneham & St Peters, are City-wide in the City of Unley and are planned to be City-wide in the City of Prospect. These areas are illustrated on the map in Figure 4 below (light green implemented prior to 2017 and dark green implemented post 2017).

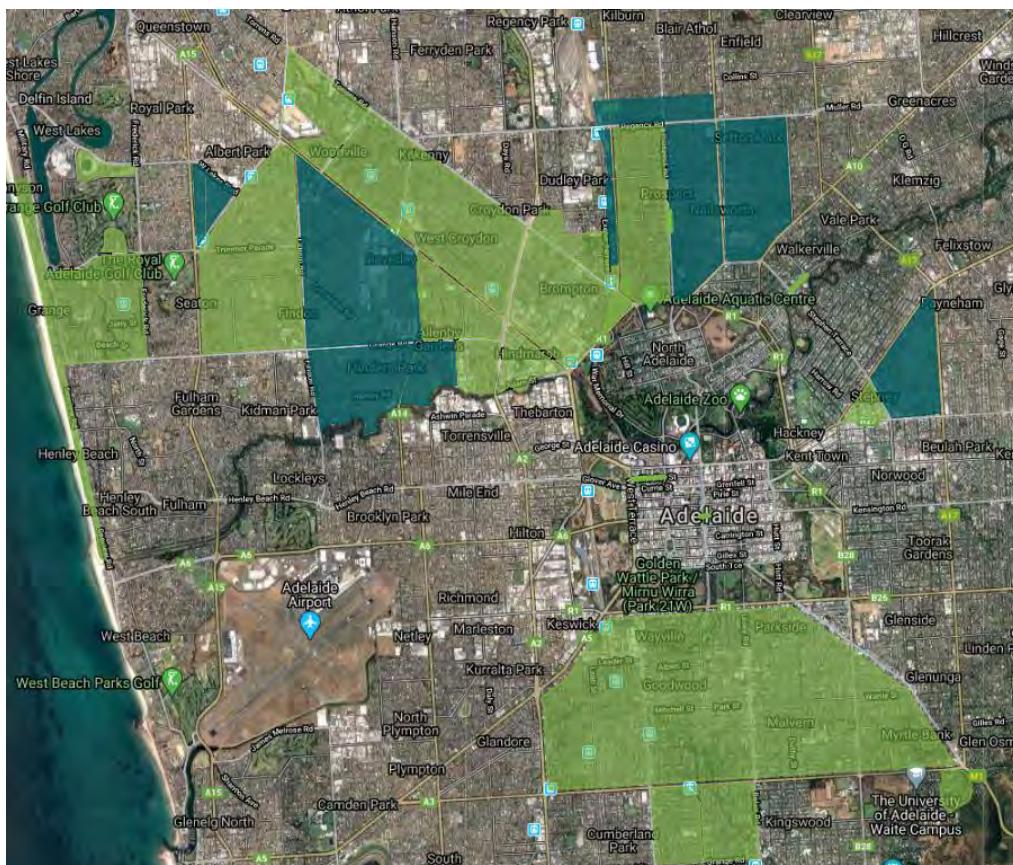


Figure 7: 40km/h Speed Limit Areas in Metropolitan Adelaide (source: City of Charles Sturt)

In addition to these areas, sections of roads with high pedestrian activity (such as The Parade) that have a 40km/h speed limit include; Prospect Road Prospect, Henley Beach Road Torrensville, Hindley Street Adelaide, King William Road Unley and Goodwood Road Unley.

#### Case Study: The City of Charles Sturt

The City of Charles Sturt installed 40km/h Area Speed Limits in 18 suburbs between 2012 and 2018 resulting in 50% of the local streets in Charles Sturt having a 40km/h Area Speed Limit for at least 12 months. The locations are shown in Figure 4 above.

In 2020, a technical analysis was undertaken to identify the changes to speed, volume and crashes before and after the 40 km/h implementation.

The analysis of all 146 locations identified that:

- the average vehicle speed decreased by 2.30 km/h (from 39.8 km/h to 37.5 km/h);
- the speed at or below which 85 percent of all vehicles travelled decreased by 4.27 km/h (from 48.0 km/h to 43.7 km/h); and
- week day (Mon-Fri) traffic volumes decreased by 7.4%.

The crash data analysis was not statistically significant due to the small number of crashes but nonetheless, the following changes were observed on Council roads:

- a 27.5% reduction in the number of casualty crashes (from 40 to 29 crashes); and
- a 10.6% increase in casualty crashes where the 50 km/h speed limit was maintained (from 85 to 94 crashes).

#### Case Study: The City of Unley

The City of Unley completed a City-wide 40 km/h speed limit area in 1998 after a trial that began in 1991. Excluding arterial roads and designated collector roads, the speed reduction was implemented together with a comprehensive community information campaign on the safety benefits (refer to Figure 5 below).

Studies in 2000 identified that speeds decreased by 6.2km/h in streets that previously recorded speeds greater than 40km/h and there was a minor decrease in traffic volumes. Crash analysis in 2003 identified a reduction of 17% in total crash numbers with road trauma being 15-20% lower than the projected levels if the 50km/h speed was retained.

The City-wide 40km/h implementation has been successful in terms of reducing vehicle speed and volumes as well as improving resident amenity.

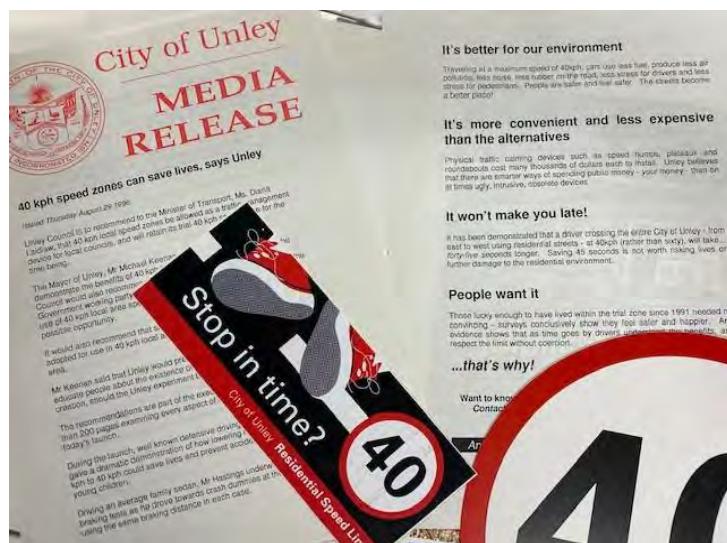


Figure 8: City of Unley community information kit

### Evaluation of 40km/h Speed Limit in Stepney, Maylands and Evandale

A 40km/h Area speed limit was introduced by the Council in the suburbs of Stepney, Maylands and Evandale in 2019.

Traffic data was collected at 85 sites within this area prior to implementation and the seven streets that recorded the highest traffic speeds at that time were selected again in 2020 for the purposes of comparing traffic speeds post-implementation of the 40km/h speed limit.

The before and after speeds for each street is shown in Figure 6 below and identified that:

- all seven streets resulted in mean speed reduction of between 1.4 km/h and 3.7km/h (refer Figure 9);
- six streets recorded a reduction in the 85<sup>th</sup> percentile speed (refer Figure 10); and
- traffic volumes had reduced in all seven streets, however, this is inconclusive due to the potential impacts of the Covid-19 pandemic (refer Figure 8).

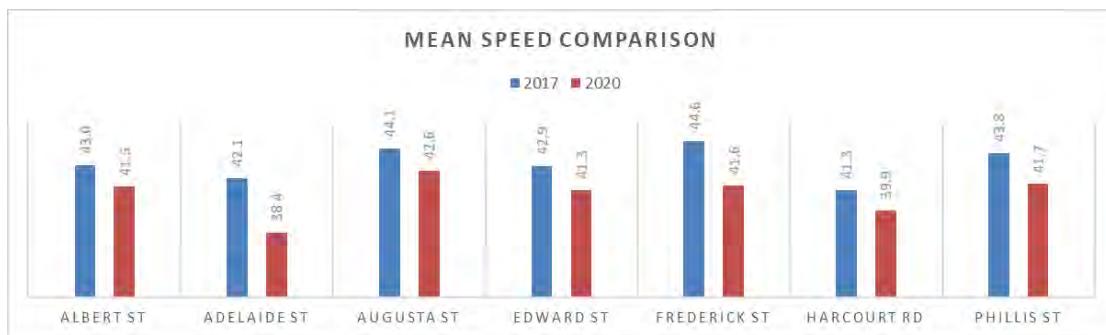


Figure 9: Evaluation of 40km/h Speed Limit in Stepney, Maylands and Evandale



Figure 10: Evaluation of 40km/h Speed Limit in Stepney, Maylands and Evandale

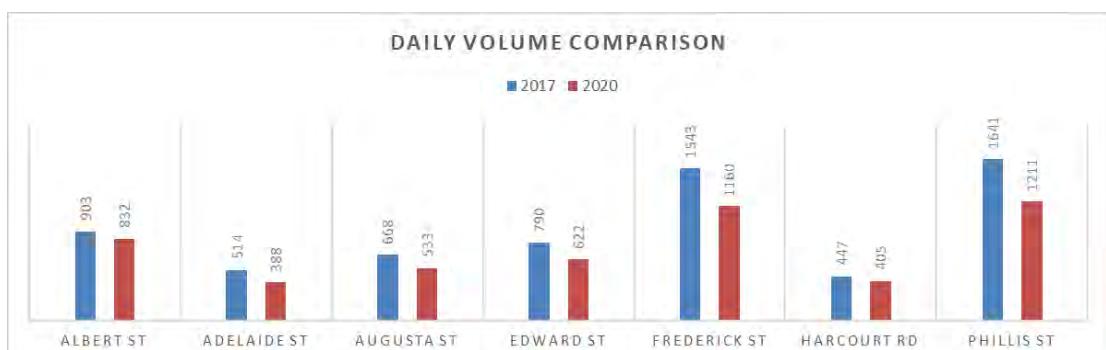


Figure 8: Evaluation of 40km/h Speed Limit in Stepney, Maylands and Evandale

### The Parade Masterplan

At its meeting held on 15 May 2019, the Council considered and endorsed the final Draft of The Parade Masterplan. The Masterplan included, among other things, a proposed speed reduction on The Parade as follows:

- 50 km/h speed limit from Fullarton Road to Osmond Terrace; and
- 40 km/h speed limit from Osmond Terrace to Portrush Road.

Whilst The Parade Masterplan was the basis for the proposed reduced speed limit, there is no reason why the speed limit reduction cannot be pursued independently of The Parade Masterplan implementation.

Community consultation and discussions with DPTI as part of The Parade Masterplan identified support for the reduced speed limits. However, DPTI advised that further investigation and justification is required prior to final approval.

### The City of Norwood Payneham & St Peters: A Road Safety Snapshot

#### Mean speed

Available traffic data for the City of Norwood Payneham & St Peters has been reviewed to ascertain which streets within the City currently have mean traffic speeds between 40 and 50km/h and which streets have mean speeds above 50km/h. Current data (5 years old or less) was not available for the entire City, so existing data back to 2005 has been used as a guide to developing an overall picture of street speeds (current data would be required for further investigation).

Figure 9 below illustrates the streets where the average speed was recorded above 40km/h (marked in yellow) and above 50km/h (orange), indicating that driving above the safe speed for conflict with vulnerable road users is a City-wide issue.

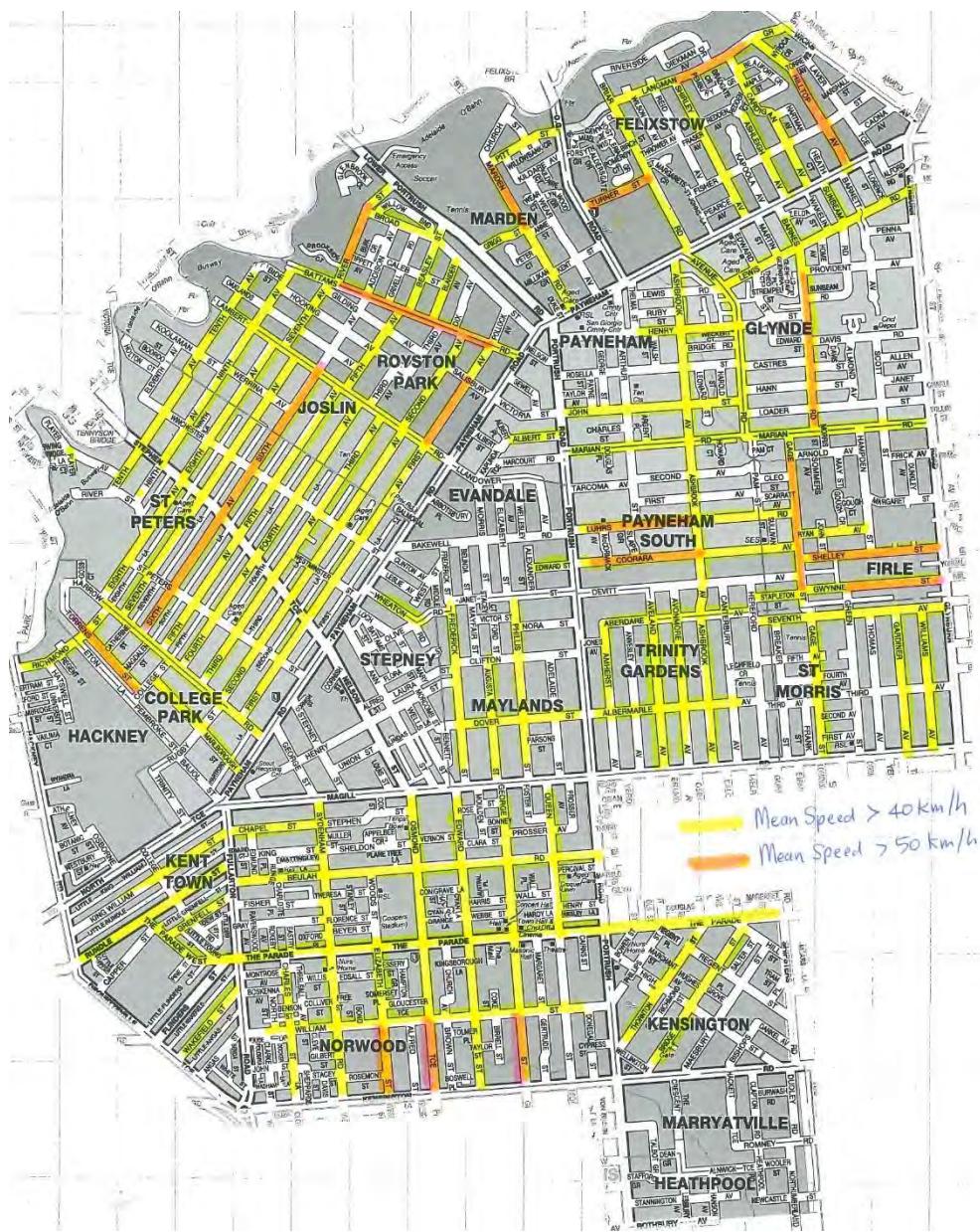


Figure 9: Streets with average speed above 40km/h (yellow) and 50km/h (orange)

## Crash Data: Vulnerable road users

Cyclist and pedestrian crash data was reviewed for the last five (5) years to understand the number and severity of crashes involving vulnerable road users within the City. Arterial roads (other than The Parade) were omitted from the review and these are listed below:

### *Pedestrians:*

- 10 crashes on local streets;
  - 15 crashes on The Parade (Fullarton Road to Portrush Road).

## *Cyclists*

- 94 crashes on local streets;
  - 41 crashes on The Parade, Norwood.

## Overview of Public Opinion and Community Understanding

### *City of Norwood Payneham & St Peters - City wide 40 km/h Speed Limit*

The introduction of a City-wide 40km/h speed limit was considered by the Council in 2015, however, it was not implemented due to lack of community support as detailed below:

- 23,929 survey forms were distributed to residents, property owners and business operators and 6,035 were returned to Council representing a response rate of 26%;
- 76% of respondents thought that the current 50km/h speed limit was about right; and
- Overall, survey respondents disagreed with the introduction of a city wide 40km/h speed limit regardless of whether traffic calming devices were required or not.

The survey was comprised of questions and did not provide any educational material or information about the pros and cons of a 40km/h speed limit and why' 40km/h was being considered.

### *City of Norwood Payneham & St Peters – The Parade Master Plan*

The Parade Master Plan which has been endorsed by the Council proposes the following speed limits be implemented along The Parade:

- 50 km/h from Fullarton Road to Osmond Terrace; and
- 40 km/h from Osmond Terrace to Portrush Road.

Community engagement of these changes received 62.6% and 52.8% support respectively for these speed limit changes. DPTI has supported the speed reduction in principle, but require additional investigations and justification prior to final approval.

### *The City of Charles Sturt Community Survey*

In 2020, the City of Charles Sturt commissioned an opt-in community survey to understand the level of support for the 40km/h speed limit that had been implemented on 50% of their streets.

The results varied demographically with those suburbs closest to the city being mostly in support of the 40km/h speed limit and those furthest away being mostly against. Overall, 55% of residents did not support the 40km/h speed limited areas.

The key reasons of those who were not in support included:

- changes in speed limit is confusing, ignored and/or inconvenient;
- it is just revenue raising;
- it increases road rage;
- too much time is added to their trips;
- does not improve amenity or safety for all road users; and
- does not reduce the chance of crashes.

Support was strongest among young families, females, older residents and active transport users. Most residents who were in support perceived driving behaviour to be an issue on their local street.

### *City of Unley*

The City of Unley was contacted to discuss the public opinion and community understanding of the City-wide 40km/h speed limit. Although there has not been any formal surveys undertaken by the Council, it is generally agreed that support for the scheme is strong and anecdotally, no-one has ever requested that the speed limit be increased in any street. In addition, it was noted that Council benefited from cost-savings as the City-wide speed limit reduced the need for alternative high-cost traffic management infrastructure.

### Stepney Maylands and Evandale – resident feedback

A formal community survey has not been undertaken in Stepney Maylands and Evandale post implementation of the 40km/h speed limit. Several residents have provided feedback by phoning Council with the following comments:

- the speed of traffic seems to be unchanged; and
- there are not enough signs and motorists do not realise they are within a 40km/h.

In addition, several residents from neighbouring suburbs have requested that 40km/h speed limits be installed in their streets.

### South Australian Government (DPTI)

The State Road Safety Strategy noted that there is strong support for 40km/h in high pedestrian activity areas but other measures receive less consistent support.

The Strategy recommends that consultation with the community is important, but must go hand-in-hand with the strengthening of public information about the impact of speed and speed limit on crashes and the benefits of lower speeds.

### Public objection – perceptions and facts

The Centre for Automotive Safety Research (CASR) undertook research into ways to increase public acceptance of speed reduction in '*Safer Speed: An Evaluation of Public Education Materials, 2013*'. Some key reasons for objections to speed reduction are listed below in Table 1. Appropriate responses to these perceptions are also listed.

**TABLE 1: Extract from '*Safer Speed: An Evaluation of Public Education Materials, 2013*'**

Reason for Objection to Speed Reduction	Response
Changes to speed limits cause confusion	City wide speed limited areas improve consistency more than on a street by street basis.
Just revenue raising	Speed limits are implemented for the safety of all road users. Fines are imposed by SAPOL who work independently to Council.
Speed reduction from 50 to 40km/h increases travel time	Given the short road lengths, Give-way & Stop Signs, roundabouts and dog-legs that exist in the residential street network, a 10km/h speed reduction is likely to increase the trip time by a matter of seconds
Increases road rage. Drivers can drive to the posted speed limit as opposed to driving to the speed environment	Arterial roads are designed as traffic corridors and residential streets are designed for access. The liveability of a street is adversely impacted by traffic speed, noise and safety issues and motorists should not feel they have a right to speed through these streets.  There are many factors that impact the speed environment of a street such as width, lack of pavement marking, side friction (parked cars, side streets etc) and the presence of pedestrians and cyclists.
The speed limits aren't seen as legitimate	Education campaigns will inform motorists of the safety benefits of speed reduction in residential streets.

## Updated Guidelines for Approval - Department for Planning Transport & Infrastructure (DPTI)

The DPTI publication, *Speed Limit Guidelines for South Australia* was updated in 2017, to provide Councils with more flexibility to change the speed limit in their suburban streets. A major change to the process is that DPTI will allow Councils to determine the need, if any, for community consultation. Although not a requirement for approval, DPTI suggest that where the speed limit change affects a large area, consultation may be in the form of a survey of a representative sample of that community. The only consultation requirement from DPTI is with adjoining Councils, DPTI (if it affects their roads) and SAPOL.

The Guideline advises that:

- in streets that already have a low mean vehicle speed, the 40km/h signs will reinforce this low speed environment; and
- in streets that have high vehicle speeds, the 40km/h signs on their own may not result in sufficient reduction of speed and physical control treatments may also be required.

DPTI requires the following information (at a minimum) to enable grant approval for 40km/h sign installation:

- resolution from Council;
- indication of support from local State Member of Parliament;
- consultation with neighbouring Councils, DPTI (if affecting DPTI roads), and SAPOL;
- an assessment of the Speed Limit proposal which includes speed data collection from a representative sample of relevant typical streets and proposed traffic calming devices in streets with higher speeds;
- a site plan showing proposed signs, parking controls, and traffic control/calming devices; and
- a traffic impact statement.

## OPTIONS

The investigations discussed in this report provide an overall review of the current status of the implementation of a 40km/h speed limit in South Australia. The Committee is now required to consider these findings and provide advice to the Council on the future direction of the proposal to introduce a 40km/h speed limit. Possible options for future direction are listed below.

In considering the following options, the first fundamental question that the Committee and Council needs to consider is whether there is in fact an unreasonable or unsustainable problem and safety issue arising from the current default 50km/h speed limit for residential streets across the City and the current default speed limits on The Parade, Norwood.

In this regard, the available data contained in this report does not of itself confirm that the Council is facing a significant safety issue beyond what could be reasonably be anticipated and predicted for an area, where the default speed limit for residential streets is 50km/h. However, the available crash data for vulnerable road users is of significant concern.

Given the above context and the fact that the introduction of a City-wide 40km/h speed limit was considered in 2015 but was not implemented due to lack of community support, the second fundamental question the Committee and Council needs to consider is whether a shift to a City-wide 40km/h default speed limit for residential streets should be pursued and if so, on what basis.

In considering the second question, the Committee should note that whilst any default speed limit reduction below 50km/h will achieve a commensurate reduction in traffic speeds and crashes, this needs to be carefully considered and balanced against community expectations and the need to maintain an effective and efficient transport network for motor vehicles as well as for more vulnerable user groups.

### Option 1

Do nothing. The Committee can advise the Council that, despite the known benefits of reducing speed limits in residential areas, as detailed in this report, the introduction of a City-wide 40km/h speed limit lacks of community support in light of the 2015 community survey results and that as a result of this, the status quo should remain.

This option is not recommended on the basis that the community survey is now five years old and therefore somewhat dated and because the survey was comprised of questions only and did not provide any educational material or information about the benefits of a 40km/h speed limit and why a 40km/h speed limit was being considered, nor highlight any of the shortcomings of such a proposal. In this context, it is considered that the results of a new community survey could produce significantly different results, if the community was provided with sufficient information on the pros and cons of a reduced speed limit, as part of the consultation process.

Doing nothing also does not reflect a 'best practice' traffic management approach. In addition, the current default 50 km/h speed limit within residential streets does not align with contemporary research which suggests that the speed environment urban areas should desirably be less than 35 km/h in order to reduce serious injuries between people and motor vehicles.

#### **This approach is not recommended.**

### Option 2

The Committee can recommend that the Council endorse staff to undertake further investigations for the implementation of a City-wide 40km/h speed limit to obtain approval from DPTI. Specific considerations would include:

- a City-wide approach would include a 40 km/h speed limit on all streets unless a street hierarchy was formalised to enable a speed of 50km/h to be maintained on Collector Streets;
- Kensington, Marryatville and Heathpool are not surrounded by arterial roads and therefore consideration of the boundaries would need specific attention with view to the possibility of extending the 40km/h speed limited areas into the City of Burnside.

This City-wide approach would require significant staff and financial resources to satisfy the requirements set out by DPTI for such a large area at one time. As such, **this approach is not recommended.**

### Option 3

The Committee can recommend to the Council that further investigations into the introduction of a City-wide 40kph speed limit be held in abeyance until the State Government finalises and releases the South Australian Road Safety Strategy 2031.

Given that the State Strategy recognises that safe travel speeds would ideally be less than 30km/h in areas where there is conflict with people walking and cycling, the updated Strategy may address the introduction of 30km/h instead of 40km/h in some streets. The Strategy may also take a state wide approach to reducing speeds in residential streets and obviate the need for initiation by Councils. If this was the case, there would be significant savings of financial and staff resources in the long term.

Pursuit of this option would put the project on-hold until the updated strategy is released. The Draft Strategy release date is not anticipated until 2021, however delays are commonly experienced with Strategies of this importance. Given the timing issues associated with the release of the Draft Strategy and the uncertainty regarding its recommendations in relation to further state-wide reduced speed limits in built up urban areas, **this approach is not recommended.**

#### Option 4

The introduction of a reduced speed limit for The Parade can be pursued separately and as a priority with DPTI, given that the proposal has been endorsed by the Council through its endorsement of The Parade Master Plan and given a reduced speed limit was supported by the community, via feedback received during the consultation process for The Parade Masterplan.

As such, the Committee can recommend that the Council pursue changed speed limits on The Parade, Norwood, namely, to introduce a 50 km/h speed limit from Fullarton Road to Osmond Terrace and a 40 km/h speed limit from Osmond Terrace to Portrush Road and that the additional investigations and justifications that are required by DPTI to implement these speed reductions be undertaken independently of The Parade Masterplan detailed design process and as a priority. That said, if this option is to be pursued, it would also be prudent to review The Parade more holistically before approaching DPTI, as a nuanced approach to default speed limits on The Parade may be warranted. For instance, speed limits adjacent The Norwood Oval on match days should be given more detailed consideration as part of any further investigations and justifications that are required by DPTI for changing speed limits on The Parade.

Once the reduced speed proposal for The Parade is fully developed, the proposal for nuanced speed limits on The Parade should be released for community consultation, prior to seeking formal approval from DPTI.

In addition, in light of the benefits of reducing speed limits in residential areas as detailed in this report, the Committee can recommend that the Council endorse a staged implementation of 40km/h speed limit Areas and investigations commence to obtain approval from DPTI.

A staged approach may be preferred to a City-wide approach to allow for budgeting and strategic monitoring and evaluation. It may result in quicker implementation in some areas due to the smaller scale of works.

Norwood and Kent Town are suggested as the first area in a staged approach. The area would be bound by Dequetteville Terrace, North Terrace, Magill Road, Portrush Road and Kensington Road, with the exception of Fullarton Road. Streets within this area that would require specific consideration of appropriate speed would be Rundle Street, The Parade West, Sydenham Road and Osmond Terrace.

Advantages of initially selecting Norwood and Kent Town are that:

- it could be undertaken simultaneously with seeking reduced speed limits for The Parade, Norwood;
- the area is adjacent to the Stepney, Maylands and Evandale triangle which is already speed limited at 40 km/h, and
- the street layout and dwelling density is conducive to meeting the requirements of DPTI for a 40 km/h area relatively easily.

Akin to The Parade, once the reduced speed proposal for Norwood and Kent Town is fully developed, the proposal should be released for community consultation.

In addition to the approach outlined above, at a strategic level, the Committee could recommend that Council endorse staff to advocate on behalf of the Council, for 40km/h speed limits in residential areas to be embedded into the draft South Australian Road Safety Strategy 2031.

The South Australian Road Safety Strategy 2031 is currently underway and Council staff are involved in the engagement process and preparation of the Draft Plan. The updated Strategy may include Actions that result in efficiencies and cost-saving for Council resulting in an overall better outcome.

The Council would advocate for:

- a 40km/h default speed limit on all residential streets as a state-wide approach to provide consistency across all Local Government Areas; and
- state-wide education and information campaigns to raise community awareness of the benefits and gain support for speed limit reduction.

**This approach is recommended.**

## CONCLUSION

The findings herein identify that:

- traffic speed across the Council's road network is higher than 40 km/h and therefore is not aligned with the Safe System Approach for conflict with pedestrians and cyclists;
- the implementation of 40km/h signs in appropriate streets results in widespread minor speed reduction, indicating that it is a successful and low-cost intervention that changes motorist behaviour and improves safety;
- speed reduction from 50 km/h to 40 km/h in high pedestrian areas (such as The Parade) is supported by the National and South Australian Governments to increase safety for all road users
- there has been 160 crashes involving vulnerable users (cyclists and pedestrians) within the Council's road network over the past five (5) years and a reduced speed limit to 40km/h represents an opportunity to significantly reduce the number of crashes over time;
- DPTI supports 40km/h speed-limited areas to help create a speed environment appropriate to residential streets and in precincts where existing speeds are not overly high;
- the DPTI guidelines for implementation have been updated to provide more flexibility for Local Government implementation of 40km/h speed limit areas and community consultation is not a requirement;
- community acceptance of 40km/h speed limits is not strong overall but this is likely to be attributed to a lack of understanding of the safety benefits to all road users and increased liveability to residents;
- community acceptance is likely to increase if widespread education and information is undertaken; and
- the State Government has commenced updating the Road Safety Strategy to 2031 with a draft planned for release in 2021.

Notwithstanding the clear benefits of reducing the default 50 km/h speed limit in residential streets across the City, the investigations need to be balanced with the fact that the available data contained in this report does not of itself confirm that the Council is facing a significant safety issue beyond what could be reasonably be anticipated and predicted for an area, where the default speed limit for residential streets is 50km/h. That said, there has been 160 crashes involving vulnerable road users (pedestrians and cyclists) over the past five (5) years and this high number can be reduced through the introduction of lower speed limits.

In weighing up the benefits and shortcomings of retaining the status quo or pursuing a reduction in the City-wide default speed limit to 40km/h in residential streets, it is concluded that there is a warrant for a reduction in speed limits in residential areas across the City on the basis that such a reduction aligns with a 'best practice' approach to traffic management, aligns with contemporary research which suggests that the speed environment urban areas should desirably be less than 35 km/h in order to reduce serious injuries between people and motor vehicles; will assist in reducing the number of crashes experienced by vulnerable road users and provides the community with a reasonable balance of providing a safe, yet sustainable and effective road transport network for all users.

However, implementing a 40 km/h speed limit across the entire city at one time is complex. A constraint or lack of support in one area may preclude implementation in all other areas. Given that reduced speed limits on The Parade are already endorsed by the Council and supported the community, the recommendation for a staged approach provides a pragmatic way forward that is likely to enable progress in the short term.

This approach is cognisant of allocating resources sustainably whilst also being agile to enable alignment with outputs from the upcoming South Australian Road Safety Strategy Update in the longer term.

## COMMENTS

Although community consultation is not a requirement of DPTI, it is a major consideration for the Council. Given that the community consultation undertaken in 2015 showed lack of support for the introduction of a 40km/h speed limit, a different approach would be required if it is to be repeated. A comprehensive education campaign on the benefits of reduced speed and the impacts of crashes above 30km/h would be beneficial to community understanding.

The investigations which have been undertaken as part of preparing this report support the reduced speed limits endorsed by Council as part of The Parade Masterplan which are 50 km/h from Fullarton Road to Osmond Terrace and 40 km/h from Osmond Terrace to Portrush Road. Although consistency of speed is identified as a preferred option, the proposal multiple speed limits along The Parade is appropriate for the environment of these street sections and meets the current requirements of DPTI.

## RECOMMENDATION

It is recommended that the Traffic Management and Road Safety Committee make the following recommendations to the Council:

1. That the Committee recommends to the Council that in light of the investigations detailed in this report, there is sufficient justification and warrant to consider the staged implementation of 40km/h speed limit areas in residential streets across the City and that the Council endorse staff to proceed with those staged investigations, with an initial focus on Norwood and Kent Town and that a further report be presented to the Council outlining the community consultation process to be undertaken, prior to seeking approval from DPTI.
2. That in respect to the *Draft\_The South Australian Road Safety Strategy 2020 - Towards Zero Together*, the Council advocates for:
  - a 40km/h default speed limit on all residential streets as a state-wide approach to provide consistency across all Local Government Areas; and
  - state-wide education and information campaigns to raise community awareness of the benefits and gain support for speed limit reduction.
3. That the Council notes that:
  - (a) The Parade Masterplan proposal to introduce a 50 km/h speed limit from Fullarton Road to Osmond Terrace and a 40 km/h speed limit from Osmond Terrace to Portrush Road will be pursued in conjunction with further investigations to introduce different speed limits on The Parade such as adjacent the Norwood Oval during match days; and
  - (b) recommends to the Council that the additional investigations and justifications that are required by DPTI to implement these speed reductions be undertaken independently of The Parade Masterplan detailed design process and, if appropriate, in conjunction with the investigations to implement 40km/h speed limit Areas; and
  - (c) that a further report presented to the Council outlining the community consultation process to be undertaken, prior to seeking approval from DPTI.

# **Attachment B**

## **Investigations of a Proposed City-Wide 40km/h Speed Limit for Residential Streets and The Parade**

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**City of  
Norwood  
Payneham  
& St Peters**

#### 4.1 INVESTIGATIONS INTO REDUCED SPEED LIMITS IN NORWOOD AND KENT TOWN

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**REPORT AUTHOR:** Manager, Traffic & Integrated Transport  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4542  
**FILE REFERENCE:** qA60176  
**ATTACHMENTS:** A - D

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#### PURPOSE OF REPORT

The purpose of this report is to:

- inform the Committee of the investigations which have been undertaken into the possible introduction of a 40km/h area speed limit in the suburbs of Norwood and Kent Town; and
- present the proposed consultation methodology.

The aim of the report is to provide the Committee with sufficient information to make informed recommendations to the Council regarding the proposed speed limit reductions in Norwood and Kent Town, including community consultation.

#### BACKGROUND

At the Traffic Management and Road Safety Committee (Committee) meeting held on 18 August 2020, the Committee endorsed the investigation of the staged implementation of a 40km/h area wide speed limit with an initial focus on Norwood and Kent Town.

It was also noted that:

- (a) The Parade Masterplan proposal to introduce a 50 km/h speed limit from Fullarton Road to Osmond Terrace and a 40 km/h speed limit from Osmond Terrace to Portrush Road, would be pursued in conjunction with further investigations to introduce different speed limits on The Parade such as adjacent the Norwood Oval during match days;
- (b) the Committee recommended to the Council, that the additional investigations and justifications that are required by the Department for Infrastructure and Transport (DIT) to implement these speed reductions, be undertaken independently of The Parade Masterplan detailed design process and, if appropriate, in conjunction with the investigations to implement 40km/h speed limit Areas; and
- (c) a further report would be presented to the Council outlining the community consultation process to be undertaken, prior to seeking approval from DIT.

The report that was endorsed by the Committee included discussion on the strategic context that underpins the lowering of speed limits, as well as information on the safety benefits, the status of areas with reduced speed limits in other Metropolitan Adelaide Councils and an overview of community understanding. This previous report is contained in **Attachment A**.

Subsequent to the Committee meeting held on 18 August 2020, Council staff met with DIT staff to discuss the implementation of the reduced speed limit on The Parade. DIT staff made it clear at this meeting that any proposal to reduce speed limits on The Parade would not be approved in isolation but would only be considered as part of a wider 40km/h area speed limit proposal.

#### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Reducing traffic speed in residential streets and The Parade has the potential to support and facilitate the Outcomes and Objectives of the Council's Strategic Management Plan, *City Plan 2030*, as listed below.

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

A connected, accessible and pedestrian-friendly community.

Objective 1: Convenient and accessible services, information and facilities.  
Objective 2: A people-friendly, integrated, sustainable and active transport network.  
Objective 3. An engaged and participating community.  
Objective 4. A strong, healthy, resilient and inclusive community.

#### **Outcome 2: *Cultural Vitality***

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

Objective 4. Pleasant, well designed, and sustainable urban environments  
Objective 5. Dynamic community life in public spaces and precincts.

#### **FINANCIAL AND BUDGET IMPLICATIONS**

The community consultation can be undertaken by staff. It is anticipated that the costs for printing and distribution would be in the order of \$3,500 to \$4,000.

If, following community consultation, the Council determines to proceed with the implementation of reduced speed limits in Norwood and Kent Town, additional costs will be incurred for the planning and installation of appropriate signage and community education.

#### **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

#### **SOCIAL ISSUES**

Community acceptance for lowered speed limits has increased in recent years as a result of several Councils rolling out 40km/h area speed limits. The City of Unley implemented 40km/h citywide in 1999 and the City of Prospect has recently endorsed a Citywide 40km/h speed limit for implementation in the coming months. Large Councils have adopted a staged approach, such as the City of Charles Sturt and the City of Port Adelaide Enfield.

The City of Norwood Payneham & St Peters implemented a 40km/h speed limit in Stepney, Maylands and Evandale in 2019 and since that time, Council staff have had numerous requests for 40km/h in other suburbs, including St Peters, Hackney, Felixstow, Glynde, Payneham, Trinity Gardens, Kensington and Marryatville.

Notwithstanding the above, it is likely that there will still be considerable debate, discussion (and possibly opposition) on this topic. It will be important to provide information and facts on the benefits of speed reduction as part of the consultation material.

#### **CULTURAL ISSUES**

Not Applicable.

#### **ENVIRONMENTAL ISSUES**

Not Applicable.

#### **RESOURCE ISSUES**

The work required to investigate a Citywide 40km/h speed limit requires the allocation of considerable resources and this may affect the delivery of other traffic management and transport related projects and issues.

#### **RISK MANAGEMENT**

Not Applicable.

## COVID-19 IMPLICATIONS

Not Applicable.

## CONSULTATION

- **Traffic Management & Road Safety Committee**

The Committee considered this matter at its meeting held on 18 August 2020.

- **Staff**

General Manager, Urban Planning & Environment  
Manager, Economic Development & Strategic Projects

- **Community**

The Parade Master Plan which has been endorsed by the Council proposes the following speed limits be implemented along The Parade:

- 50 km/h from Fullarton Road to Osmond Terrace; and
- 40 km/h from Osmond Terrace to Portrush Road.

Community engagement of these proposed speed limit changes via The Parade Masterplan project received 62.6% and 52.8% support respectively.

- **Other Agencies**

Department for Infrastructure and Transport (DIT):

- ongoing liaison as part of this project; and
- as part of The Parade Master Plan, DIT supported the speed reduction along The Parade in principle, but required additional investigations and justification prior to final approval.

City of Burnside

City of Adelaide

SAPOL

## DISCUSSION

### 1. The Subject Area

The area that has been investigated for the possible implementation of a 40km/h area wide speed limit (the subject area) is bound by Magill Road, Portrush Road, Kensington Road and Dequetteville Terrace, as depicted on the map contained in **Attachment B**.

The subject area lies adjacent to Stepney, Maylands and Evandale, which have been speed limited to 40km/h since 2019.

The Parade, Rundle Street and Flinders Street lie within the subject area and are owned and maintained by the Department for Infrastructure and Transport (DIT). These roads are discussed herein and liaison with DIT regarding the assessment of speeds on these roads is ongoing.

The Parade Master Plan project recommended that speed limits on The Parade be modified to:

- 50 km/h from Fullarton Road to Osmond Terrace (currently 60km/h); and
- 40 km/h from Osmond Terrace to Portrush Road (currently 50km/h).

Consultation with DIT and the community was undertaken as part of The Parade Master Plan project and the proposed speed limit changes for The Parade:

- received in-principle support from DIT; and
- received majority support from the community:

- 62.6% support for 50km/h from Fullarton Road to Osmond Terrace; and
- 52.8% support for 40km/h from Osmond Terrace to Portrush Road.

## 2. Department for Infrastructure and Transport (DIT) Guidelines

The investigations described in this report align with the requirements set out in the DIT publication, *Speed Limit Guideline for South Australia*. The list of requirements are listed in TABLE 1 below, along with the current progress of each item.

**TABLE 1: DIT REQUIREMENTS FOR APPROVAL**

Item	DIT Requirement	Current Progress
1	A clear boundary (generally bound by arterial roads, rivers, rail lines etc)	Completed, refer <b>Attachment B</b>
2	Resolution from Council	In progress, dependant on consultation outcomes
3	Indication of support from Local State Member of Parliament	In progress
4	Consultation with neighbouring Councils	Completed
5	Consultation with DIT	In progress
6	Consultation with SAPOL	Completed
7	Speed data collection from a representative sample of <i>relevant streets</i> * and a list of these streets.	Completed and contained in <b>Attachment D</b>
8	Proposed traffic calming devices on streets with higher speeds	Not required
9	A list of all streets less than 250m in length	Completed and contained in <b>Attachment D</b>
10	A site plan showing proposed signs, parking controls and traffic calming devices	To be undertaken if 40km/h endorsed by Council post-consultation
11	A Traffic Impact Statement	In progress

\* *Relevant streets* are any streets longer than 250m, including those with existing high-level physical speed control treatments. It excludes sections of an otherwise continuing street between devices such as stop signs, give way signs or roundabouts which are less than 250 metres. If the lengths between these devices are longer than 250m, they will be 'relevant streets'.

Community consultation is not a DIT requirement, but the Guideline suggests that where the speed limit change affects a large area, consultation may be in the form of a survey of a representative sample of that community.

## 3. Investigation Outcomes

The investigations have identified that all Council-owned streets meet the DIT requirements for a 40km/h area wide speed limit without the need for additional traffic calming devices. This was identified from collecting traffic data and determining that the arithmetic mean speed of the relevant streets was less than 50km/h as per the DIT requirements (refer to item 7 in TABLE 1 above).

The function and land use of each street and the interface between the Council roads and DIT roads, was assessed to ensure that the speed limit reduction was appropriate and consistent for each street. In addition, the main streets that continue into the City of Burnside and the City of Adelaide were assessed for consistency. This assessment identified that it would be appropriate for the speeds on The Parade West and Osmond Terrace to be excluded from the 40km/h and be maintained at 50km/h as described below.

### *The Parade West*

The Parade West is a major link between the DIT roads of Rundle Street (50km/h), Flinders Street (60km/h), Fullarton Road (60km/h) and The Parade (future proposed 50km/h). DIT are unlikely to reduce the speed of these roads to 40km/h and the predominant land uses are of a commercial and institutional nature. In addition, Prince Alfred College has constructed an overpass on The Parade West to serve students crossing the road between the School's Boarding House and main campus. On this basis, it is considered appropriate to maintain the existing speed limit of 50km/h along The Parade West.

### Osmond Terrace

Osmond Terrace is a major north-south link between Nelson Street, Stepney (DIT road with a speed of 60km/h) and Prescott Terrace (the City of Burnside with a speed of 50km/h). Liaison with DIT and the City of Burnside identified that there are no plans to reduce the speed limits of these roads. Therefore, for motorist consistency it is considered appropriate to maintain the existing speed of 50km/h along Osmond Terrace.

The proposed speed limits are illustrated in the map contained in **Attachment C**.

#### 4. Proposed Consultation Methodology

It is proposed that the consultation methodology for the introduction of reduced speed limits in Norwood and Kent Town would include:

- a postcard (DL size) letter box dropped into every residence and business in the area (estimated to be 5,100 postcards);
- 'Have Your Say' comments via a questionnaire on-line (via Council's website) or posted on request.
- news item on Council's website; and
- core flue signs at various locations to raise awareness of the 'Have Your Say' opportunity to the community outside of the targeted area.

The messaging and design of the postcard would be prepared by the Council's Communications staff and would include content similar to the following:

*The City of Norwood Payneham & St Peters is proposing to introduce a 40km/h area-wide speed limit in the residential streets of Norwood and Kent Town (except Osmond Terrace and The Parade West) to improve road safety and neighbourhood liveability.*

*The map below (to be designed) illustrates the streets that would be reduced from 50km/h to 40km/h.*

*Why?*

#### *Residential streets*

*Residential streets are designed to provide access to and from properties – they're not meant for speeding and short-cuts. The short street lengths in Norwood and Kent Town mean that the reduced speed would not increase travel time but streets would be safer and more liveable.*

*Research shows that if motorists drive moderately:*

- Streets are safer
- Streets are quieter
- It's more enjoyable to walk and ride a bike
- There are less CO<sub>2</sub> emissions, and
- Traffic flow is smoother.

*You are invited to 'Have Your Say' about this proposal. You can complete a survey online by either scanning the QR code below or copying this link '<http://link to be inserted>'. Alternatively, you can pick up a survey form at the Norwood Town Hall or telephone us to request a survey form and a prepaid envelope to be posted to you.*

It is proposed that the survey questions would include:

- Do you support a 40km/h speed limit on Council roads in Norwood and Kent Town as shown on the map? Note that this excludes Osmond Terrace and The Parade West which would both remain at 50km/h. **Yes/No/Unsure**
- Do you live and/or work in Norwood or Kent Town?
- Space for Comment

## 5. Ongoing liaison with DIT

A meeting between Council staff and DIT was held on 9 February 2021, to discuss the implementation of reduced speeds in Norwood and Kent Town with the following outcomes:

- DIT provided approval for the Council to commence community consultation for a 40km/h speed limit on the residential streets in Norwood and Kent Town (excluding Osmond Terrace and The Parade West).
- DIT agreed that consultation for reduced speed limits on The Parade is not required because it was undertaken as part of The Parade Master Plan project, receiving majority support.
- DIT are currently considering the introduction of reduced speed limits along The Parade as per The Parade Master Plan, but recommended that this be undertaken separately from the area-wide 40km/h speed limit and instead it would be assessed as a 'road corridor speed reduction'.
- The installation of variable message signs on The Parade are supported by DIT to enable 25km/h speed limit during large events at the Norwood Oval.
- DIT may consider a reduced speed of 50km/h along Flinders Street in the future but this is to be excluded as part of this investigation.

## OPTIONS

The investigations and proposed outcomes discussed in this report have identified that:

- The residential streets in Norwood and Kent Town meet the DIT Guideline for a 40km/h area wide speed limit and DIT have given approval to commence consultation. The 40km/h area speed limit would not apply to The Parade West and Osmond Terrace due to their role in the road network.
- The speed limits proposed for The Parade (aligning with The Parade Master Plan) are formally being considered by DIT and discussions to expedite this process are ongoing. Community consultation is not required for reduced speed limits on The Parade because this was undertaken with majority support, as part of The Parade Master Plan.

The Committee is now required to consider the proposal described in this report for reducing traffic speed limits in Norwood and Kent Town and provide advice to the Council on the next steps.

Possible options for the next steps are listed below.

### Option 1

Do nothing. The Committee can advise the Council that despite the outcomes of the investigation, the reduced speed limits in Norwood and Kent Town as contained in **Attachment C** should not be implemented.

**This approach is not recommended as the proposed reduction of speed limits has merit.**

### Option 2

The Committee can advise the Council to place the introduction of a 40km/h area speed limit in Norwood and Kent Town on-hold until a decision is made by DIT to simultaneously introduce reduced speed limits on The Parade.

**This approach is not recommended.**

### Option 3

The Committee can advise the Council to proceed to undertake community consultation on the proposal to impose a 40km/h area speed limit on residential streets in Norwood and Kent Town (except for The Parade West and Osmond Terrace), as contained in **Attachment C**.

**This approach is recommended.**

## CONCLUSION

It is recommended that the Committee recommend to the Council that there is justification to pursue the implementation of reduced speed limits in residential streets in Norwood and Kent Town, for the reasons outlined in this report and the previous report presented to the Committee on 18 August 2020, and that the Council proceed to undertake community consultation on the proposal to impose a 40km/h area speed limit on residential streets in Norwood and Kent Town (except for The Parade West and Osmond Terrace), as contained in **Attachment C**.

## COMMENTS

Council staff will continue to liaise with DIT to introduce reduced speed limits on The Parade to coincide with the timing of the implementation of a 40km/h speed limit in the residential streets of Norwood and Kent Town, if the Council endorses the Committee's recommendations.

## RECOMMENDATION

That the Traffic Management and Road Safety Committee make the following recommendations to the Council:

1. That the Council receives and notes the outcomes of the investigations which have been undertaken by staff, as outlined in this report and the report presented to and considered by the Traffic Management & Road Safety Committee on 18 August 2020, regarding the proposal to reduce speed limits in residential streets in Norwood and Kent Town.
2. That the proposal to reduce speed limits in residential streets in Norwood and Kent Town meets all requirements set out in the Department for Infrastructure and Transport publication, *Speed Limit Guideline for South Australia*.
3. That, having regard to the outcomes of the staff investigations and the requirements of the Department for Infrastructure & Transport publication, *Speed Limit Guideline for South Australia*, the Council proceed to undertake community consultation on the proposal to introduce a 40km/h area wide speed limits in Norwood and Kent Town, as detailed in Attachment C to this report.
4. That the Council notes that:
  - (a) a further report will be presented to the Council detailing the outcomes of the community consultation;
  - (b) ongoing liaison will be undertaken with the Department for Infrastructure & Transport regarding to reducing speed limits on The Parade, as set out in the endorsed Thee Parade Master Plan project; and
  - (c) the proposal for reduced speeds on The Parade includes variable message signs that would enable a speed limit of 25km/h during large events at the Norwood Oval.

## Attachment A

### Investigations into Reduced Speed Limits in Norwood and Kent Town

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City of  
Norwood  
Payneham  
& St Peters

## 5.1 INVESTIGATION OF THE INTRODUCTION OF A CITY WIDE 40KM/H SPEED LIMIT FOR RESIDENTIAL STREETS AND THE PARADE – STAGE 1 INVESTIGATIONS

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### PURPOSE OF REPORT

The purpose of this report is to present to the Committee, Stage 1 of the investigations into the introduction of a City-wide 40km/h speed limit for residential streets and The Parade, Norwood.

The outcomes of these investigations aim to provide the Committee with sufficient information to make an informed recommendation to the Council on the future direction of the proposal.

### BACKGROUND

At the Traffic Management and Road Safety Committee meeting held on 16 June 2020, the Committee endorsed that Stage 1 of the investigations into the introduction of a City-wide 40km/h speed limit comprising a literature review, be undertaken.

The Stage 1 investigations set out in this report include:

- Strategic Context;
- Why 40km/h?
- What other Councils are doing in Metropolitan Adelaide, Case Studies;
- Evaluation of the 40km/h Area Speed Limit in Maylands, Evandale and Stepney;
- NPSP: A Road Safety Snapshot;
- Overview of public opinion and community understanding; and
- Updated DPTI guidelines for approval.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Reducing traffic speed in residential streets and The Parade has the potential to support and facilitate the Outcomes and Objectives of the Council's Strategic Management Plan, City Plan 2030, *Shaping Our Future* listed below.

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

A connected, accessible and pedestrian-friendly community.

Objective 1: Convenient and accessible services, information and facilities.

Objective 2: A people-friendly, integrated, sustainable and active transport network.

Objective 3: An engaged and participating community.

Objective 4: A strong, healthy, resilient and inclusive community.

#### ***Outcome 2: Cultural Vitality***

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

Objective 4: Pleasant, well designed, and sustainable urban environments

Objective 5: Dynamic community life in public spaces and precincts.

### FINANCIAL AND BUDGET IMPLICATIONS

It is difficult to estimate the anticipated costs because there are several unknown factors at this time. The extent of traffic data collection, community consultation and infrastructure required could only be identified after further investigations have commenced.

## **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

## **SOCIAL ISSUES**

The implementation of lower speed limits will always be the source of much debate and discussion. As such, any investigations of such a proposal must balance the pros and cons of lowered speed limits and carefully consider community expectations.

## **CULTURAL ISSUES**

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

The work required to investigate a city wide 40km/h speed limit requires considerable resources from the Council and this may affect the delivery of other traffic management and transport related projects and issues.

## **RISK MANAGEMENT**

Not Applicable.

## **COVID-19 IMPLICATIONS**

Not Applicable.

## **CONSULTATION**

- Committee**

The Committee considered this matter at its meeting held on 16 June 2020.

- Community**

Community consultation was undertaken as part of The Parade Masterplan project. The results of the community consultation revealed that the community was supportive of reduced speed limits on The Parade.

A community survey for a City-wide 40km/h speed limit was undertaken in 2015 and the proposal did not receive support.

DPTI does not require that the Council undertake community consultation to implement 40km/h areas but recommend that where the speed limit change affects a large area, consultation be undertaken in the form of a survey of a representative sample of the community, together with an education campaign on the benefits of reduced speed.

- Staff**

General Manager, Urban Planning & Environment

- Other Agencies**

As part of undertaking the investigations of the proposal, information has been sought from DPTI, SAPOL, the Cities of Campbelltown, Burnside and Adelaide and the Town of Walkerville.

## DISCUSSION

### Strategic Context

#### The Safe System Approach

Lowering urban speed limits is a direct outcome of The Safe System approach which was adopted in Australia in 2011. Originating in Sweden in the 1980's, it became the landmark Organisation for Economic Co-operation and Development (OECD) report, 'Towards Zero' (2008), which has since been adopted in many countries world-wide.

The guiding principles to the Safe System approach are that:

1. *People make mistakes. Humans will continue to make mistakes and the transport system must accommodate these. The transport system should not result in death or serious injury as a consequence of errors on the roads.*
2. *Human physical frailty. There are known physical limits to the amount of force our bodies can take before we are injured.*
3. *A 'forgiving' road transport system. A Safe System ensures that the forces in collisions do not exceed the limits of human tolerance. Speeds must be managed so that humans are not exposed to impact forces beyond their physical tolerance. System designers and operators need to take into account the limits of the human body in designing and maintaining roads, vehicles and speeds.*

The Safe System Approach has four main pillars that are **Safe Roads**, **Safe Speeds**, **Safe Vehicles** and **Safe People** as shown in Figure 4 below. The relevant pillar that relates to Local Government and this investigation is **Safe Speeds**.



Figure 4: The Safe System Approach

#### The National Road Safety Strategy 2011-2020

The *National Road Safety Strategy* is the overarching document which provides the national framework for road safety and has been committed to by all State and Territory Governments.

The Strategy states that speed limits across the network should be aligned with the Safe System Approach stating that 'road users who are not protected by a vehicle are extremely vulnerable in collisions and the risk of death or serious injury increases markedly over 30km/h'.

Priority Action No. 6 of the National Strategy states:

- *Implement 40km/h (or lower) speed limits in high pedestrian and cyclists use zones;*
- *Investigate 30km/h (or lower) speed limits in high-risk pedestrian and cycling areas; and*
- *Investigate and implement low-cost infrastructure options to reflect a lower speed environment, when applying speed reductions as a road safety treatment.*

#### The South Australian Road Safety Strategy 2020 - Towards Zero Together

The State Road Safety Strategy 2020 also embeds the Safe System Approach. The key outcomes for safer speeds identified include:

- *Increasing speed limit consistency;*
- *Increasing community awareness of the impact of speed; and*
- *Increasing compliance through better technology and increased penalties.*

*The State Strategy recognises that safe travel speeds would ideally be less than 30km/h in areas where conflict with people walking and cycling is possible, less than 50km/h where side impacts are possible and less than 70km/h on roads where head-on collisions are possible.*

The South Australian Road Safety Strategy – Toward Zero Together is currently being updated to 2031.

This provides an opportunity for the introduction of a State-wide approach to safer speeds, resulting in a greater level of consistency across all Local Government Areas. In light of the improved safety and residential amenity as an outcome of lower traffic speeds, it would be prudent for the Council to advocate for 40 km/h, as the default speed on appropriate local roads as part the Government's South Australian Road Safety Strategy 2031.

#### Department for Planning Transport & Infrastructure (DPTI)

The DPTI publication, *Speed Limit Guidelines for South Australia*, DPTI provides a State-wide point of reference for applying speed limits and supports 40km/h speed limits in streets with **high pedestrian activity**.

The *Functional Hierarchy for South Australia's Land Transport Network* defines The Parade between Fullarton Road and Portrush Road as a Priority Pedestrian Area, Major Cycling Route and Public Transport Corridor. As such, The Parade, Norwood aligns with the Guidelines to be a 40km/h speed limited road. Given that The Parade between Fullarton Road and Portrush Road is maintained by DPTI, the Council is required to work in partnership with DPTI in the assessment, consultation and implementation process of a 40km/h speed limit.

In addition to high pedestrian activity areas, DPTI advise that a 40km/h speed-limit area **may** be introduced to help create a speed environment appropriate to local streets. DPTI suggests that the speed limit of 40 km/h is generally appropriate in precincts where existing speeds are not overly high. These may be areas where higher speed streets have been treated with local area traffic management devices, or where speeds are naturally low because of existing road and traffic characteristics.

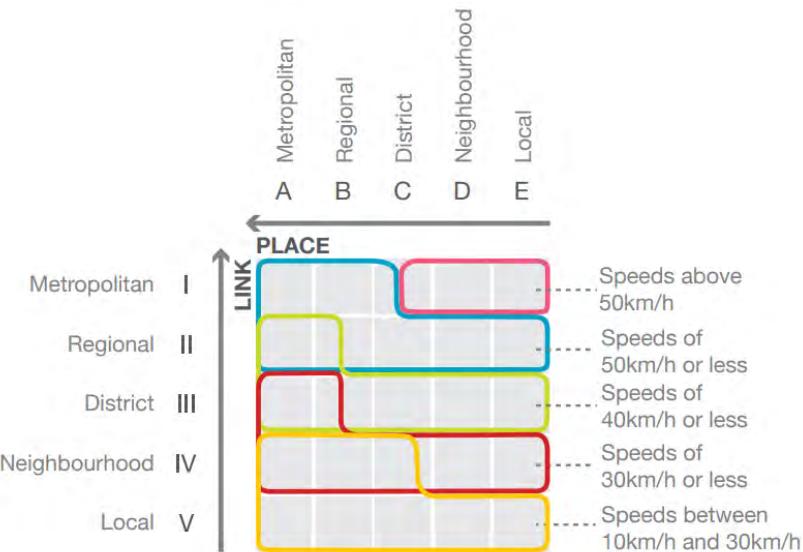
Review and analysis by DPTI indicates that a 10km/h reduction in speed limit will, on average, result in a 3-4km/h change in mean speeds.

#### Streets for People: Compendium for South Australian Practice

The *Streets for People Compendium* was produced by the State Government and the Heart Foundation in 2012, to provide an overview of best practice street design.

The Compendium uses the Link and Place approach to determine appropriate speeds for streets. The Link and Place approach is generally used throughout Australia instead of the traditional road hierarchy model. It recognises that streets have a Link category (a movement corridor), but also have a Place category (a destination in its own right). The Link & Place matrix provides a two-dimensional street classification into which every kind of street can be located.

Figure 5 below illustrates the Link and Place matrix and shows the recommended speed for each street depending on where it would fall within the matrix. For instance, Portrush Road would be a Metropolitan Link and a Neighbourhood/Local Place, resulting in recommended speed above 50km/h. The Parade is a District Link and a District Place whereby 40km/h or less is recommended. All Council roads would fall into the categories of Local, Neighbourhood or District Links and Places, resulting in recommended speeds of between 10 and 30km/h.

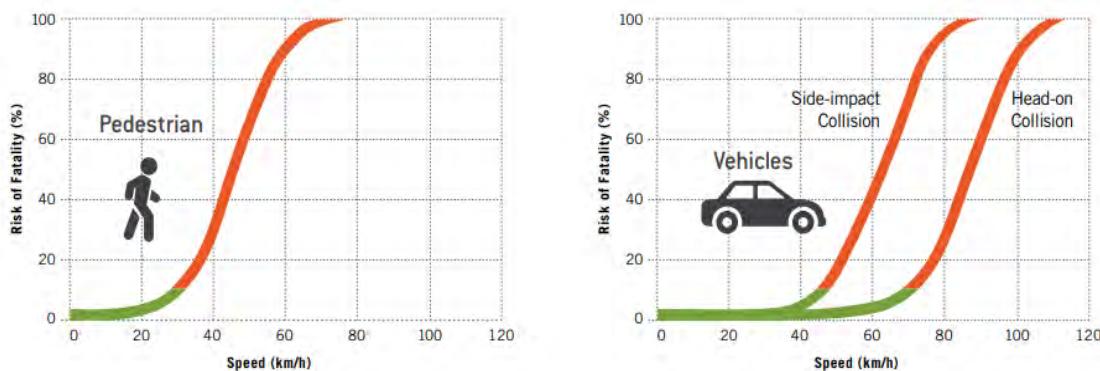


*Figure 5: The Link and Place Matrix*

#### Why 40km/h?

In 2003, the default urban speed limit was reduced from 60km/h to 50 km/h in South Australia. Data collection in 2003, found that the mean speeds on urban streets had fallen by 2.2km/h and casualty crashes had reduced by 20%.

Although this has improved safety for people in motor vehicles, it is still unsafe for cyclists and pedestrians and does not significantly improve community liveability. Based on current research, the speed environment should desirably be less than 35 km/h in order to reduce serious injuries between people and motor vehicles. The chances of a pedestrian or cyclist surviving a crash decreases rapidly above 30km/h as illustrated in Figure 3 below.



*Figure 6: Collision-force and risk of fatality, from Towards Zero Together*

A speed limit of 30km/h is gaining support in some areas. DPTI will consider the adoption of a 30km/h speed limit for high pedestrian activity centres where pedestrian volumes are very high and retail, dining entertainment recreation or tourism facilities generates frequent pedestrian movement across the road at numerous location along the road.

On a global scale, recent research has counted one hundred and sixty municipalities in fifteen European Countries that have now adopted 30km/h (or 20mph) as a more appropriate speed (<http://en.30kmh.eu/>). These include small to medium communities as well as large cities such as Paris and London.

### **What other Councils are doing in Metropolitan Adelaide**

40km/h speed limit areas are located in parts of the Cities of Charles Sturt, Mitcham, Port Adelaide Enfield and the City of Norwood Payneham & St Peters, are City-wide in the City of Unley and are planned to be City-wide in the City of Prospect. These areas are illustrated on the map in Figure 4 below (light green implemented prior to 2017 and dark green implemented post 2017).

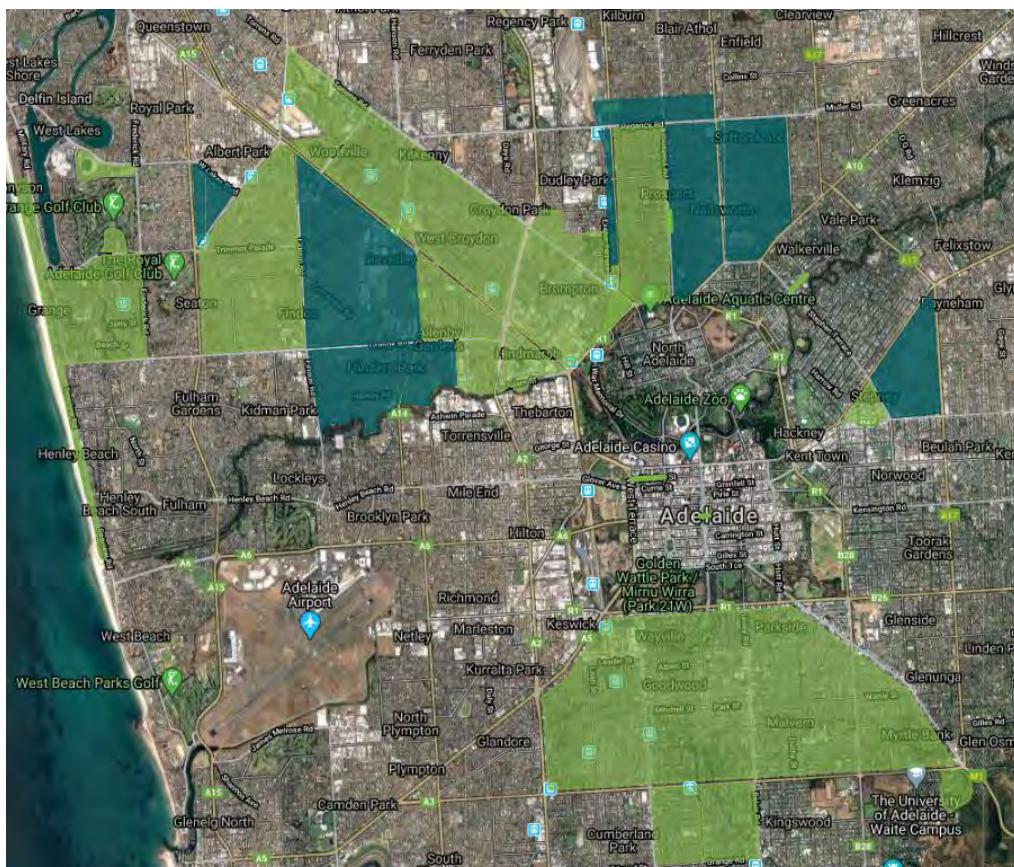


Figure 7: 40km/h Speed Limit Areas in Metropolitan Adelaide (source: City of Charles Sturt)

In addition to these areas, sections of roads with high pedestrian activity (such as The Parade) that have a 40km/h speed limit include; Prospect Road Prospect, Henley Beach Road Torrensville, Hindley Street Adelaide, King William Road Unley and Goodwood Road Unley.

#### Case Study: The City of Charles Sturt

The City of Charles Sturt installed 40km/h Area Speed Limits in 18 suburbs between 2012 and 2018 resulting in 50% of the local streets in Charles Sturt having a 40km/h Area Speed Limit for at least 12 months. The locations are shown in Figure 4 above.

In 2020, a technical analysis was undertaken to identify the changes to speed, volume and crashes before and after the 40 km/h implementation.

The analysis of all 146 locations identified that:

- the average vehicle speed decreased by 2.30 km/h (from 39.8 km/h to 37.5 km/h);
- the speed at or below which 85 percent of all vehicles travelled decreased by 4.27 km/h (from 48.0 km/h to 43.7 km/h); and
- week day (Mon-Fri) traffic volumes decreased by 7.4%.

The crash data analysis was not statistically significant due to the small number of crashes but nonetheless, the following changes were observed on Council roads:

- a 27.5% reduction in the number of casualty crashes (from 40 to 29 crashes); and
- a 10.6% increase in casualty crashes where the 50 km/h speed limit was maintained (from 85 to 94 crashes).

#### Case Study: The City of Unley

The City of Unley completed a City-wide 40 km/h speed limit area in 1998 after a trial that began in 1991. Excluding arterial roads and designated collector roads, the speed reduction was implemented together with a comprehensive community information campaign on the safety benefits (refer to Figure 5 below).

Studies in 2000 identified that speeds decreased by 6.2km/h in streets that previously recorded speeds greater than 40km/h and there was a minor decrease in traffic volumes. Crash analysis in 2003 identified a reduction of 17% in total crash numbers with road trauma being 15-20% lower than the projected levels if the 50km/h speed was retained.

The City-wide 40km/h implementation has been successful in terms of reducing vehicle speed and volumes as well as improving resident amenity.

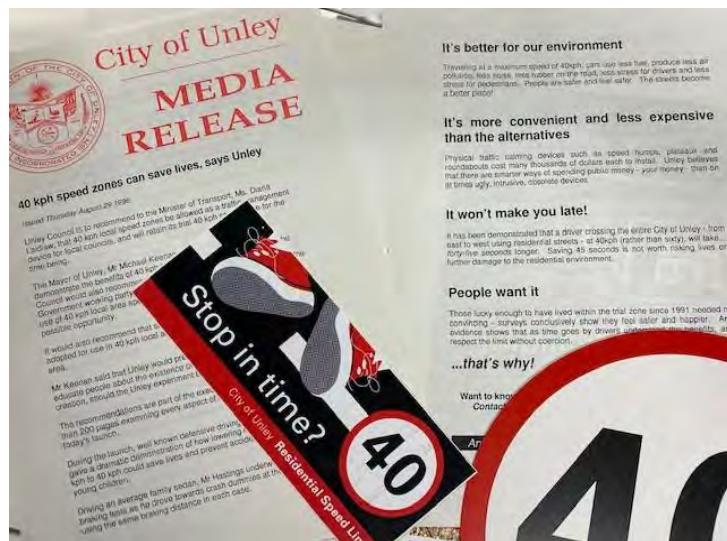


Figure 8: City of Unley community information kit

### Evaluation of 40km/h Speed Limit in Stepney, Maylands and Evandale

A 40km/h Area speed limit was introduced by the Council in the suburbs of Stepney, Maylands and Evandale in 2019.

Traffic data was collected at 85 sites within this area prior to implementation and the seven streets that recorded the highest traffic speeds at that time were selected again in 2020 for the purposes of comparing traffic speeds post-implementation of the 40km/h speed limit.

The before and after speeds for each street is shown in Figure 6 below and identified that:

- all seven streets resulted in mean speed reduction of between 1.4 km/h and 3.7km/h (refer Figure 9);
- six streets recorded a reduction in the 85<sup>th</sup> percentile speed (refer Figure 10); and
- traffic volumes had reduced in all seven streets, however, this is inconclusive due to the potential impacts of the Covid-19 pandemic (refer Figure 8).



Figure 9: Evaluation of 40km/h Speed Limit in Stepney, Maylands and Evandale



Figure 10: Evaluation of 40km/h Speed Limit in Stepney, Maylands and Evandale

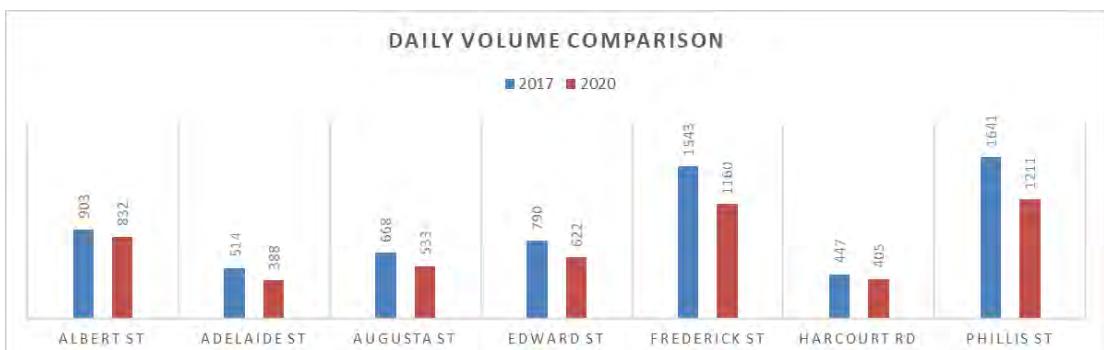


Figure 8: Evaluation of 40km/h Speed Limit in Stepney, Maylands and Evandale

## The Parade Masterplan

At its meeting held on 15 May 2019, the Council considered and endorsed the final Draft of The Parade Masterplan. The Masterplan included, among other things, a proposed speed reduction on The Parade as follows:

- 50 km/h speed limit from Fullarton Road to Osmond Terrace; and
- 40 km/h speed limit from Osmond Terrace to Portrush Road.

Whilst The Parade Masterplan was the basis for the proposed reduced speed limit, there is no reason why the speed limit reduction cannot be pursued independently of The Parade Masterplan implementation.

Community consultation and discussions with DPTI as part of The Parade Masterplan identified support for the reduced speed limits. However, DPTI advised that further investigation and justification is required prior to final approval.

## The City of Norwood Payneham & St Peters: A Road Safety Snapshot

### Mean speed

Available traffic data for the City of Norwood Payneham & St Peters has been reviewed to ascertain which streets within the City currently have mean traffic speeds between 40 and 50km/h and which streets have mean speeds above 50km/h. Current data (5 years old or less) was not available for the entire City, so existing data back to 2005 has been used as a guide to developing an overall picture of street speeds (current data would be required for further investigation).

Figure 9 below illustrates the streets where the average speed was recorded above 40km/h (marked in yellow) and above 50km/h (orange), indicating that driving above the safe speed for conflict with vulnerable road users is a City-wide issue.



Figure 9: Streets with average speed above 40km/h (yellow) and 50km/h (orange)

## Crash Data: Vulnerable road users

Cyclist and pedestrian crash data was reviewed for the last five (5) years to understand the number and severity of crashes involving vulnerable road users within the City. Arterial roads (other than The Parade) were omitted from the review and these are listed below:

### *Pedestrians:*

- 10 crashes on local streets;
  - 15 crashes on The Parade (Fullarton Road to Portrush Road).

## *Cyclists*

- 94 crashes on local streets;
  - 41 crashes on The Parade, Norwood.

## Overview of Public Opinion and Community Understanding

### *City of Norwood Payneham & St Peters - City wide 40 km/h Speed Limit*

The introduction of a City-wide 40km/h speed limit was considered by the Council in 2015, however, it was not implemented due to lack of community support as detailed below:

- 23,929 survey forms were distributed to residents, property owners and business operators and 6,035 were returned to Council representing a response rate of 26%;
- 76% of respondents thought that the current 50km/h speed limit was about right; and
- Overall, survey respondents disagreed with the introduction of a city wide 40km/h speed limit regardless of whether traffic calming devices were required or not.

The survey was comprised of questions and did not provide any educational material or information about the pros and cons of a 40km/h speed limit and why' 40km/h was being considered.

### *City of Norwood Payneham & St Peters – The Parade Master Plan*

The Parade Master Plan which has been endorsed by the Council proposes the following speed limits be implemented along The Parade:

- 50 km/h from Fullarton Road to Osmond Terrace; and
- 40 km/h from Osmond Terrace to Portrush Road.

Community engagement of these changes received 62.6% and 52.8% support respectively for these speed limit changes. DPTI has supported the speed reduction in principle, but require additional investigations and justification prior to final approval.

### *The City of Charles Sturt Community Survey*

In 2020, the City of Charles Sturt commissioned an opt-in community survey to understand the level of support for the 40km/h speed limit that had been implemented on 50% of their streets.

The results varied demographically with those suburbs closest to the city being mostly in support of the 40km/h speed limit and those furthest away being mostly against. Overall, 55% of residents did not support the 40km/h speed limited areas.

The key reasons of those who were not in support included:

- changes in speed limit is confusing, ignored and/or inconvenient;
- it is just revenue raising;
- it increases road rage;
- too much time is added to their trips;
- does not improve amenity or safety for all road users; and
- does not reduce the chance of crashes.

Support was strongest among young families, females, older residents and active transport users. Most residents who were in support perceived driving behaviour to be an issue on their local street.

### *City of Unley*

The City of Unley was contacted to discuss the public opinion and community understanding of the City-wide 40km/h speed limit. Although there has not been any formal surveys undertaken by the Council, it is generally agreed that support for the scheme is strong and anecdotally, no-one has ever requested that the speed limit be increased in any street. In addition, it was noted that Council benefited from cost-savings as the City-wide speed limit reduced the need for alternative high-cost traffic management infrastructure.

### Stepney Maylands and Evandale – resident feedback

A formal community survey has not been undertaken in Stepney Maylands and Evandale post implementation of the 40km/h speed limit. Several residents have provided feedback by phoning Council with the following comments:

- the speed of traffic seems to be unchanged; and
- there are not enough signs and motorists do not realise they are within a 40km/h.

In addition, several residents from neighbouring suburbs have requested that 40km/h speed limits be installed in their streets.

### South Australian Government (DPTI)

The State Road Safety Strategy noted that there is strong support for 40km/h in high pedestrian activity areas but other measures receive less consistent support.

The Strategy recommends that consultation with the community is important, but must go hand-in-hand with the strengthening of public information about the impact of speed and speed limit on crashes and the benefits of lower speeds.

### Public objection – perceptions and facts

The Centre for Automotive Safety Research (CASR) undertook research into ways to increase public acceptance of speed reduction in '*Safer Speed: An Evaluation of Public Education Materials, 2013*'. Some key reasons for objections to speed reduction are listed below in Table 1. Appropriate responses to these perceptions are also listed.

**TABLE 1: Extract from '*Safer Speed: An Evaluation of Public Education Materials, 2013*'**

Reason for Objection to Speed Reduction	Response
Changes to speed limits cause confusion	City wide speed limited areas improve consistency more than on a street by street basis.
Just revenue raising	Speed limits are implemented for the safety of all road users. Fines are imposed by SAPOL who work independently to Council.
Speed reduction from 50 to 40km/h increases travel time	Given the short road lengths, Give-way & Stop Signs, roundabouts and dog-legs that exist in the residential street network, a 10km/h speed reduction is likely to increase the trip time by a matter of seconds
Increases road rage. Drivers can drive to the posted speed limit as opposed to driving to the speed environment	Arterial roads are designed as traffic corridors and residential streets are designed for access. The liveability of a street is adversely impacted by traffic speed, noise and safety issues and motorists should not feel they have a right to speed through these streets.  There are many factors that impact the speed environment of a street such as width, lack of pavement marking, side friction (parked cars, side streets etc) and the presence of pedestrians and cyclists.
The speed limits aren't seen as legitimate	Education campaigns will inform motorists of the safety benefits of speed reduction in residential streets.

### Updated Guidelines for Approval - Department for Planning Transport & Infrastructure (DPTI)

The DPTI publication, *Speed Limit Guidelines for South Australia* was updated in 2017, to provide Councils with more flexibility to change the speed limit in their suburban streets. A major change to the process is that DPTI will allow Councils to determine the need, if any, for community consultation. Although not a requirement for approval, DPTI suggest that where the speed limit change affects a large area, consultation may be in the form of a survey of a representative sample of that community. The only consultation requirement from DPTI is with adjoining Councils, DPTI (if it affects their roads) and SAPOL.

The Guideline advises that:

- in streets that already have a low mean vehicle speed, the 40km/h signs will reinforce this low speed environment; and
- in streets that have high vehicle speeds, the 40km/h signs on their own may not result in sufficient reduction of speed and physical control treatments may also be required.

DPTI requires the following information (at a minimum) to enable grant approval for 40km/h sign installation:

- resolution from Council;
- indication of support from local State Member of Parliament;
- consultation with neighbouring Councils, DPTI (if affecting DPTI roads), and SAPOL;
- an assessment of the Speed Limit proposal which includes speed data collection from a representative sample of relevant typical streets and proposed traffic calming devices in streets with higher speeds;
- a site plan showing proposed signs, parking controls, and traffic control/calming devices; and
- a traffic impact statement.

### OPTIONS

The investigations discussed in this report provide an overall review of the current status of the implementation of a 40km/h speed limit in South Australia. The Committee is now required to consider these findings and provide advice to the Council on the future direction of the proposal to introduce a 40km/h speed limit. Possible options for future direction are listed below.

In considering the following options, the first fundamental question that the Committee and Council needs to consider is whether there is in fact an unreasonable or unsustainable problem and safety issue arising from the current default 50km/h speed limit for residential streets across the City and the current default speed limits on The Parade, Norwood.

In this regard, the available data contained in this report does not of itself confirm that the Council is facing a significant safety issue beyond what could be reasonably be anticipated and predicted for an area, where the default speed limit for residential streets is 50km/h. However, the available crash data for vulnerable road users is of significant concern.

Given the above context and the fact that the introduction of a City-wide 40km/h speed limit was considered in 2015 but was not implemented due to lack of community support, the second fundamental question the Committee and Council needs to consider is whether a shift to a City-wide 40km/h default speed limit for residential streets should be pursued and if so, on what basis.

In considering the second question, the Committee should note that whilst any default speed limit reduction below 50km/h will achieve a commensurate reduction in traffic speeds and crashes, this needs to be carefully considered and balanced against community expectations and the need to maintain an effective and efficient transport network for motor vehicles as well as for more vulnerable user groups.

### Option 1

Do nothing. The Committee can advise the Council that, despite the known benefits of reducing speed limits in residential areas, as detailed in this report, the introduction of a City-wide 40km/h speed limit lacks of community support in light of the 2015 community survey results and that as a result of this, the status quo should remain.

This option is not recommended on the basis that the community survey is now five years old and therefore somewhat dated and because the survey was comprised of questions only and did not provide any educational material or information about the benefits of a 40km/h speed limit and why a 40km/h speed limit was being considered, nor highlight any of the shortcomings of such a proposal. In this context, it is considered that the results of a new community survey could produce significantly different results, if the community was provided with sufficient information on the pros and cons of a reduced speed limit, as part of the consultation process.

Doing nothing also does not reflect a 'best practice' traffic management approach. In addition, the current default 50 km/h speed limit within residential streets does not align with contemporary research which suggests that the speed environment urban areas should desirably be less than 35 km/h in order to reduce serious injuries between people and motor vehicles.

#### **This approach is not recommended.**

### Option 2

The Committee can recommend that the Council endorse staff to undertake further investigations for the implementation of a City-wide 40km/h speed limit to obtain approval from DPTI. Specific considerations would include:

- a City-wide approach would include a 40 km/h speed limit on all streets unless a street hierarchy was formalised to enable a speed of 50km/h to be maintained on Collector Streets;
- Kensington, Marryatville and Heathpool are not surrounded by arterial roads and therefore consideration of the boundaries would need specific attention with view to the possibility of extending the 40km/h speed limited areas into the City of Burnside.

This City-wide approach would require significant staff and financial resources to satisfy the requirements set out by DPTI for such a large area at one time. As such, **this approach is not recommended.**

### Option 3

The Committee can recommend to the Council that further investigations into the introduction of a City-wide 40kph speed limit be held in abeyance until the State Government finalises and releases the South Australian Road Safety Strategy 2031.

Given that the State Strategy recognises that safe travel speeds would ideally be less than 30km/h in areas where there is conflict with people walking and cycling, the updated Strategy may address the introduction of 30km/h instead of 40km/h in some streets. The Strategy may also take a state wide approach to reducing speeds in residential streets and obviate the need for initiation by Councils. If this was the case, there would be significant savings of financial and staff resources in the long term.

Pursuit of this option would put the project on-hold until the updated strategy is released. The Draft Strategy release date is not anticipated until 2021, however delays are commonly experienced with Strategies of this importance. Given the timing issues associated with the release of the Draft Strategy and the uncertainty regarding its recommendations in relation to further state-wide reduced speed limits in built up urban areas, **this approach is not recommended.**

#### Option 4

The introduction of a reduced speed limit for The Parade can be pursued separately and as a priority with DPTI, given that the proposal has been endorsed by the Council through its endorsement of The Parade Master Plan and given a reduced speed limit was supported by the community, via feedback received during the consultation process for The Parade Masterplan.

As such, the Committee can recommend that the Council pursue changed speed limits on The Parade, Norwood, namely, to introduce a 50 km/h speed limit from Fullarton Road to Osmond Terrace and a 40 km/h speed limit from Osmond Terrace to Portrush Road and that the additional investigations and justifications that are required by DPTI to implement these speed reductions be undertaken independently of The Parade Masterplan detailed design process and as a priority. That said, if this option is to be pursued, it would also be prudent to review The Parade more holistically before approaching DPTI, as a nuanced approach to default speed limits on The Parade may be warranted. For instance, speed limits adjacent The Norwood Oval on match days should be given more detailed consideration as part of any further investigations and justifications that are required by DPTI for changing speed limits on The Parade.

Once the reduced speed proposal for The Parade is fully developed, the proposal for nuanced speed limits on The Parade should be released for community consultation, prior to seeking formal approval from DPTI.

In addition, in light of the benefits of reducing speed limits in residential areas as detailed in this report, the Committee can recommend that the Council endorse a staged implementation of 40km/h speed limit Areas and investigations commence to obtain approval from DPTI.

A staged approach may be preferred to a City-wide approach to allow for budgeting and strategic monitoring and evaluation. It may result in quicker implementation in some areas due to the smaller scale of works.

Norwood and Kent Town are suggested as the first area in a staged approach. The area would be bound by Dequetteville Terrace, North Terrace, Magill Road, Portrush Road and Kensington Road, with the exception of Fullarton Road. Streets within this area that would require specific consideration of appropriate speed would be Rundle Street, The Parade West, Sydenham Road and Osmond Terrace.

Advantages of initially selecting Norwood and Kent Town are that:

- it could be undertaken simultaneously with seeking reduced speed limits for The Parade, Norwood;
- the area is adjacent to the Stepney, Maylands and Evandale triangle which is already speed limited at 40 km/h, and
- the street layout and dwelling density is conducive to meeting the requirements of DPTI for a 40 km/h area relatively easily.

Akin to The Parade, once the reduced speed proposal for Norwood and Kent Town is fully developed, the proposal should be released for community consultation.

In addition to the approach outlined above, at a strategic level, the Committee could recommend that Council endorse staff to advocate on behalf of the Council, for 40km/h speed limits in residential areas to be embedded into the draft South Australian Road Safety Strategy 2031.

The South Australian Road Safety Strategy 2031 is currently underway and Council staff are involved in the engagement process and preparation of the Draft Plan. The updated Strategy may include Actions that result in efficiencies and cost-saving for Council resulting in an overall better outcome.

The Council would advocate for:

- a 40km/h default speed limit on all residential streets as a state-wide approach to provide consistency across all Local Government Areas; and
- state-wide education and information campaigns to raise community awareness of the benefits and gain support for speed limit reduction.

**This approach is recommended.**

## CONCLUSION

The findings herein identify that:

- traffic speed across the Council's road network is higher than 40 km/h and therefore is not aligned with the Safe System Approach for conflict with pedestrians and cyclists;
- the implementation of 40km/h signs in appropriate streets results in widespread minor speed reduction, indicating that it is a successful and low-cost intervention that changes motorist behaviour and improves safety;
- speed reduction from 50 km/h to 40 km/h in high pedestrian areas (such as The Parade) is supported by the National and South Australian Governments to increase safety for all road users
- there has been 160 crashes involving vulnerable users (cyclists and pedestrians) within the Council's road network over the past five (5) years and a reduced speed limit to 40km/h represents an opportunity to significantly reduce the number of crashes over time;
- DPTI supports 40km/h speed-limited areas to help create a speed environment appropriate to residential streets and in precincts where existing speeds are not overly high;
- the DPTI guidelines for implementation have been updated to provide more flexibility for Local Government implementation of 40km/h speed limit areas and community consultation is not a requirement;
- community acceptance of 40km/h speed limits is not strong overall but this is likely to be attributed to a lack of understanding of the safety benefits to all road users and increased liveability to residents;
- community acceptance is likely to increase if widespread education and information is undertaken; and
- the State Government has commenced updating the Road Safety Strategy to 2031 with a draft planned for release in 2021.

Notwithstanding the clear benefits of reducing the default 50 km/h speed limit in residential streets across the City, the investigations need to be balanced with the fact that the available data contained in this report does not of itself confirm that the Council is facing a significant safety issue beyond what could be reasonably be anticipated and predicted for an area, where the default speed limit for residential streets is 50km/h. That said, there has been 160 crashes involving vulnerable road users (pedestrians and cyclists) over the past five (5) years and this high number can be reduced through the introduction of lower speed limits.

In weighing up the benefits and shortcomings of retaining the status quo or pursuing a reduction in the City-wide default speed limit to 40km/h in residential streets, it is concluded that there is a warrant for a reduction in speed limits in residential areas across the City on the basis that such a reduction aligns with a 'best practice' approach to traffic management, aligns with contemporary research which suggests that the speed environment urban areas should desirably be less than 35 km/h in order to reduce serious injuries between people and motor vehicles; will assist in reducing the number of crashes experienced by vulnerable road users and provides the community with a reasonable balance of providing a safe, yet sustainable and effective road transport network for all users.

However, implementing a 40 km/h speed limit across the entire city at one time is complex. A constraint or lack of support in one area may preclude implementation in all other areas. Given that reduced speed limits on The Parade are already endorsed by the Council and supported the community, the recommendation for a staged approach provides a pragmatic way forward that is likely to enable progress in the short term.

This approach is cognisant of allocating resources sustainably whilst also being agile to enable alignment with outputs from the upcoming South Australian Road Safety Strategy Update in the longer term.

## COMMENTS

Although community consultation is not a requirement of DPTI, it is a major consideration for the Council. Given that the community consultation undertaken in 2015 showed lack of support for the introduction of a 40km/h speed limit, a different approach would be required if it is to be repeated. A comprehensive education campaign on the benefits of reduced speed and the impacts of crashes above 30km/h would be beneficial to community understanding.

The investigations which have been undertaken as part of preparing this report support the reduced speed limits endorsed by Council as part of The Parade Masterplan which are 50 km/h from Fullarton Road to Osmond Terrace and 40 km/h from Osmond Terrace to Portrush Road. Although consistency of speed is identified as a preferred option, the proposal multiple speed limits along The Parade is appropriate for the environment of these street sections and meets the current requirements of DPTI.

## RECOMMENDATION

It is recommended that the Traffic Management and Road Safety Committee make the following recommendations to the Council:

1. That the Committee recommends to the Council that in light of the investigations detailed in this report, there is sufficient justification and warrant to consider the staged implementation of 40km/h speed limit areas in residential streets across the City and that the Council endorse staff to proceed with those staged investigations, with an initial focus on Norwood and Kent Town and that a further report be presented to the Council outlining the community consultation process to be undertaken, prior to seeking approval from DPTI.
  
2. That in respect to the *Draft\_The South Australian Road Safety Strategy 2020 - Towards Zero Together*, the Council advocates for:
  - a 40km/h default speed limit on all residential streets as a state-wide approach to provide consistency across all Local Government Areas; and
  - state-wide education and information campaigns to raise community awareness of the benefits and gain support for speed limit reduction.
  
3. That the Council notes that:
  - (a) The Parade Masterplan proposal to introduce a 50 km/h speed limit from Fullarton Road to Osmond Terrace and a 40 km/h speed limit from Osmond Terrace to Portrush Road will be pursued in conjunction with further investigations to introduce different speed limits on The Parade such as adjacent the Norwood Oval during match days; and
  - (b) recommends to the Council that the additional investigations and justifications that are required by DPTI to implement these speed reductions be undertaken independently of The Parade Masterplan detailed design process and, if appropriate, in conjunction with the investigations to implement 40km/h speed limit Areas; and
  - (c) that a further report presented to the Council outlining the community consultation process to be undertaken, prior to seeking approval from DPTI.

*Cr Dottore moved:*

*It is recommended that the Traffic Management and Road Safety Committee make the following recommendations to the Council:*

1. *That the Committee recommends to the Council that in light of the investigations detailed in this report, there is sufficient justification and warrant to consider the staged implementation of 40km/h speed limit areas in residential streets across the City and that the Council endorse staff to proceed with those staged investigations, with an initial focus on Norwood and Kent Town and that a further report be presented to the Council outlining the community consultation process to be undertaken, prior to seeking approval from DPTI.*
2. *That in respect to the Draft\_The South Australian Road Safety Strategy 2020 - Towards Zero Together, the Council advocates for:*
  - *a 40km/h default speed limit on all residential streets as a state-wide approach to provide consistency across all Local Government Areas; and*
  - *state-wide education and information campaigns to raise community awareness of the benefits and gain support for speed limit reduction.*
3. *That the Council notes that:*
  - (a) *The Parade Masterplan proposal to introduce a 50 km/h speed limit from Fullarton Road to Osmond Terrace and a 40 km/h speed limit from Osmond Terrace to Portrush Road will be pursued in conjunction with further investigations to introduce different speed limits on The Parade such as adjacent the Norwood Oval during match days; and*
  - (b) *recommends to the Council that the additional investigations and justifications that are required by DPTI to implement these speed reductions be undertaken independently of The Parade Masterplan detailed design process and, if appropriate, in conjunction with the investigations to implement 40km/h speed limit Areas; and*
  - (c) *that a further report presented to the Council outlining the community consultation process to be undertaken, prior to seeking approval from DPTI.*

*Seconded by Mr Shane Foley and carried.*

## Attachment B

### Investigations into Reduced Speed Limits in Norwood and Kent Town

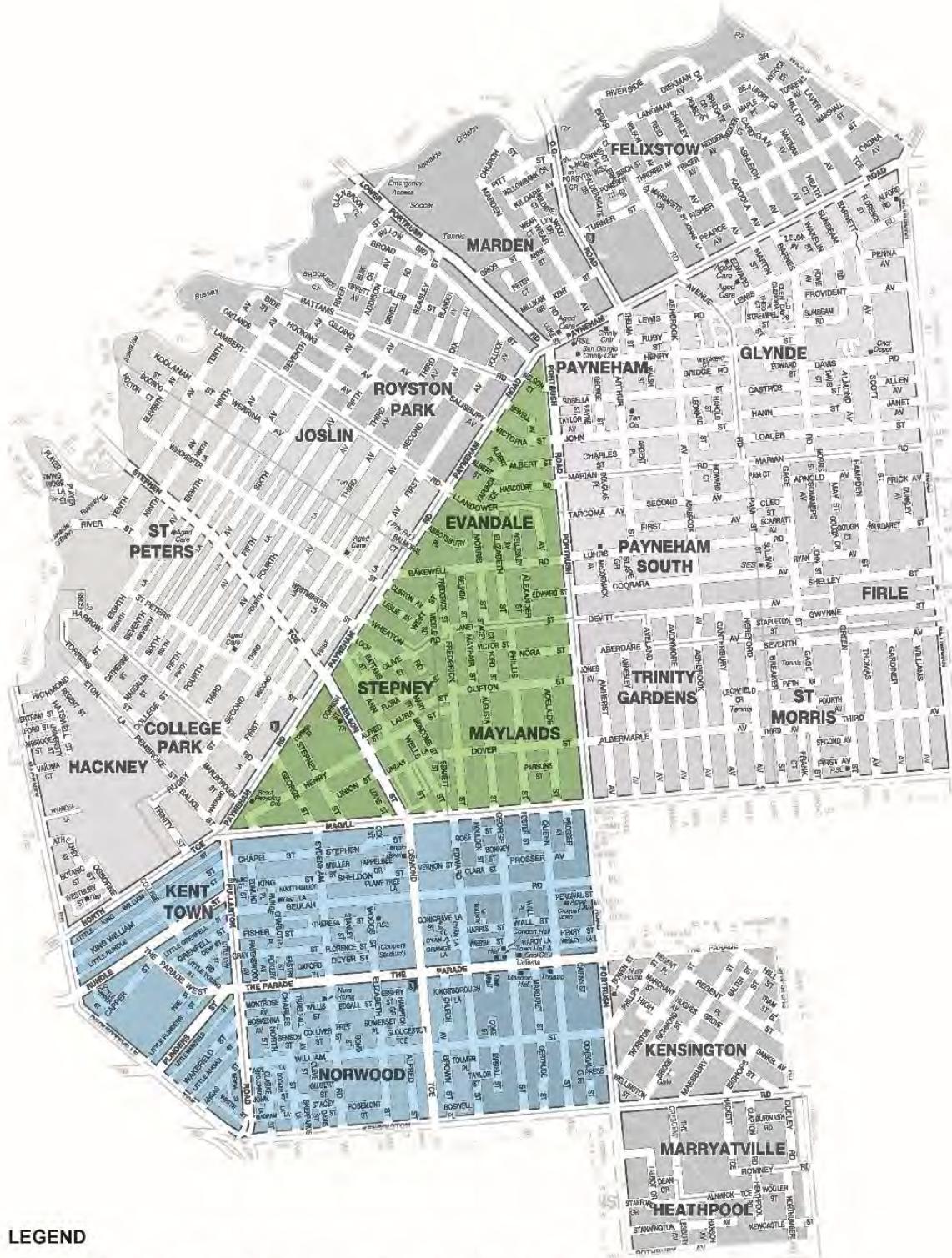
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## LEGEND

40km/h Area Speed Limit Investigation - Kent Town and Norwood

Existing 40km/h Area Speed Limit - Stepney, Maylands and Evandale

## Attachment C

### Investigations into Reduced Speed Limits in Norwood and Kent Town

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#### COUNCIL ROADS

- Proposed 40km/h Area Speed Limit
- Existing 50km/h speed limit to remain

#### DIT ROADS - ongoing liaison required

- Proposed 40km/h Speed Limit (subject to future DIT approval)
- Proposed 50km/h Speed Limit (subject to future DIT approval)
- Existing 50km/h speed limit to remain
- Existing 60km/h speed limit to remain

*Note: Consultation for reduced speed limits on The Parade were undertaken as part of the The Parade Master Plan*

## Attachment D

### Investigations into Reduced Speed Limits in Norwood and Kent Town

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### Investigations required by DIT

Traffic data was collected along twenty-eight (28) *relevant street\** sections to obtain mean speed data on a representative sample of 'relevant streets' as required by DIT. The streets with data are listed in the table below. The arithmetic average of the mean speed of these streets is 40.3 km/h.

**\* Relevant streets** are defined in the *DIT Guideline for Speed Limits in South Australia*. They are any streets longer than 250m, including those with existing high-level physical speed control treatments. It excludes sections of an otherwise continuing street between devices such as stop signs, give way signs or roundabouts which are less than 250 metres. If the lengths between these devices are longer than 250m, they will be 'relevant streets'.

### 'Relevant Streets' (streets longer than 250 metres) and Mean Speed

Street Name	Mean Speed (km/h)	Street Section
Chapel St	35.7	ALL
Edward St	41.3	Magill Road to Beulah Rd
Edward St	40.2	Beulah Rd to Magill Road
Edward St	37.7	The Parade to William Street
Edward St	43.8	William St to Kensington Road
Elizabeth St	43.9	the Parade to William St
Elizabeth St	46.5	William Street to Kensington Road
Fisher Street	37.1	ALL
George Street	42.1	Magill Road to Beulah Rd
George Street	41.7	Beulah Rd to Magill Road
George Street	43.5	The Parade to William Street
George Street	42.7	William St to Kensington Road
King Street	28.5	ALL
Margaret St	29.9	ALL
Osmond Terrace	42.1	southbound lane: Magill to The Parade
Osmond Terrace	45.9	southbound lane: The Parade to Kensington
Osmond Terrace	45.8	southbound lane: Magill to The Parade
Osmond Terrace	47.6	Southbound lane: The Parade to Kensington
Queen Street	41.7	Magill Road to Beulah Rd
Queen Street	37.5	Beulah Rd to Magill Road
Queen Street	34.2	The Parade to William Street
Queen Street	42.8	William St to Kensington Road
Rundle Street West	39.5	Between Capper Street and bend
Sheldon Street	36.1	ALL
Sydenham Road	35.5	Beulah Rd to Magill Road
Sydenham Road	39.5	The Parade to Beulah Rd
Sydenham Road	42.6	the Parade to William St
Sydenham Road	43.0	William St to Kensington Road

**ARITHMETIC AVERAGE**

**40.3**

There are five (5) relevant streets that did not have data collected and are listed in the table below.

**'Relevant streets' (streets longer than 250 metres) without data collection**

Street name	Street Section
Brown Street	
Charles Street	The parade to William St
Charles Street	William Street to Kensington Road
Alfred St	
Gray Street	

There are 45 streets and lanes that are not classified as 'relevant streets' and therefore traffic data was not required. These streets are either shorter than 250 metres or they have traffic control devices that are at spacings less than 250 metres as described in the table below.

Street Name	Reason not classified as 'Relevant Street'
Appelbee Crescent	Shorter than 250 metres
Beulah Road	Traffic control devices (raised platforms) at intervals less than 250 metres
Beyer Street	Shorter than 250 metres
Birrell Street	Shorter than 250 metres
Boskenna Avenue	Shorter than 250 metres
Boswell Place	Shorter than 250 metres
Cairns Street	Shorter than 250 metres
Charlotte Place	Shorter than 250 metres
Church Avenue	Traffic control devices (bends in road) at intervals less than 250 metres
Clarke Street	Give Way signs at intervals less than 250 metres
Cleve Street	Shorter than 250 metres
Coke Street	Shorter than 250 metres
Cox Street	Shorter than 250 metres
Cypress Street	Shorter than 250 metres
Davis Street	Shorter than 250 metres
Docker Lane	Shorter than 250 metres
Donegal Street	Shorter than 250 metres
Eastry Street	Shorter than 250 metres
Edmund Court	Shorter than 250 metres
Essery Street	Shorter than 250 metres
Florence Street	Shorter than 250 metres
Gilbert Street	Shorter than 250 metres
Gloucester Terrace	Shorter than 250 metres
Hampden Grove	Shorter than 250 metres
John Street	Shorter than 250 metres
Mattingley Lane	Shorter than 250 metres
Montrose Avenue	Shorter than 250 metres
Muller Street	Shorter than 250 metres
North Street	Shorter than 250 metres
Plane Tree Lane	Shorter than 250 metres

Polomka Lane	Shorter than 250 metres
Ravenswood Avenue	Shorter than 250 metres
Rokeby Avenue	Shorter than 250 metres
Rosemount Street	Shorter than 250 metres
Rungie Place	Shorter than 250 metres
Shephards Lane	Shorter than 250 metres
Somerset Place	Shorter than 250 metres
Stacey Street	Shorter than 250 metres
Stephen Street	Traffic control devices (bends in road) at intervals less than 250 metres
Taylor Street	Shorter than 250 metres
Tolmer Place	Shorter than 250 metres
Wadham Lane	Shorter than 250 metres
William Street	Traffic control devices (roundabouts) at intervals less than 250 metres
Woods Street	Traffic control devices (driveway entry) at intervals less than 250 metres

# **Attachment C**

## **Investigations of a Proposed City-Wide 40km/h Speed Limit for Residential Streets and The Parade**

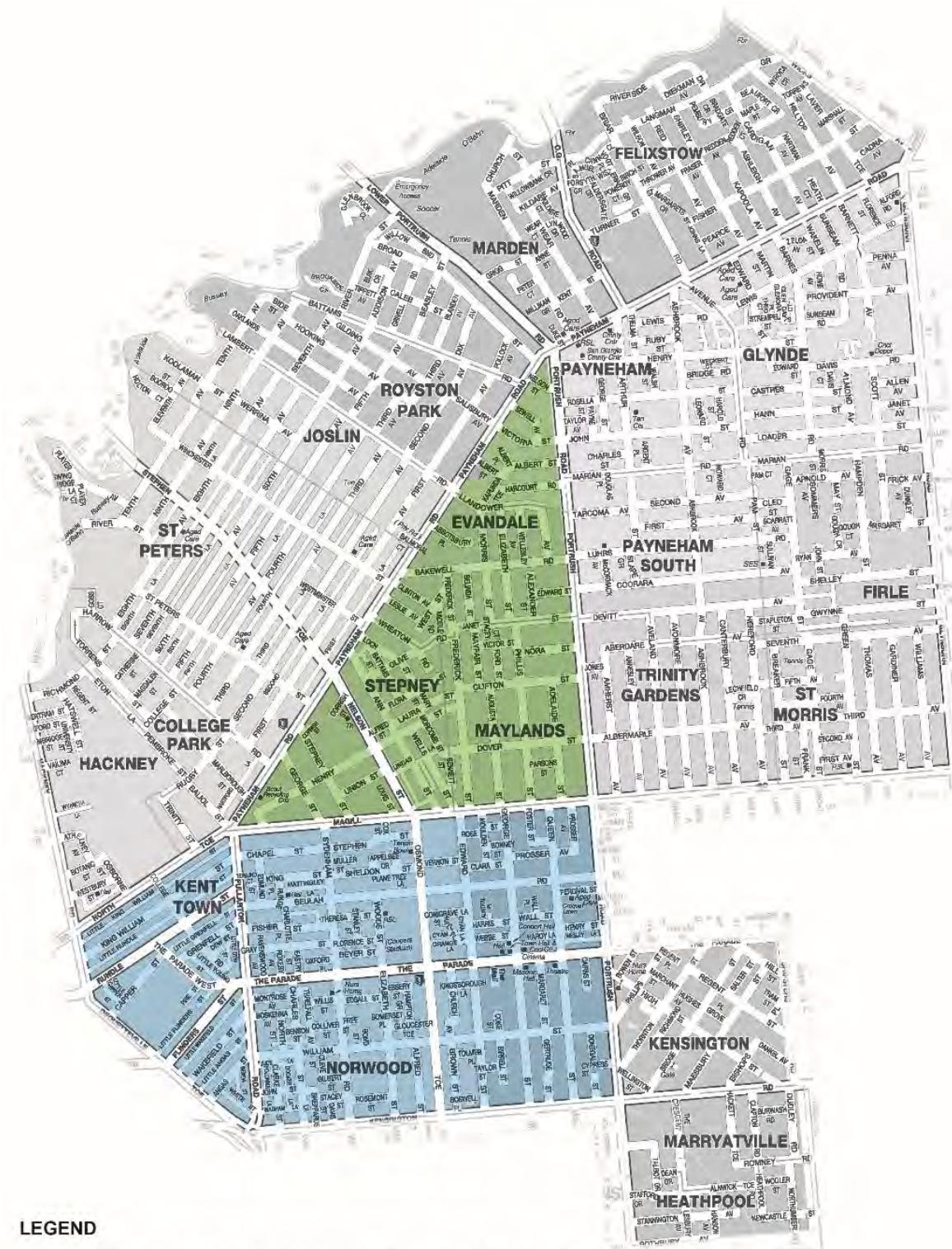
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# **Attachment D**

## **Investigations of a Proposed City-Wide 40km/h Speed Limit for Residential Streets and The Parade**

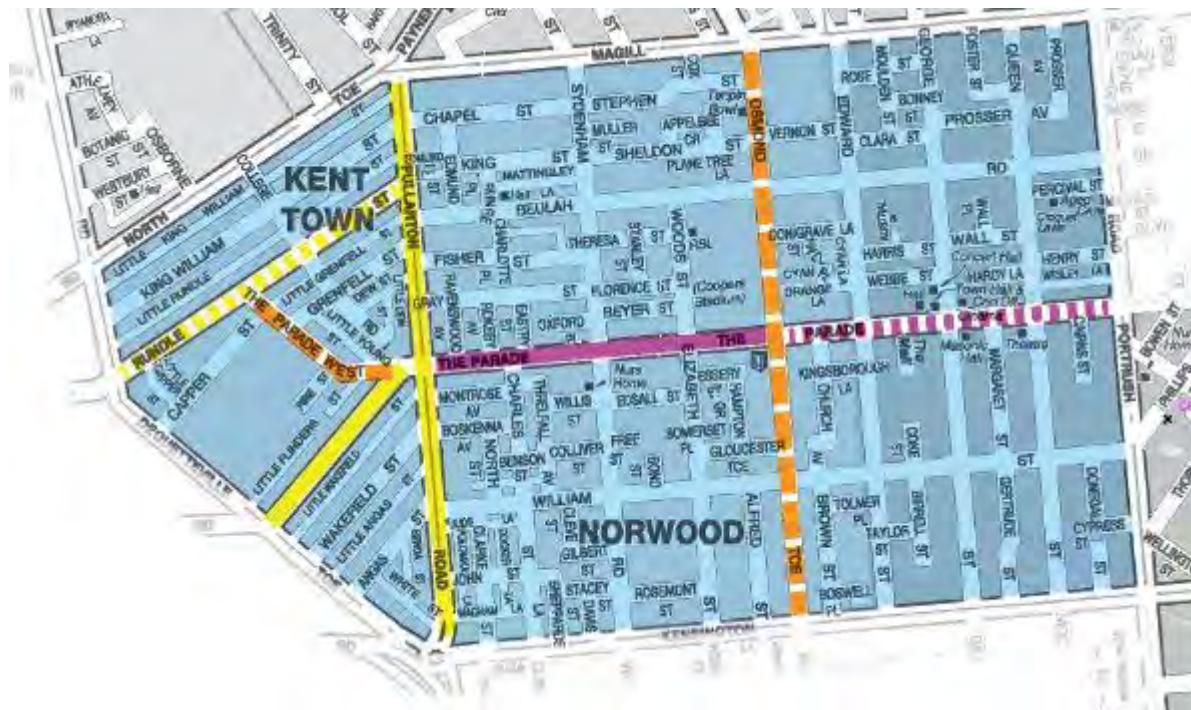
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#### COUNCIL ROADS

- Proposed 40km/h Area Speed Limit
- Existing 50km/h speed limit to remain

#### DIT ROADS - ongoing liaison required

- Proposed 40km/h Speed Limit (subject to future DIT approval)
- Proposed 50km/h Speed Limit (subject to future DIT approval)
- Existing 50km/h speed limit to remain
- Existing 60km/h speed limit to remain

*Note: Consultation for reduced speed limits on The Parade were undertaken as part of the The Parade Master Plan*

# **Attachment E**

## **Investigations of a Proposed City-Wide 40km/h Speed Limit for Residential Streets and The Parade**

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& St Peters**

Example DL size Flyer(size reduced to fit this page)



City of  
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& St Peters

**40**

MAP SHOWING  
STREETS  
PROPOSED FOR  
40KM/H

**SAMPLE OR CODE**

MORE DETAILED MAP CAN  
BE VIEWED AT  
[www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)

## Have Your Say!

*Proposed 40km/h speed limit in residential streets of Norwood & Kent Town*

**40**

The City of Norwood Payneham & St Peters is proposing to implement a 40km/h speed limit in the residential streets of Norwood & Kent Town.

Are we heading in the right direction? Have your say!

**Why 40?**  
 Worldwide research shows that in 40km/h neighborhoods:
 

- Streets are safer for everyone,
- Streets are quieter and nicer to live in,
- It's more enjoyable to walk or ride a bike, and
- Traffic flow is smoother with less CO2 emissions.

**Will travel time increase?**  
 Not really. The road layout and current speeds in Norwood & Kent Town means that travel time would only be reduced by a few seconds...if at all.

**Is it revenue raising for the Council?**  
 No. Speed limits are for the safety of all road users. Fines are imposed by the Police who work independently from the Council. Major Collector streets and streets owned by the Department for Infrastructure & Transport are not included in proposal - refer to the map overleaf for details.

We value and would appreciate your comments on the proposal to implement a 40km/h speed limit in Norwood & Kent Town.

A short questionnaire is available on-line via the QR code overleaf or visit [www.npsp.sa.gov.au/consultation](http://www.npsp.sa.gov.au/consultation)

Alternatively, you can phone 8366 4555 to request a hard copy.

Comments must be received by 5pm, Monday DATE TBC2021.

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**City of  
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## 11.2 DRAFT CORPORATE EMISSIONS REDUCTION PLAN

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**REPORT AUTHOR:** Sustainability Officer  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4532  
**FILE REFERENCE:** qA59080  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to seek the Council's endorsement to release the draft *Corporate Emissions Reduction Plan* contained in **Attachment A** for community consultation and noting of the supporting *Low Emissions Fleet Transition Paper* in **Attachment B**.

### BACKGROUND

The Council endorsed the preparation of a *Corporate Emissions Reduction Plan* in July 2020.

Following an open request for quotation and selection process, in August 2020, *DSquared Consulting*, a consulting firm with extensive experience in emissions reduction and carbon neutrality, was appointed to prepare an overarching *Corporate Emissions Reduction Plan* (the Plan) and a *Low Emissions Fleet Transition Paper* (Transition Paper). Further supporting documents were requested for a *Solar and Battery Feasibility Study including Solar PV Specifications*; and *Environmentally Sustainable Design Review*. These are internal documents intended to provide staff with technical specifications to allow prioritisation of its Capital Works projects, budgets and assets and are therefore not included as attachments to this report.

The key objective of the Plan is to analyse and understand the Council's emissions profile and prepare an emissions reduction pathway for corporate emissions. Corporate emissions are defined as emissions occurring from activities which the Council has direct operational control, such as operations within the Council owned and operated buildings. The analysis of the Council's corporate emissions profile has enabled the identification of key projects and activities to reduce emissions and provide high level cost implications for the Council's long term financial plan.

In December 2020, the Council updated its strategic management plan *CityPlan 2030: Shaping Our Future*, to, among other things, include a target of "zero corporate carbon emissions by 2030", thereby providing a clear target for inclusion in the *Corporate Emissions Reduction Plan*.

The consultant has now prepared the draft *Corporate Emissions Reduction Plan* with a list of emissions reduction initiatives following 'up front' consultation with staff and Elected Members. The Council's endorsement to release the draft *Corporate Emissions Reduction Plan* for community consultation is now sought.

The *Low Emissions Fleet Transition Paper* prepared by the consultant, aligns with the *Corporate Emissions Reduction Plan* but is of an operational nature and is therefore provided for the information of and noting by the Elected Members. The *Transition Paper* provides a pathway to enable its fleet to transition to zero emissions by 2030.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives contained in the Council's Strategic Plan, *CityPlan 2030*, are set out below:

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

An inclusive, connected, accessible and friendly community.

#### ***Objectives***

- 1.2.1 Enable sustainable and active transport modes.
- 1.2.3 Work with other agencies to influence or provide improved and integrated sustainable transport networks.

#### **Outcome 4: Environmental Sustainability**

A leader in environmental sustainability.

##### **Objectives**

- 4.1.1 Make better use of water resources including the harvesting and re-use of stormwater.
- 4.1.2 Investigate and implement innovative waste reduction and education initiatives.
- 4.1.3 Employ and promote energy efficiency initiatives and renewable energy resources.
- 4.1.4 Promote the use of sustainable, active and low emission transport mode.
- 4.4.1 Lead initiatives to reduce the City's ecological footprint and carbon emissions.

##### **Target**

Zero corporate carbon emissions by 2030.

#### **FINANCIAL AND BUDGET IMPLICATIONS**

The financial implications associated with this issue relate to some minor advertising costs that will need to be incurred to promote the draft *Corporate Emissions Reduction Plan* as part the community consultation process. The required funding for the advertising will be allocated against the existing budget for the project.

The *Low Emissions Fleet Transition Paper* and other supporting documents will not be released for public consultation as the intent of these documents is to guide operational processes and allow the Council to meet the *CityPlan 2030: Shaping Our Future* emissions reduction target.

It should be noted that following consultation, once the final version of the *Corporate Emissions Reduction Plan* is endorsed by the Council, associated costs should be identified in the Long Term Financial Plan; and any project and initiatives relating to the focus areas contained within the Plans will require funding at a future date, through the Council's annual budget setting process.

The draft *Corporate Emissions Reduction Plan* has high level estimated cost implications. The cost implications have not been identified for all initiatives and may be difficult to determine at this point, such as the transition to an electric vehicle fleet. Determining these costs will be reliant on further investigation, advancing technologies and improved payback times. In addition, costs associated with purchasing the remaining carbon offsets which will be required to achieve carbon neutrality, have not been identified due to predicted future market fluctuations. Whilst these will increase capital expenditure by approximately \$8,000 in 2025 or \$12,000 in 2030, based on low price projections, in the first few years there are expected operating savings that will result from reducing emissions as much as possible.

Additional funds are required to support the Plan. Various projects will be included within the current Capital Works operating budget for continued solar PV roll out and an additional proposal will be submitted for consideration for the allocation of \$11,000 in the 2021-2022 Budget for Energy and Water Audit initiatives that have been unidentified for immediate implementation. Other initiatives such as zero emissions fleet transition, electric vehicle (EV) charging stations, Environmental and Sustainable Design Guide, and procurement of Carbon Neutral products will be considered in future years.

#### **EXTERNAL ECONOMIC IMPLICATIONS**

The expenditure to reduce carbon emissions will change in relation to the progression of energy efficiency, advancing technologies and other supporting initiatives.

#### **SOCIAL ISSUES**

The Council has been working for many years to address its environmental footprint and its corporate emissions, showing leadership and aligning with the environmental expectations of the community. The draft *Corporate Emissions Reduction Plan* provides additional carbon management actions and leadership that will provide encouragement to the citizens to adopt better practices within their own homes and businesses.

#### **CULTURAL ISSUES**

Nil.

## **ENVIRONMENTAL ISSUES**

The draft *Corporate Emissions Reduction Plan* has key targets which will reduce the Council's carbon emissions in line with the *CityPlan 2030: Shaping Our Future* target. This shows the Council is serious about its intent to mitigate the impact of climate change.

Carbon emissions have far-ranging environmental and health effects. They trap heat in the atmosphere, causing hotter than average temperatures resulting in sea level rise, coral bleaching, heat waves, flooding, drought, food supply disruptions, increased bushfire risk and more. In addition to increased global mean temperatures, carbon emissions contribute to respiratory disease from smog and air pollution.

## **RESOURCE ISSUES**

The preparation of the draft Plan by DSquared Consulting, has been overseen by the Project Steering Group led by the Sustainability Officer, Manager, Urban Planning & Sustainability, Acting Manager, City Assets, and Financial Services Manager.

The Sustainability Officer will co-ordinate the community consultation process.

## **RISK MANAGEMENT**

The draft *Corporate Emissions Reduction Plan* has adopted the Council's target of zero corporate carbon emissions by 2030 which guides the initiatives with the intent to reduce and offset all carbon emissions to mitigate climate change. If ongoing budget is not allocated and actions are not implemented this would have the consequence of either having a larger volume of carbon offsets to purchase, or risk the Council not meeting the target of zero corporate carbon emissions by 2030 and therefore not responsibly mitigating the impacts of climate change that the community faces.

Implementing the actions and adequate resourcing projects will ensure that the Council progress towards its targets will lead by example and implementation will ensure the Council has minimal impact on global emissions.

## **COVID-19 IMPLICATIONS**

Given the on-going and dynamic nature of the COVID-19 restrictions, in-person 'drop in' information sessions for interested citizens to discuss the draft Plan with Council staff may have limited attendance and may need to be cancelled. Instead, community consultation may have to take a more targeted approach via electronic communication in addition to availability for those who wish to attend a 'drop in' information session.

## **CONSULTATION**

- Elected Members**

An Information Session was held with Elected Members on 23 November 2020, to 'set the scene' for the development of a *Corporate Emission Reduction Plan* and to inform Members of current trends, targets and plan for Federal, State and Local Government in Australia.

- Community**

In accordance with the Council's endorsed *Community Consultation Policy*, it is proposed to release the draft *Corporate Emission Reduction Plan* for community consultation and invite submissions on the draft Plan for a period of twenty one (21) days.

The Plan will be made available for viewing at the Council's Principal Office at the Norwood Town Hall and Libraries and a copy will be posted on the Council's website. Promotion of the draft Plan and consultation period will be provided on the Council's website and social media.

- Staff**

One (1) 'up front' engagement session for staff was held in November 2020 as well as three Project Steering Group meetings with the consultant.

- Other Agencies**

Nil.

## DISCUSSION

Emissions reduction is the action of reducing and/or offsetting all carbon emissions associated with an activity and in this case it refers to only the Council's corporate activities.

The Council started its emission reduction journey over twenty years ago and implemented a number of sustainability programs that work towards reducing corporate emissions. The previous *Greenhouse Strategy Plan* published in October 2002, contained two high-level milestones relating to corporate and community carbon emissions levels sought to be achieved by 2012/13.

The Council then developed a *Corporate Energy Management Project* in 2005 to deliver implementation of the *Greenhouse Strategy Plan*. Funding was specifically allocated for the implementation of these initiatives.

In 2008, the Council adopted its Strategic Management Plan, *CityPlan 2030: Shaping Our Future*. The Plan was reviewed and updated and previously included the target:

- reduce the amount of Corporate greenhouse gas emissions by 5% from the 2015-2016 levels by 2020-2021 (2,264 tonnes baseline).

This target has recently been achieved, attributed in large part to the transition to LED street lights on local roads in 2018-2019. The Council's 2019-2020 Annual Report reported that this target had been met with recorded emissions of 1,616 tonnes, which contributes to an overall emissions reduction of 28.6% against the 2015-2016 levels.

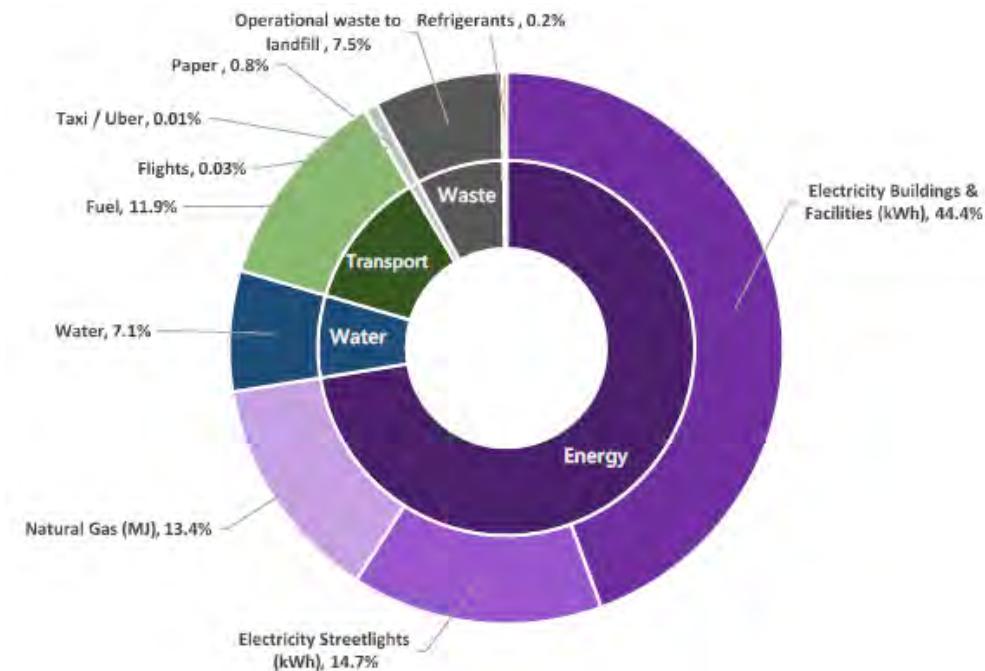
In its review of the *CityPlan 2030: Shaping Our Future*, the Council set a zero corporate carbon emissions by 2030 target, to develop a strategic approach to reduce emissions and achieving this target over the next ten years.

In February 2020, the State Government announced its aim for South Australian emissions to be reduced by more than 50% below 2005 levels by 2030 and aiming to achieve net zero emissions by 2050. Several councils in South Australia have also made the commitment to achieve zero emissions by 2030, including the Adelaide Hills Council and the City of Marion.

The draft *Corporate Emissions Reduction Plan*, contained in **Attachment A**, establishes a pathway that utilises a quadruple bottom line approach to ensure that the Council can achieve outcomes that support social, economic, cultural and environmental sustainability and guide the Council towards zero corporate carbon emissions by identifying a suite of key initiatives to achieve the target.

The Plan focuses on the Council's corporate emissions which can be defined as emissions occurring from activities which the Council has direct operational control, such as operations within Council owned and operated buildings and facilities. It does not include any of the construction phase of capital works and or operational projects that the Council undertakes, as this is not a requirement of the National Carbon Offsets Standards (NCOS) reporting towards carbon neutrality.

The analysis contained in the draft Plan shows the Council's baseline corporate carbon emissions is approximately 1,890 tonnes of carbon dioxide equivalent per year based on 2018-2019 data. The top five (5) emissions sources for the Council are energy, natural gas, transport, landfill and water and they equate to over 95% of the total emissions and therefore, the Plan has a priority focus on these emissions. The remaining emissions sources are from paper and refrigerants. Figure 1 below - Emissions Profile displays the breakdown of the Council's corporate emissions.



**Figure 1:** City of Norwood Payneham & St Peters Baseline Emissions Profile (based on 2018-2019 data)

The corporate emission profile has been projected out to 2030 in order to develop an implementation program and emission reduction roadmap for the Council. The Plan ensures an optimal suite of capital and non-capital initiatives to be implemented by 2030. The seventeen (17) initiatives identified in the Plan have been reviewed with the following considerations in mind:

- key benefits, including primary benefits of carbon abatement, but also social and economic benefits;
- initial capital cost;
- operations and maintenance considerations;
- simple payback;
- timeframes for planning and implementation; and
- key risk and other considerations.

The seventeen (17) recommended initiatives are broken down into two categories, direct and supporting emissions reduction initiatives. The direct reduction initiatives are:

- on-site rooftop solar PV for nominated sites;
- energy efficiency audits and initiatives;
- Environmentally Sustainable Design (ESD) Guidelines – for new buildings and refurbishments;
- zero emissions fleet transition (refer to *Low Emissions Fleet Transition Paper*);
- electric vehicle charging stations (refer to *Low Emissions Fleet Transition Paper*);
- 100% renewable energy contract;
- increased corporate landfill waste diversion;
- water efficiency improvements; and
- procurement of Carbon Neutral supplies.

The supporting emissions reduction initiatives are:

- communication and promotion;
- sustainable staff commuting and survey;
- natural gas transition;
- Carbon Neutral certification;
- Community Carbon Neutral Plan;
- Carbon Neutral events;
- Develop a Sustainable Procurement Policy; and
- sustainable behaviour program.

If all of the direct and supporting emissions reduction initiatives are implemented by timeline within the draft Plan, the projections show that there is an opportunity for the Council to reduce its corporate emissions by over 50% by 2025 and over 60% by 2030 through the recommended initiatives. To ensure the Council can meet its target of “zero corporate emissions by 2030”, the Council will need to offset the remaining emissions it cannot avoid or reduce.

Though every carbon offset represents one tonne of carbon dioxide equivalent, the cost is variable. The factors that vary the cost are: the standard it is certified against; preferences for different projects types or geographies; associated supply and demand dynamics; and project costs required to plan, implement and monitor the project. As a result, the prices fluctuate depending upon availability of offsets, quantity, type of project, local of project, and market demand at the time of purchase. An international standard for carbon offsets was developed to differentiate high quality offsets, known as the Gold Standard. The Gold Standard ensures that key environmental criteria have been met by offset projects that carry this label, thus a Grade A carbon offset would meet the Gold Standard criteria. The current market price for accredited Grade A carbon offsets range from \$15 per tonne to \$38 per tonne.

An Australian Government Treasury Report on Carbon Pricing modelling (September 2011), indicates that the demand for carbon offsets will increase over time and availability will decrease, therefore causing the price to increase. The same accredited Grade A carbon offsets available today, will increase to \$27 per tonne to \$68 per tonne in 2030. It is also important to keep in mind the geographical location of carbon offset being purchased, through Council’s procurement process it is important to consider local projects where possible.

The Council has two options to substantiate its claim that it will have achieved zero corporate emissions by 2030. The Council can become certified ‘carbon neutral’ by developing a full carbon inventory meeting Climate Active standards and continue to undertake that process annual. Alternatively, the Council can simply offset its emissions through certified carbon offsets, as described above, or undertake its own carbon sequestering projects (e.g. tree plantings) to claim zero emissions but will not be an accredited “carbon neutral” recognition. The Plan proposes a decision on carbon offsets and carbon neutral certification to be reviewed in 2025 when the Council will have a better understanding of its carbon reduction initiatives and costs of pursuing a fully accredited system.

The existing electricity supply contact through Local Government Association Procurement (LGAP) will expire 31 December 2022. The development of a new contract presents opportunities to reduce costs and associated emissions but requires early engagement to maximise these potential benefits. The Council has agreed to participate in the LGAP Local Government Electricity Procurement Reference Group (including LGAP staff) to guide the procurement of electricity supply contract to commence 1 January 2023 with a focus on renewable electricity supply options.

The draft *Corporate Emissions Reduction Plan* identifies zero emissions fleet transition as an immediate initiative to introduce, as fleet vehicles become due for renewal. This initiative is informed by the *Low Emissions Fleet Transition Paper*, contained in **Attachment B**. The purpose of the Transition Paper is to provide strategic direction for operations to transition to zero emissions vehicles by 2030. It guides the procurement and management of vehicles used for Council operations; and provides an understanding of the infrastructure required to support a zero emissions fleet.

The key recommendations from the Paper are:

- transition all corporate passenger fleet vehicles to hybrid vehicles by 2023, with a small number of vehicles transitioned straight to full electric vehicle (EV) where there are no hybrid alternatives;
- transition all corporate passenger fleet vehicles to fully electric vehicles by 2026 as part of fleet replacement;
- begin plant and maintenance vehicle transition to low and zero emission options from 2025 (as vehicle technology and availability increases); and
- ensure 100% renewable energy is procured as part of the Local Government Association Procurement electricity contract negotiations to ensure emissions for the fleet is zero.

The Council's endorsement to release the draft *Corporate Emissions Reduction Plan* for community consultation is now sought.

## **OPTIONS**

The Council can choose not to endorse the draft *Corporate Emissions Reduction Plan* for public consultation. However, preparation of the Plan is prepared based on the *CityPlan2030* emissions target, analysis of the Council's emission sources and feedback which have been received during the staff and Elected Member engagement phase, as well as extensive research of South Australian and Australian trends and emissions reduction pathways. On this basis, it is recommended that the draft *Corporate Emissions Reduction Plan*, as contained in **Attachment A**, be endorsed by the Council for community consultation and engagement.

## **CONCLUSION**

For the Council to achieve its target of "zero corporate carbon emissions by 2030" it requires a plan that outlines an emissions reduction pathway for ongoing measurement, avoidance, reduction and switching its emissions together with consideration of the purchase of carbon offsets to offset any remaining emissions from its operations. The draft Plan and various supporting documents prepared by the consultant provides the Council with a tailored pathway. The draft Plan can be tested and further informed through submissions received during public consultation.

## **COMMENTS**

Nil.

## **RECOMMENDATION**

1. That the draft *Corporate Emission Reduction Plan*, contained in Attachment A, be endorsed for community consultation.
2. That the Chief Executive Officer be authorised to make any editorial changes to the draft *Corporate Emissions Reduction Plan*, as necessary, to finalise the document in a form suitable for community consultation.
3. That the *Low Emissions Fleet Transition Paper*, contained in Attachment B, be received and noted and the Council notes that implementation of the fleet to low emission vehicles will be progressed as the opportunities arise and taking into account operational needs, financial budget implications (cost) and availability of appropriate vehicles.

## **Attachments – Item 11.2**

# **Attachment A**

## **Draft Corporate Emissions Reduction Plan**

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**City of  
Norwood  
Payneham  
& St Peters**



City of Norwood Payneham & St Peters

# Corporate Emissions Reduction Plan

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Document Control

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Issue	Date	Change	Checked	Approved
01	03/02/21	First issue for comment	JP	DD
02	10/03/21	Update following feedback	JP	DD
03	17/03/21	Final issue for consultation	JP	DD

Our vision is to think beyond the square.

Our mission is to reduce the impact on the environment of our client's actions by providing innovative solutions, challenging perceived thinking, and pushing the boundaries of achievement whilst using all resources in a sustainable way.

We confirm that all work has been undertaken in accordance with our ISO 9001 accredited quality management system.

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## Executive summary

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The following section is a high level graphical executive summary which outlines the key outcomes of the Emissions Reduction Plan for public consultation.

## Introduction

The City of Norwood Payneham & St Peters recognises that we are experiencing a state of rapid climate change which requires strong action by all levels of government and is committed to improving environmental sustainability outcomes, planning for and mitigating the impacts of climate change and creating a more sustainable community. This is in line with the Council's *CityPlan 2030* which incorporates four key Outcomes of supporting Social Equity, Cultural Vitality, Economic Prosperity and Environmental Sustainability.



As part of the Environmental Sustainability targets in the *CityPlan 2030*, the Council has committed to "achieving zero corporate carbon emissions by 2030" which has led to the development of this Emissions Reduction Plan (the Plan). The target is based on emissions that are in the Council's operational control including electricity, gas, water, transport, waste, supply chains and refrigerants and has been set to demonstrate leadership in climate action.

The Plan builds upon existing achievements, projects and partnerships including implementing the Resilient East Climate Adaptation Plan, Eastern Regional Alliance (ERA) projects such as Waterproofing Eastern Adelaide and working with 9 other councils to increase the procurement of goods with recycled content.

### Emission reduction benefits

Reducing carbon emissions from the Council's corporate operations provides a range of direct and indirect benefits to the Council and to the broader community and supports national and international commitments in working towards mitigating and adapting to the impacts of climate change. Additional benefits include:

- Direct emissions reductions for harmful greenhouse gas (GHG) emissions and related environmental benefits.
- Improved air quality by transitioning away from fossil fuel combustion sources.
- Improvements in economic prosperity through reduced energy and water costs for operations.
- Increased energy and water security by transitioning to distributed and alternative energy and water supplies.
- Improvements to building assets and facilities will also improve amenity for both staff and the community using these facilities.

- Reputational gains from the Council's adoption of a leadership position, making the City of Norwood Payneham & St Peters a more desirable place to visit, live, learn, work, invest and do business.
- Reduced exposure to utility rate changes including electricity, gas, water, and waste.
- Better staff and community health and general wellbeing through improved air and light quality in the Council's facilities.
- Council innovation and exemplary initiatives will educate and pave the way for other parts of the community to follow suit.

## Achievements to date

### Corporate carbon emissions

The Council has implemented a number of environmental sustainability initiatives that work towards zero corporate carbon emissions including:

- Installing solar photovoltaic (PV) systems on existing facilities.
- Monitoring emissions using Trellis since 2012.
- Transitioning streetlights to LED, resulting in a 65% reduction in streetlight CO<sub>2</sub> emissions.
- Implementing energy efficiency upgrades to various Council facilities.
- Introducing e-bikes for staff commute to reduce the use of fleet vehicles.
- Introducing soft plastic recycling at Norwood Town Hall.
- Installing solar PV and battery storage systems on key facilities to maintain emergency management services.
- Committing to the 'Buying it back' pilot with nine other councils to increase the procurement of goods with recycled content.
- Procuring materials and services from local businesses.



### Community emissions

Although not part of this Plan, the Council has also been undertaking a range of projects that affect community emissions including:

- Increasing street trees and vegetation to reduce heat island effect, providing cooler streetscapes and communities.
- Implementing the Sustainable Garden Award program which aims to recognise and celebrate the importance of sustainable gardens and landscapes in the urban environment which also reduces food miles.
- Providing education resources and services to the community to reduce the consumption of resources and waste to landfill.
- Implementing the Resilient East Climate Adaptation Plan.
- Supporting active forms of transport through improved pedestrian and bicycle pathways and improved access to public transport.
- Increasing recycling and landfill diversion rates in collaboration with East Waste.

## Corporate carbon emissions

The baseline corporate carbon emissions profile for the City of Norwood Payneham & St Peters is approximately 1,890 tonnes of carbon dioxide equivalent per year. The baseline is 2018/19 data for the following emissions sources which the Council has been tracking since 2012.

### Energy

Energy is split into electricity and gas which is used to power buildings, facilities and streetlights including hot water and pool heating. Energy is a significant component to the Council's emissions totalling over 68%.

### Transport

Transport includes fuel used in the Council's corporate fleet vehicles, maintenance vehicles and equipment (e.g. tractors and mowers), as well as for a small amount of flights and the use of taxis and Uber.

### Waste

Waste is based on operational waste generated at the Council's facilities and includes landfill, recycling and operational waste generated at the Council's facilities. Community kerbside waste collection is not included however is an important part of the community's emissions.

### Water

Water is supplied by SA Water for mains water and the Eastern Regional Alliance (ERA) Waterproofing the East harvested stormwater scheme and is used for buildings and facilities, swimming pools and to irrigate parks and reserves.

### Supply chain

The Council currently tracks the procurement of A3 and A4 paper and has been purchasing Forest Stewardship Council (FSC), recycled and carbon neutral paper to reduce environmental impacts, as well as reducing the amount of printing. As a result, paper emissions are less than 1% in total.

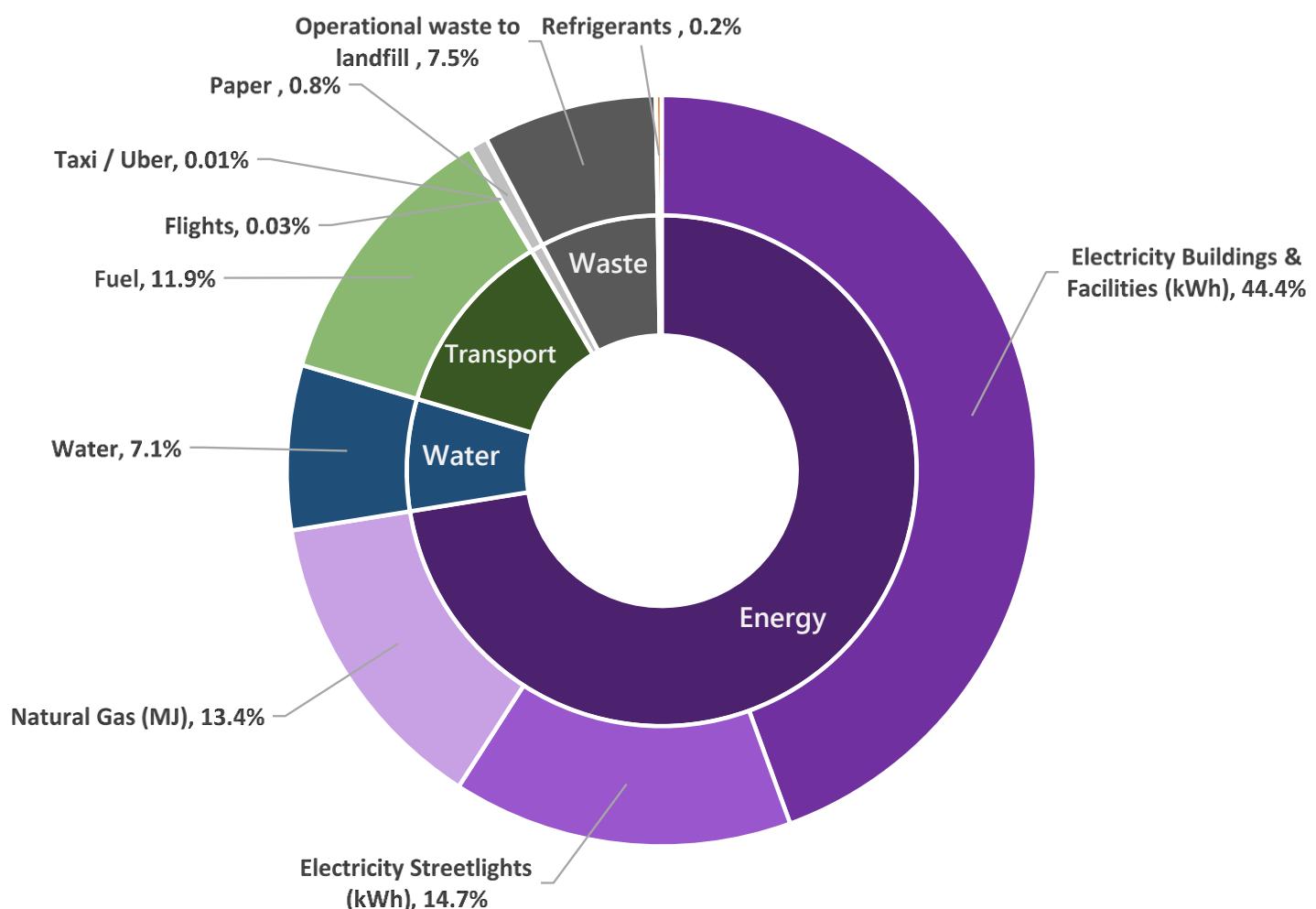
### Refrigerants

Refrigerants are used as a coolant in air-conditioning systems which can leak over time and have a higher Global Warming Potential (GWP) than CO<sub>2</sub>. The Council has been tracking the volume of refrigerants used to re-gas air-conditioners however this equates to less than 1% of total emissions. Refrigerants in fridges and freezers have been excluded in line with the Climate Active Carbon Neutral standards.

### Top 5 emissions

The top 5 emission sources for the Council are electricity, natural gas, transport, waste and water and which equate to over 95% of total emissions and are therefore a focus of this Plan. However, as emission reduction projects are implemented the remaining emission sources become a higher priority as their share increases.

### Emissions profile



## Emission reduction goals

A holistic review of emission reduction projects has been undertaken to identify priority projects that will have the largest impact on the Council's corporate emissions, while providing a range of social, cultural, economic and environmental benefits. The projects have been assessed against these outcomes in line with the Council's *CityPlan 2030* to ensure projects are implemented that have a range of benefits.

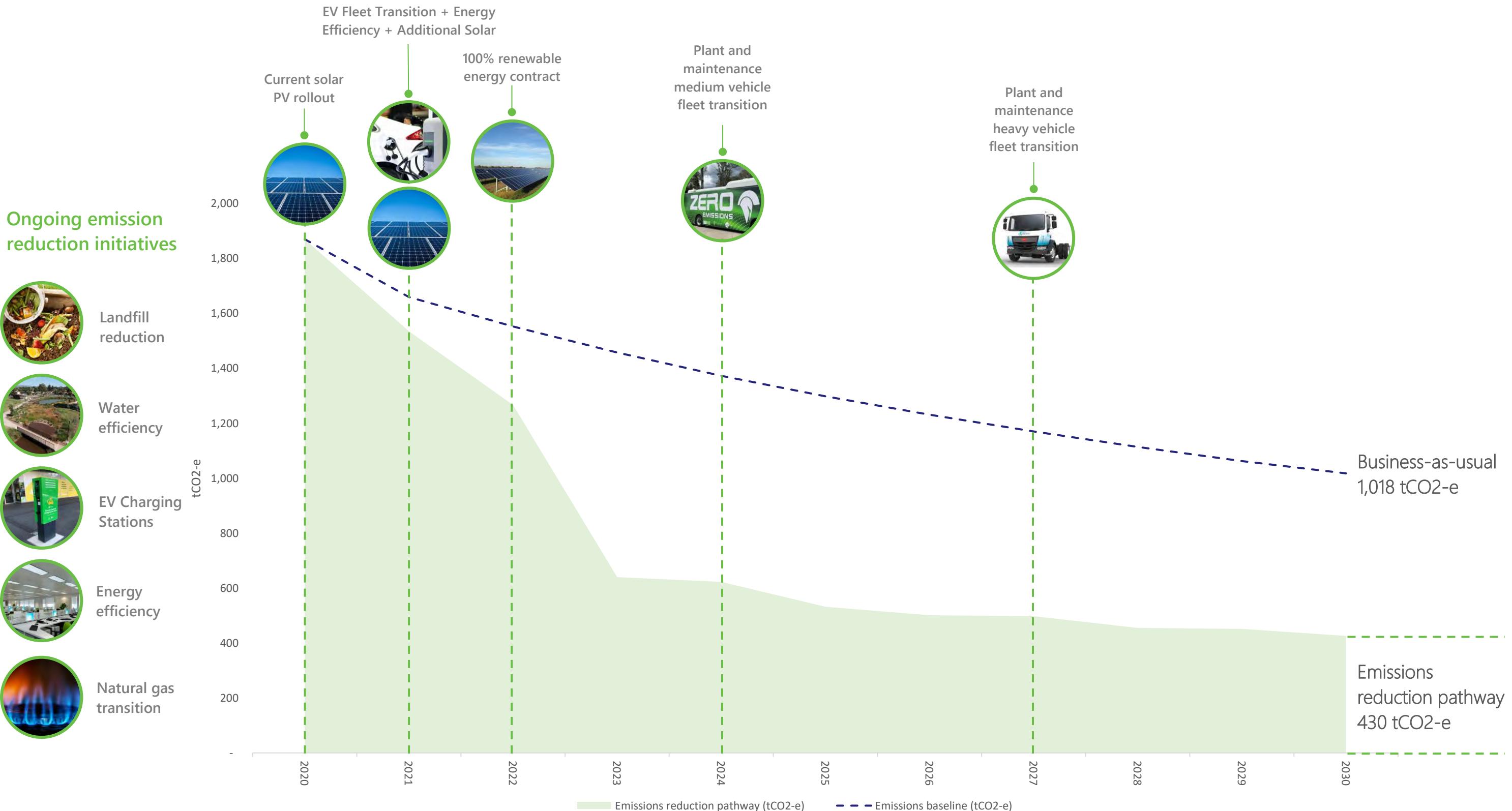
Key emission reduction projects and goals include:

	Short term goal (1-5 years)	Long term goal (5-10 years)
<b>Emissions</b>		
<b>CO<sub>2</sub></b>		
<b>Emissions reduction</b> <ul style="list-style-type: none"> <li>_ &gt;50% corporate carbon emissions reduction by 2025</li> <li>_ Review Climate Active Carbon Neutral Certification in 2025</li> <li>_ Zero corporate carbon emissions by 2030</li> </ul>		
<b>Energy</b>		
	<b>Renewable energy</b>	<ul style="list-style-type: none"> <li>_ &gt;20% onsite renewable energy generation by 2025</li> <li>_ 100% renewable electricity contract from 2023</li> </ul>
	<b>Energy efficiency</b>	<ul style="list-style-type: none"> <li>_ 10-15% reduction in energy consumption by 2025</li> </ul>
	<b>Natural gas transition</b>	<ul style="list-style-type: none"> <li>_ Natural gas consumption reductions to be achieved as part of Swimming Centre refurbishments as a result of water saving improvements.</li> <li>_ Facility upgrades investigate electrification of systems (hot water and heating) to transition away from natural gas (fossil fuel) from 2021</li> <li>_ Zero fossil fuel consumption by 2030</li> <li>_ Swimming pool heating to be reviewed as part of asset replacement programs.</li> </ul>

	Short term goal (1-5 years)	Long term goal (5-10 years)
<b>Transport</b>		
	<b>Zero emission vehicles</b>	<ul style="list-style-type: none"> <li>_ Hybrid electric fleet transition starting 2021</li> <li>_ Zero emissions corporate passenger fleet transition starting from 2025</li> </ul>
<b>Waste</b>		
	<b>Landfill waste</b>	<ul style="list-style-type: none"> <li>_ &gt;10% increase in landfill diversion rates from Council facilities by 2025</li> </ul>
<b>Water</b>		
	<b>Water efficiency</b>	<ul style="list-style-type: none"> <li>_ 15% reduction in water consumption by 2025</li> </ul>
<b>Supply chain</b>		
	<b>Procurement</b>	<ul style="list-style-type: none"> <li>_ 100% carbon neutral paper procurement from 2021</li> </ul>
<b>Refrigerants</b>		
	<b>Refrigerants</b>	<ul style="list-style-type: none"> <li>_ Investigate low Global Warming Potential (GWP) refrigerants for existing and replacement air-conditioning systems</li> <li>_ Low GWP refrigerants used in all air-conditioners by 2030</li> </ul>

## Emissions reduction pathway

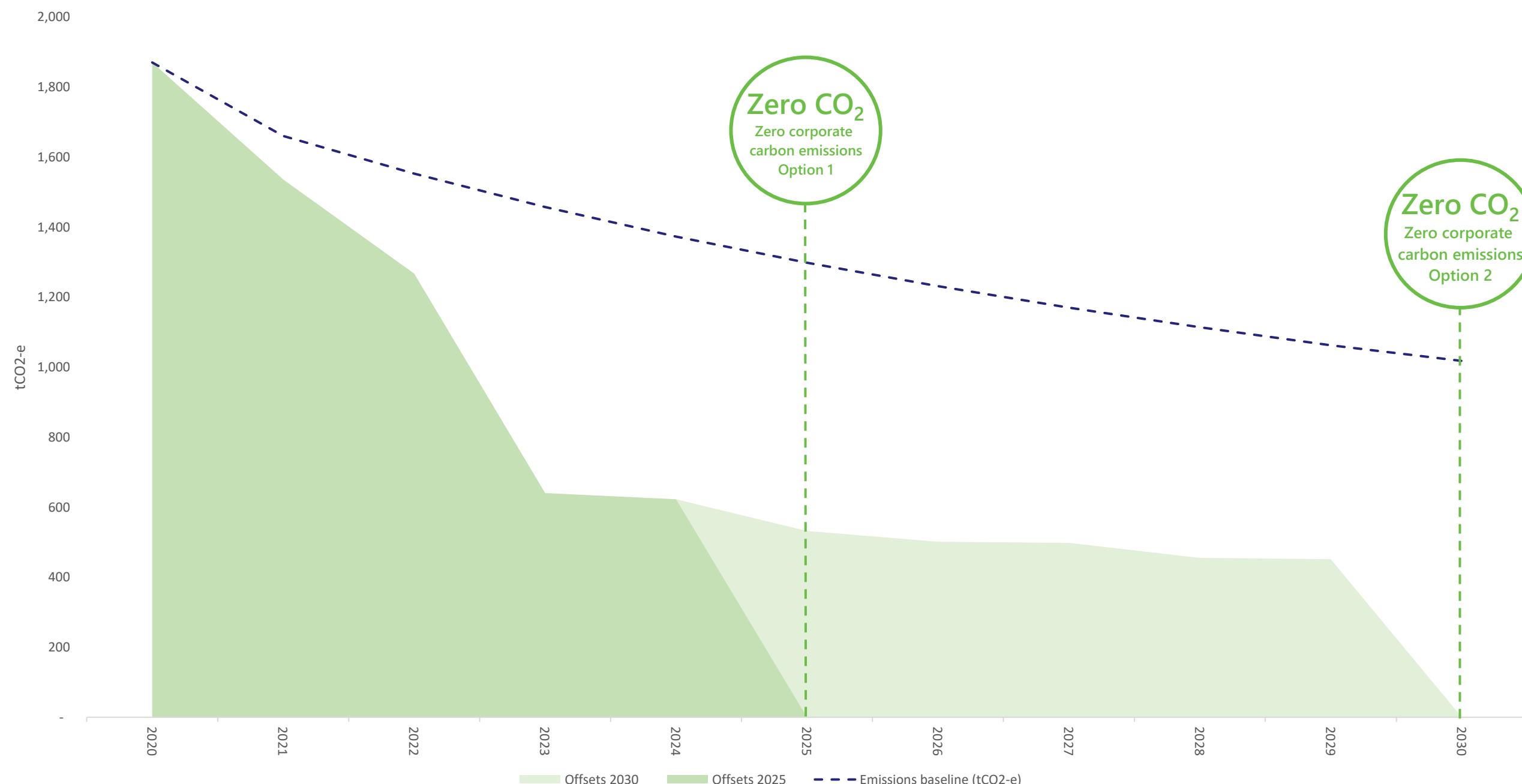
Based on the above projects and goals, an emissions reduction implementation plan has been developed through to 2030 to clearly outline the Council's emission reduction goals and key project timeframes for implementation. The Council aims to reduce its corporate carbon emissions by over 50% by 2025 compared to the business-as-usual emissions projection and by 2030, the Council will aim to reduce its emissions by over 70%.



## Zero corporate carbon emissions

The Council acknowledges that there will always be emissions associated with its operations that it will be unable to reduce to zero through reduction and efficiency initiatives. As a result, carbon offsets will be required to achieve the target of reaching zero corporate carbon emission by 2030. The Council will investigate offsets that meet a number of additional co-benefits including offsets provided by Australian and South Australian projects, revegetation programs that provide habitat for endangered and threatened species and options for the Council to partner on offset projects with other Councils and organisations. In addition, the Council will investigate tracking its street tree planting program to demonstrate the equivalent amount of carbon emissions that will be captured by this program.

Following the implementation of emission reduction projects and achieving the Council's initial goal of a greater than 50% reduction in corporate carbon emissions by 2025, the Council will review its carbon profile and consider pursuing full Climate Active Carbon Neutral certification and purchasing carbon offsets at this time. With the inclusion of carbon offsets at either 2025 or 2030, the Council's carbon emissions profile is modelled as follows.



## Emissions reduction implementation plan

The following emissions reduction implementation plan has been developed to enable the Council to effectively plan for and deliver emission reduction initiatives including supporting actions that the Council can implement.

Emissions reduction initiative	Summary	FY20/21	FY21/22	FY22/23	FY23/24	FY24/25	FY25/26	FY26/27	FY27/28	FY28/29	FY29/30
<b>Key Activities</b>											
<b>Onsite Solar PV</b>	Maximise rooftop solar PV at the following facilities: _Norwood Town Hall _Payneham Library and Community Centre _St Peters Library _St Peters Child Care Centre _Works Depot			◆							
<b>Energy efficiency audits and initiatives</b>	Continue to implement energy efficiency upgrades and undertake energy audits of key facilities										
<b>ESD guidelines</b>	Develop ESD guidelines / checklist for new building projects and refurbishments			◆							
<b>Zero emissions fleet transition</b>	Corporate passenger fleet hybrid vehicle transition			◆							
	Corporate passenger fleet hybrid vehicle transition – electric vehicle fleet transition						◆				
	Plant and maintenance - heavy / medium vehicle transition										◆
<b>Electric vehicle charging stations</b>	Electrical infrastructure study (pre-works)	◆									
	Corporate and public EV charging station implementation				◆						
<b>100% renewable energy contract</b>	Work with the LGA Procurement to secure a 100% renewable energy supply to achieve zero emissions electricity			◆							
<b>Increased landfill waste diversion</b>	Implement waste reduction initiatives to reduce waste to landfill from operations					◆					
<b>Water efficiency improvements</b>	Implement water efficiency projects such as irrigation system upgrades and optimisations, upgrading to water efficient taps, toilets, shower heads and fixtures and identifying water leaks.					◆					
<b>Procure Carbon Neutral supplies</b>	Implement procurement procedures where carbon neutral office supplies are mandatory where available (e.g. A4/A3 paper).										
<b>Review Climate Active certification and carbon offsets</b>	Undertake a review of the Council's emissions profile, carbon offset opportunities and consider pursuing Climate Active Carbon Neutral Certification					◆					

Emissions reduction initiative	Summary	FY20/21	FY21/22	FY22/23	FY23/24	FY24/25	FY25/26	FY26/27	FY27/28	FY28/29	FY29/30
<b>Supporting Activities</b>											
<b>Communication and Promotion</b>	Ongoing marketing and communication of the plan and associated projects										
<b>Carbon Neutral Council Events</b>	Investigate opportunities to certify Council run events as Carbon Neutral.				◆						
<b>Develop a Sustainable Procurement Policy</b>	Investigate developing a sustainable procurement policy or working with key teams to include sustainability measures in all procurement processes		◆								
<b>Sustainable Staff Commute Support &amp; Survey</b>	Implement programs to support staff to transition to sustainable and active forms of transport including walking, riding and public transport. Develop an annual staff survey to track staff commute and the transition to low / zero emission modes of transport										
<b>Sustainable behaviour program</b>	Implement a sustainable behaviour program to promote sustainable practices both at work and at home										
<b>Community Carbon Neutral Plan</b>	Investigate a Community Carbon Emissions Plan to reduce community emissions in line with the Council.					◆					

	Rollout period
◆	Completion year

## 1 Introduction

---

### 1.1 Purpose

This Emissions Reduction Plan (the Plan) has been prepared to assist the City of Norwood Payneham & St Peters (NPSP) in understanding and managing its current corporate carbon emissions footprint and to set a plan to transition to the CityPlan 2030 target of “zero corporate carbon emissions by 2030”.

The Plan:

- sets out the Council’s goals and targets in managing carbon emissions; analyses emission trends over time; and provides a pathway to achieving zero corporate carbon emissions by 2030.
- establishes a plan to guide Council towards zero corporate carbon emissions while reducing the need to purchase offsets. It includes the identification of a suite of key projects and supporting initiatives to achieve these goals.
- incorporates existing sustainability strategies and initiatives such as the energy efficiency and solar projects undertaken to date, and ongoing policies, that contribute to emissions reduction opportunities.

### 1.2 City of Norwood Payneham & St Peters – Commitments

In November 2019, the Council adopted a motion that recognised that the Council is in a state of rapid climate change which required strong action at all levels of government. This was in response to increased public and Elected Members’ awareness and concerns over climate change and environmental impacts, and the Council’s role in recognising and responding to these impacts.

The motion incorporated a budget submission to develop an emissions reduction plan which was ultimately adopted and led to the development of this Plan.

The Council’s *CityPlan 2030: Shaping Our Future* (CityPlan 2030), endorsed in December 2020, has set a target of achieving “zero corporate carbon emissions by 2030”. This is a clear commitment to reducing the Council’s emissions which will allow the Council to lead by example.

The CityPlan 2030 includes an aspiration for the Council to be:

### *‘A leader in environmental sustainability’*

This is supported by environmental sustainability objectives which aim to work towards this aspiration:

- 4.1 Sustainable and efficient management of resources.**
- 4.2 Thriving and healthy habitats for native flora and fauna.**
- 4.3 Sustainable streets and open spaces.**
- 4.4 Mitigating and adapting to the impacts of climate change.**

This Plan has been developed in line with these aspirations and goals while also considering the broader CityPlan 2030 Strategic Planning Framework which utilises a Quadruple Bottom Line Approach to ensure the Council can achieve outcomes that support social, economic, cultural and environmental sustainability (refer Figure 1).



Figure 1: Quadruple Bottom Line approach

### 1.3 City of Norwood Payneham & St Peters – Achievements

The Council has implemented a number of sustainability initiatives that work towards zero corporate carbon emissions which should be celebrated, including:

- Installing solar photovoltaic (PV) systems on existing facilities.
- Monitoring emissions using Trellis since 2012.
- Transitioning streetlights to LED, resulting in a 65% reduction in streetlight CO2 emissions.
- Implementing energy efficiency upgrades at various Council facilities.
- Introducing e-bikes for staff commute to reduce the use of fleet vehicles.
- Introducing soft plastic recycling at Norwood Town Hall.
- Installing solar PV and battery storage systems on key facilities to maintain emergency management services.
- Committing to the ‘Buying it back’ pilot with nine other councils to increase the procurement of goods with recycled content.
- Procuring materials and services from local businesses.

Refer to Appendix A for a graphical timeline of the Council’s achievements.

## 1.4 Consultation

Ongoing consultation with the Council has been undertaken to ensure a holistic plan is developed which integrates with the Council's existing operations (refer Table 1). Refer to the Appendices for further information.

Table 1: Consultation summary

<b>Consultation Method</b>	<b>Date</b>	<b>Summary</b>
<b>Ongoing team meetings and correspondence</b>	Ongoing	Ongoing meetings and correspondence with project team members have been undertaken to gain feedback and specific information.
<b>Data completeness paper</b>	24/11/20	A data completeness paper was issued to the project team to ensure the emission profile aligned with the Council's expectations for data sources.
<b>Elected Members workshop</b>	14/12/20	An Elected Members workshop was held to provide a summary of the emissions reduction plan process and capture priorities for consideration in the plan.
<b>Staff workshop</b>	16/12/20	A staff workshop was held with key areas including procurement, finance, assets and sustainability.
<b>Project prioritisation workshop</b>	11/02/21	A project prioritisation workshop was held with the project team to review and agree on recommended priority projects for budget approvals.
<b>Community consultation</b>		Community consultation will be undertaken following Council endorsement for consultation.
<b>Final Elected Members presentation</b>	TBC	TBC

## 2 Carbon emissions & neutrality

### 2.1 Defining zero corporate emissions

Carbon accounting is often used as the holistic benchmark of environmental impact as they encompass and reflect the benefits from other sustainability initiatives, such as energy efficiency, water conservation, waste reduction and transport management. Carbon reduction or abatement is the term used to describe actions taken to reduce and/or offset all emissions associated with an activity, in this case all emissions from the Council's corporate activities.

Climate Active, the leading authority in Australia in certifying carbon neutral organisations (formerly National Carbon Offset Standard - NCOS), provides this definition:

*'To become carbon neutral, businesses and organisations calculate the greenhouse gas emissions generated by their activity, such as fuel or electricity use and travel. They reduce these emissions as much as possible by investing in new technology or changing the way they operate. Any remaining emissions can be 'cancelled out' by purchasing carbon offsets.'*

### 2.2 Managing carbon emissions

In order to manage and reduce carbon emissions, it is important to understand the source of these emissions. Figure 2 shows the pathway to understanding and managing carbon emissions.

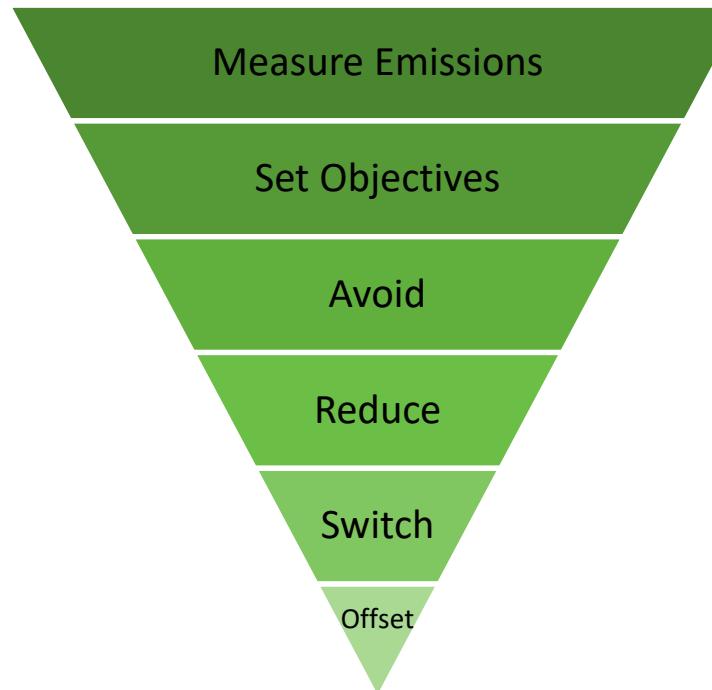


Figure 2: Emissions pathway

### 2.3 Carbon emissions sources

To measure carbon emissions, a defined boundary needs to be set to understand the emissions for which the Council is responsible. Climate Active provides a basis for understanding emissions sources and the Council's control and influence over these sources.

The following corporate emissions should be considered in a Climate Active compliant carbon inventory:

- **Energy** (including lighting, heating and cooling, occupant energy use, plant equipment, other infrastructure and shared services). This includes all energy sources (grid electricity, on-site generated electricity, gas, diesel fuel etc.).
- **Refrigerants** including air conditioning system leakage and replacement and refrigeration systems.
- **Water** consumed, and **wastewater** discharged (including emissions from off-site water treatment).
- **Transport** to and from the organisation (including occupant commuting, occupant travel to and from a place of work, property management vehicles, forklifts, shuttle services etc.).
- **Waste** leaving the organisation (including all waste streams, and emissions associated with off-site waste recycling, processing, combustion, or disposal to landfill).
- **Air travel** for short, medium and long-haul flights including accommodation.
- **Consumables** including food, catering, paper and stationery.

Depending on the level of control that the Council has over the emissions, they fall into various emissions categories and levels of reporting, as shown above and explained further here:

**Scope 1** – direct emissions resulting from the organisation's ownership and control, for example energy generated on site, fuel used in generators and company vehicles.

**Scope 2** – the consumption of electricity generated elsewhere.

**Scope 3** – emissions from electricity consumption and fuel use (indirect emissions from the extraction, production and transport of fuel burned at generation), and emissions from waste, business travel and accommodation, office paper and water use. Other scope 3 emissions sources that may be relevant include staff commuting, food and catering, postage and freight, stationery, office printing, cleaning services, IT services (e.g. data centres) and telecommunication services.

Further information relating to the Climate Active standard, emissions boundaries and the certification process is included Appendix B.

### 2.4 Scope of the Council's corporate carbon emissions

This Plan relates to the Council's corporate carbon emissions, which can be defined as all emissions occurring from activities over which the Council has direct operational control, such as operations within owned and operated buildings, including administration buildings, libraries, depots, etc. It is recognised that the Council also has an influence over emissions in the community, such as community waste collection and community groups using the Council's facilities, however as these Scope 3 emissions are not under 'operational control' they are excluded from the Council's corporate emissions profile.

The Council has a unique position to offer leadership and influence in the wider community, and its ability to influence the emissions in the wider community will be the subject of future investigation.

Figure 3 shows the Council's corporate emissions profile, within its areas of influence.



Figure 3: Carbon emissions boundaries

Projects that the Council is undertaking that affect the community wide emissions include:

- Waste collection services are provided by East Waste, who have implemented a number of landfill waste reduction programs and are trialling an electric waste collection truck, providing carbon neutral transport emissions for waste services in the Council area.
- Ongoing increase in walking and cycling infrastructure to reduce community transport emissions, including streetscape upgrades and implementation of the City-Wide Cycling Plan.
- A regional bulk solar PV procurement project for households (2019).
- Introduction of a shared device mobility framework to allow shared bicycle (including electric bicycle) schemes to operate within the City.

## 2.5 Benefits of carbon reduction

Reducing the carbon from the Council's corporate operations through various policy, efficiency, renewable energy, offsetting and electrification projects delivers a number of direct and indirect benefits to Council and to the broader community. Key benefits include:

- Direct emissions reductions for harmful greenhouse gas (GHG) emissions and related environmental benefits.
- Improved air quality by transitioning away from fossil fuel combustion sources.
- Improvements in economic prosperity through reduced energy and water costs for operations.
- Increased energy and water security by transitioning to distributed and alternative energy and water supplies.
- Improvements to building assets and facilities will also improve amenity for both staff and the community using these facilities.
- Reputational gains from the Council's adoption of a leadership position, making the City of Norwood Payneham & St Peters a more desirable place to visit, live, learn, work, invest and do business.
- Reduced exposure to rate changes including electricity, gas, water, and waste.
- Better staff and community health and general wellbeing through improved air and light quality in facilities.
- The Council's innovation and exemplary initiatives will educate and pave the way for other parts of the community to follow suit.

Refer to Appendix C for a summary of previous emissions data and reduction programs and targets.

### 3 Emission sources

#### 3.1 Introduction

An analysis of the consumption and emissions data from Trellis (carbon accounting tool) and Council reports has been undertaken to develop an emissions profile as per the below. A data completeness review was undertaken during the development of this plan to ensure an agreed baseline was in place (refer Appendix D).

#### 3.2 Electricity consumption

Energy consumption (electricity and gas) was estimated to equate to approximately 30% of the Council's emissions in 2000/01. An analysis of the Trellis data identified that electricity consumption had increased by 10% from 2013/14 to 2018/19, however emissions had reduced by 11% which is due to the increase in renewable energy generation in South Australia.

Table 2: Electricity consumption and emissions

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	+ / -	% change from 13/14 to 18/19
Consumption (MWh)	1,257	1,219	1,313	1,268	1,389	1,377	120	10%
Emissions factor (Scope 2 & 3)	0.65	0.63	0.62	0.61	0.61	0.53		
Emissions – tonnes CO <sub>2</sub> -e (Scope 2 & 3)	817	768	814	774	847	730	-87	-11%

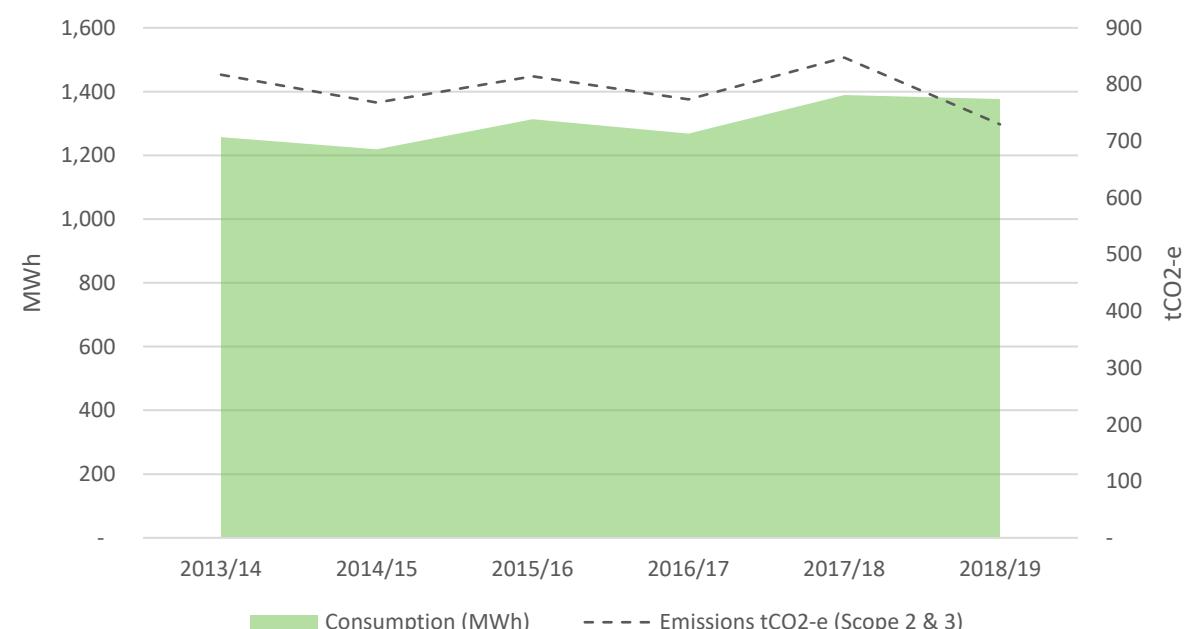


Figure 4: Electricity consumption and emissions

#### 3.2.1 Electricity consumption by top facilities

An analysis of electricity consumption for the Council's top facilities has been undertaken to identify priority sites for energy efficiency initiatives and to assess the suitability of solar photovoltaic (PV) systems. The analysis has identified that the top 10 council facilities have increased overall consumption by 158MWh from 2013/14 to 2018/19 which is a 14% increase. It should be noted that Payneham Memorial Swimming Pool and Webbe Street Carpark reduced consumption by 19% and 14% respectively.

Table 3: Electricity consumption by top facilities

Facility	2013/14	2018/19	+ / -	%
<b>Norwood Town Hall</b>	455,796	487,882	32,086	7%
<b>Payneham Library &amp; Community Facilities</b>	120,080	123,748	3,668	3%
<b>Norwood Swimming Centre</b>	84,878	101,470	16,592	20%
<b>Payneham Memorial Swimming Pool</b>	91,866	74,293	-17,573	-19%
<b>St Peters Library (incl. total complex)</b>	95,685	171,497	75,812	79%
<b>St Peters Child Care Centre</b>	50,137	52,749	2,612	5%
<b>Webbe Street Carpark</b>	59,145	50,930	-8,215	-14%
<b>NPSP Works Depot</b>	49,816	63,251	13,436	27%
<b>Patterson Sportsground &amp; Clubrooms</b>	43,873	76,923	33,050	75%
<b>Dunstan Grove - Linde Reserve</b>	43,364	49,797	6,433	15%
<b>Total</b>	<b>1,094,639</b>	<b>1,252,540</b>	<b>157,901</b>	<b>14%</b>

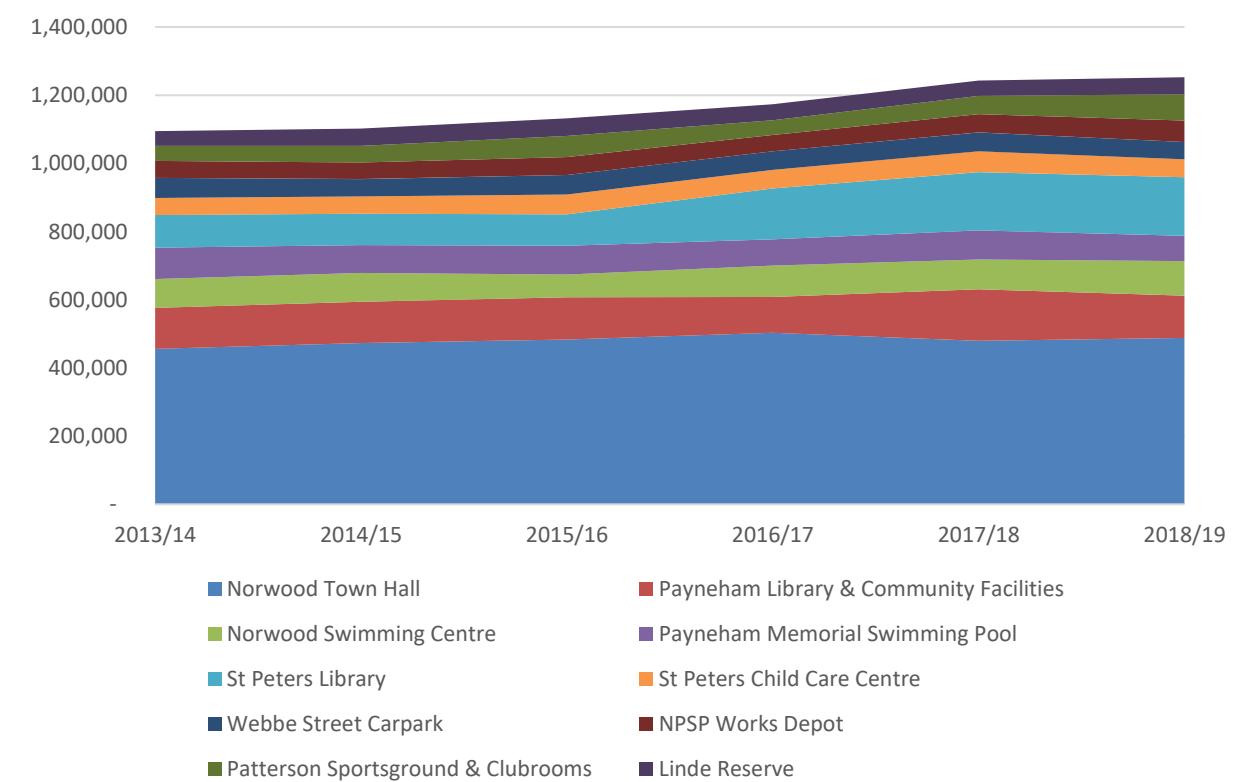


Figure 5: Electricity consumption (MWh) - Top 10 council facilities

Increases in electricity consumption for public facilities is often associated with the installation of air-conditioning and the provision of additional community services which improves indoor environments and provides additional social benefits however increases energy use. However, the energy efficiency of air-conditioning, lighting and appliances has steadily improved and increases in community services are typically offset by energy efficiency improvements.

For the Council's Swimming Centres, the Council has identified and rectified water leaks which have resulted in the temporary closure of the Swimming Centres which has changed the frequency of use and operating hours. As a result, the energy consumption profiles are not expected to be accurate. The Payneham Memorial and Norwood Swimming Centres Upgrades program is expected to address both energy and water efficiency improvements however will lead to an increase in consumption due to larger facilities and an expected increase in use.

It is recommended that an energy efficiency audit in line with AS/NZS 3598.1:2014 is undertaken at these facilities to identify energy efficiency improvements. This will also assist in ensuring that in the event solar PV systems are installed, they are appropriately sized and match the facility's optimised demand profile. In addition, Swimming Centres can offer large opportunities to reduce both energy and water consumption and as they are in the top 5 for energy consumption, a holistic audit should be undertaken to identify opportunities.

### 3.2.2 Electricity consumption - streetlights

Electricity consumption associated with streetlights has reduced by 552MWh which equates to a 34% consumption reduction and 29% emissions reduction. Total emissions associated with streetlighting is estimated to be 474 t-CO<sub>2</sub>e. It is expected that additional consumption savings will be realised in 2019/20 as the LED replacement program did not start until September 2018 and therefore only partial consumption reductions would be captured.

Table 4: Electricity consumption - Streetlights

Facility	2015/16	2016/17	2017/18	2018/19	+ / -	% change from 13/14 to 18/19
Electricity consumption (kWh)	1,628,921	1,616,993	1,562,708	1,076,819	-552,102	-34%
Scope 3 Emissions per kWh	0.53	0.51	0.44	0.44	0.53	-
Emissions (Scope 3 tCO <sub>2</sub> -e)	863.33	824.67	687.59	473.80	-293	-34%

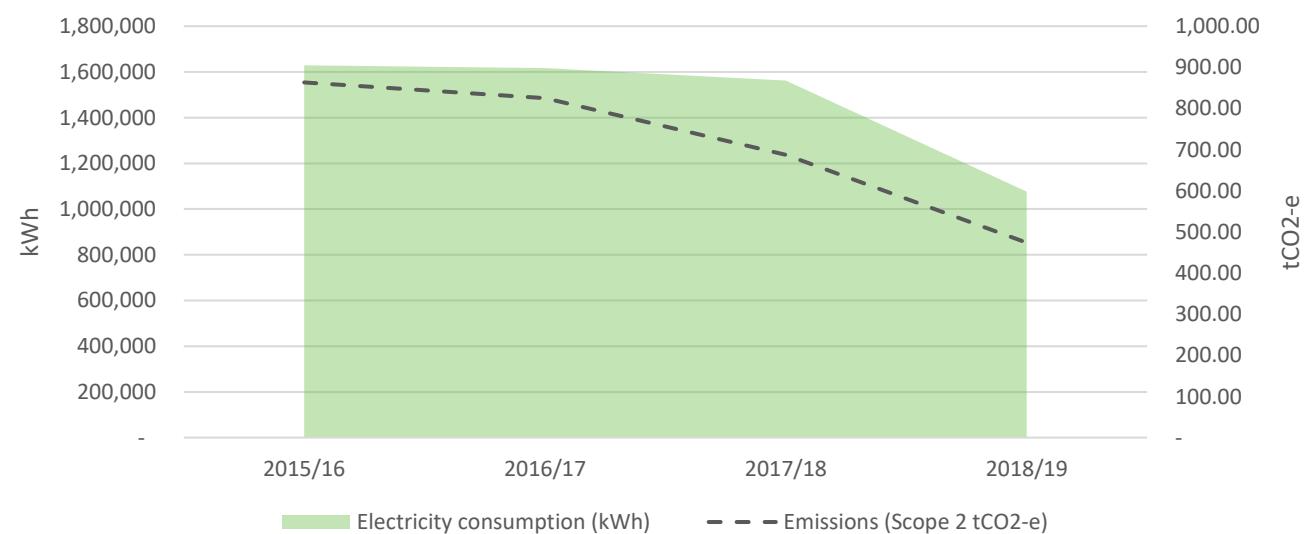


Figure 6: Streetlight electricity consumption and emissions

### 3.3 Natural gas consumption

Energy consumption (electricity and gas) was estimated to equate to approximately 30% of the Council's emissions in 2000/01. An analysis of the Trellis data identified that natural gas consumption had decreased by 40% from 2013/14 to 2018/19 which is a significant reduction. It is likely that the reduction in natural gas consumption resulted in the increase in electricity consumption as older building heating systems (e.g. gas boilers and radiant heaters) have been replaced with electric systems.

Table 5: Natural gas consumption

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	+ / -	% change from 13/14 to 18/19
Consumption (GJ)	6,774	5,675	3,511	4,792	4,515	4,085	-2,689	-40%
Emissions factor (Scope 3)	10.40	10.40	10.40	10.40	10.40	10.40		
Emissions – tonnes CO <sub>2</sub> -e (Scope 3)	70	59	37	50	47	42	-28	-40%

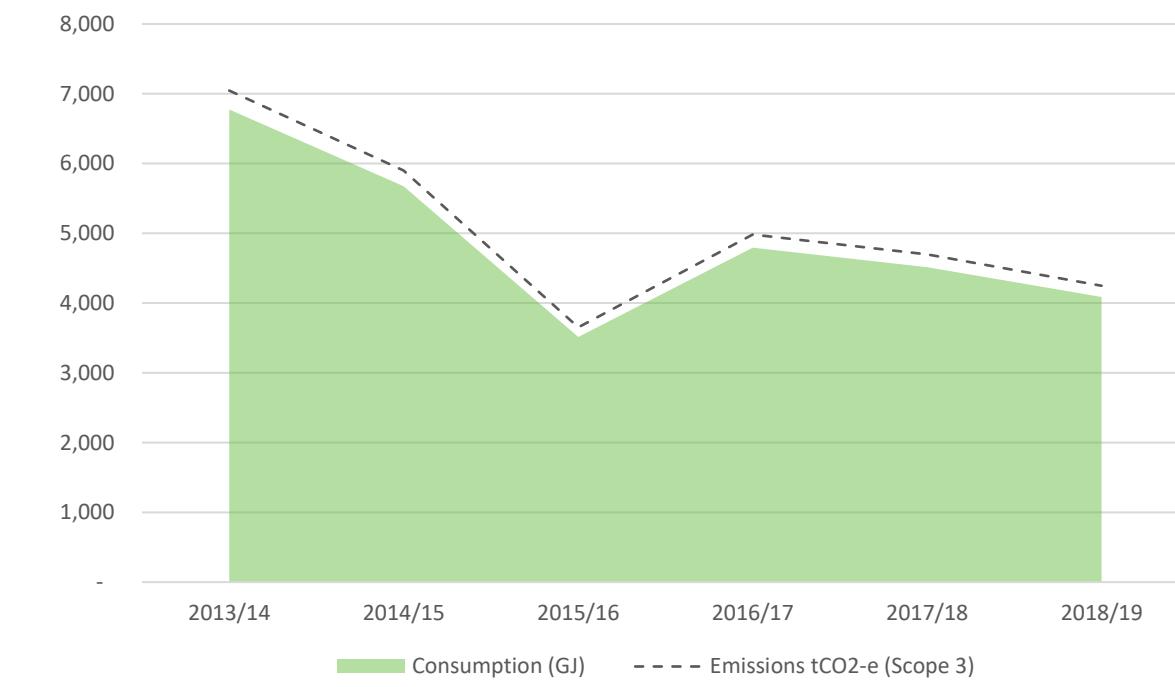


Figure 7: Natural gas consumption (GJ)

It is recommended that opportunities to reduce natural gas consumption or transition to all-electric options are considered due to natural gas being a fossil fuel with associated emissions. Although there are opportunities being explored to reduce the emissions associated with natural gas by utilising green hydrogen, the high percentage of renewables in South Australia currently supports electric options as a lower emissions option.

### 3.4 Potable water consumption

Water consumption has increased by 763,631kL or 80% from 2016/17 to 2019/20 (refer Figure 8). This is a significant increase in water consumption and at 2020/21 SA Water prices, equates to \$202,485 per annum. Although weather conditions and rainfall impacts irrigation requirements, an 80% increase is beyond typical increases due to weather, which may result in a 20-30% increase in consumption during summer periods of drought and warmer conditions.

Table 6: Water consumption emissions

Facility	2016/17	2017/18	2018/19	2019/20	+ / -	% change from 13/14 to 18/19
Water consumption (kL)	92,428	126,760	154,623	166,059	73,631	80%
Emissions per kL	0.0022578	0.0022578	0.0022578	0.0022578	0.0022578	-
Emissions (tCO2-e)	208.68	286.20	349.11	374.93	166.24	80%

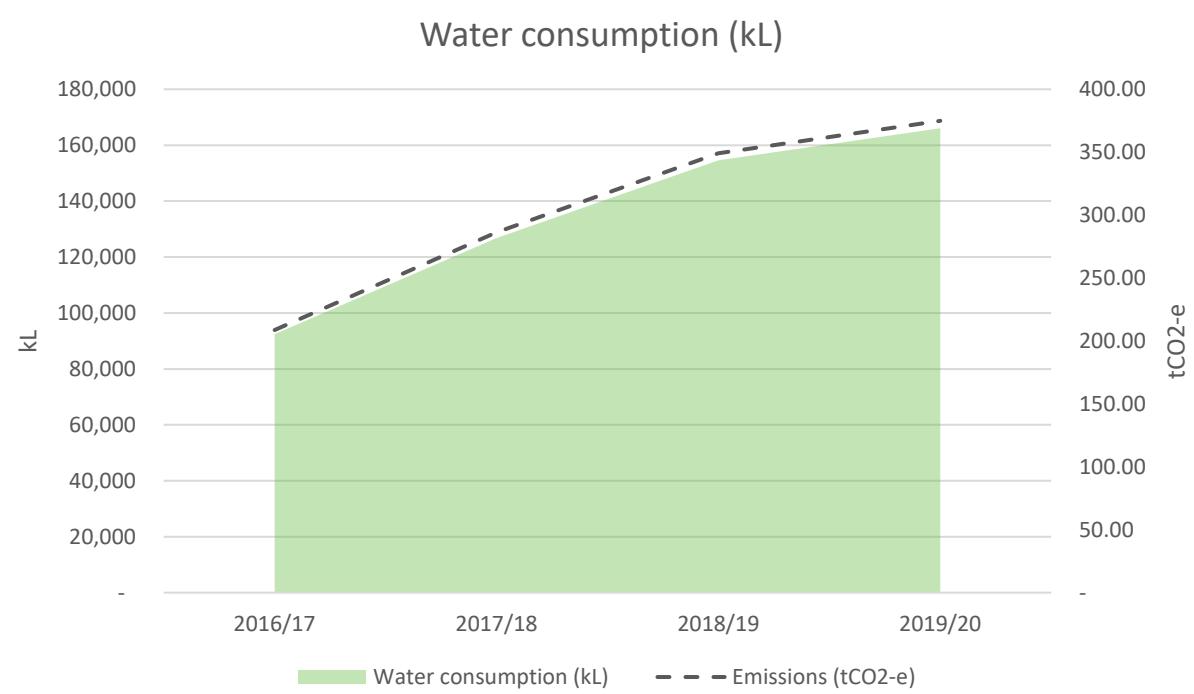


Figure 8: Water consumption (kL) graph

It is expected that the Council's Swimming Centres would be contributing a large amount to the above water consumption from water usage within the pools, community showering, etc. In addition, the pool structures are old and significant water leaks have already identified by the Council. Due to the Council paying a lower rate than the standard \$3.24 per kL, the financial cost of the leaks is minimised. However, emissions associated with the water consumption should be considered.

Based on a high-level review of reserves and open spaces managed by the Council, there may be an opportunity to improve the efficiency of irrigation systems. In the below images, there are examples of large green patches and doughnut patterns, which tends to indicate inefficient irrigation systems with leaks around sprinkler heads and that the sprinklers are not provided a uniform cover. This may be resulting in increased water consumption to maintain open green space which in turn, would be increasing emissions for the Council.



Figure 9: Patterson Sportsground



Figure 10: Payneham Oval

Doughnut patterns indicate sprinklers are not providing a uniform cover, resulting in increased water consumption to maintain turf.

Large patches of green indicate leaks or uneven sprinkler heads, reducing irrigation system efficiency.



Figure 11: Adey Reserve

Large areas of green versus dry patches indicate that the irrigation system has failed or does not operate in some areas.

Irrigation efficiency and maintaining green open space for community use should also be considered from an urban heat island perspective, with irrigated areas providing areas of respite and lower surface temperatures. The below example is Adey Reserve which compares the surface temperature for green irrigated areas versus dry non-irrigated areas (refer Figure 12). It is recommended water efficiency improvements for open spaces consider both the benefit from reducing consumption and emissions, while also considering opportunities to improve climate resilience by providing areas for community respite. In addition, increasing landscaping and vegetation with drought resistant plantings will assist in reducing water consumption while maintaining community open space.

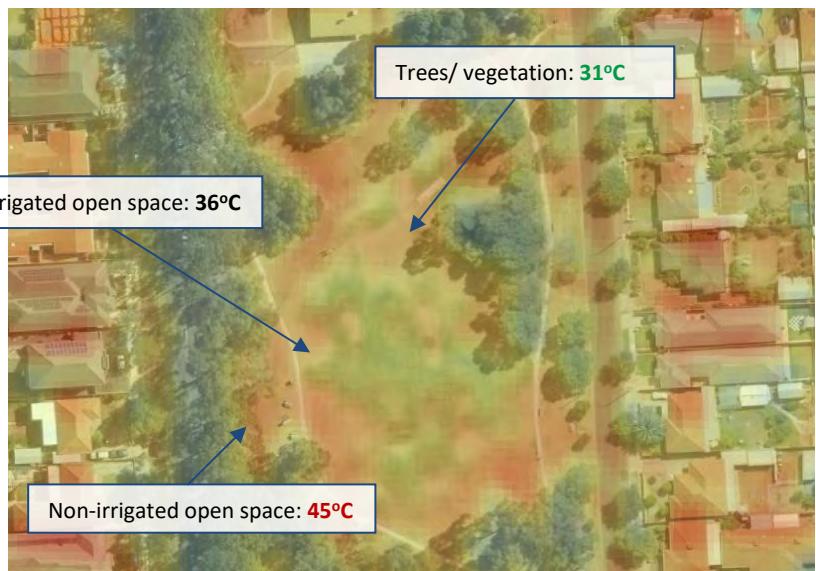


Figure 12: Adey Reserve - Heat mapping

Felixstow Reserve is another example where there is a large difference between turfed open space and the adjacent vegetation and wetlands (refer Figure 13). Note that based on the heat mapping, it appears that the thermal imaging was taken when the open green space was not yet irrigated.



Figure 13: Felixstow Reserve – Heat mapping

### 3.5 Non-potable water consumption

Non-potable water for irrigation is expected to be supplied by the Eastern Regional Alliance (ERA) Aquifer Storage and Recovery (ASR) scheme in the 2020/21 summer period. Although harvested stormwater schemes have a lower filtration and treatment requirement than recycled effluent or mains water, the supply is still required to be treated both naturally (wetland filtration) and mechanically (filtration) prior to being injected into the aquifer and has the same associated pumping requirements for supply. As a result, shifting to ASR has an environmental benefit from reducing the use of Murray River and Murray Darling Basin for irrigation purposes, however has minimal impact on emissions. Therefore, the ASR water has not been excluded from the emissions analysis.

### 3.6 Transport

Transport emissions for the Council's fleet vehicles are captured in Trellis and have been incorporated in the emissions profile. Note, due to data not being continually uploaded to Trellis, the emissions profile has been based on 2014/15 data and may have changed over time which has not been reflected.

The Council's fleet currently consists of 20 corporate passenger vehicles for staff and pool vehicle uses. The below table outlines potential hybrid electric and electric vehicle (EV) replacement options based on similar capabilities and sizing. When coupled with a 100% renewable energy supply, EVs have zero emissions associated with both charging and operating the vehicles. The below provides a summary of potential hybrid electric and fully electric vehicles that could potentially replace the Council's existing fleet. It should be noted that there are new hybrid electric and electric vehicles continually entering the market and replacement options are expected to change throughout the fleet transition stages.

Table 7: Council vehicle fleet and EV replacements

Vehicle/Make	Potential hybrid replacement	Potential EV replacement
<b>URBAN SERVICES CITY ASSETS</b>		
Toyota Camry SX	Toyota Camry Hybrid	Hyundai Ioniq / Kona / MG ZS EV
Toyota Corolla Ascent	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Toyota Corolla Ascent	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Toyota Corolla Ascent	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Toyota Hiace Van	n/a - Transition straight to EV	SEA E4V Delivery Van
Toyota Corolla SX	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
<b>URBAN PLANNING &amp; ENVIRONMENT</b>		
Toyota Camry SX	Toyota Camry Hybrid	Hyundai Ioniq / Kona / MG ZS EV
Holden Astra Sportwagon	Mitsubishi Outlander PHEV / Toyota RAV4 GXL Hybrid	Hyundai Kona / MG ZS EV
Toyota Corolla Ascent	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Holden Astra Sportwagon	Mitsubishi Outlander PHEV / Toyota RAV4 GXL Hybrid	Hyundai Kona / MG ZS EV
Holden Astra Sportwagon	Mitsubishi Outlander PHEV / Toyota RAV4 GXL Hybrid	Hyundai Kona / MG ZS EV
<b>GOVERNANCE AND COMMUNITY AFFAIRS</b>		
Toyota Corolla ZR	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Toyota Corolla SX	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Holden Astra Sportwagon	Mitsubishi Outlander PHEV / Toyota RAV4 GXL Hybrid	Hyundai Kona / MG ZS EV

Vehicle/Make	Potential hybrid replacement	Potential EV replacement
Volkswagen Caddy Van	n/a - Transition straight to EV	Renault Kangoo Z.E.
Holden VF 11 Ute	n/a - Transition straight to EV	Renault Kangoo Z.E.
<b>CORPORATE SERVICES</b>		
Toyota Corolla ZR	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
<b>CEO'S OFFICE</b>		
Mazda CX 8 Asaki	Toyota Kluger Hybrid Electric 2021	Tesla Model X / Y
Holden Astra Sportwagon	Mitsubishi Outlander PHEV / Toyota RAV4 GXL Hybrid	Hyundai Kona / MG ZS EV
Volkswagen Caddy Van	n/a - Transition straight to EV	Renault Kangoo Z.E.

The Council has elected to implement a staged transition program with a mixture of hybrid electric and fully electric vehicles procured from 2021 and the transition has been incorporated into emissions projections. In addition, the replacement of medium and heavy vehicle replacements has been incorporated from 2025 when new hybrid and full EVs are expected to become more prevalent.

A Low Emissions Fleet Transition Plan has been developed to transition to EVs and plan for the delivery of associated charging infrastructure required for charging and operations. The Council will also continue to work with other providers and partners in seeking to increase the availability of publicly accessible e-vehicle charging stations.

### 3.7 Refrigerants

Refrigerant emissions associated with air-conditioning are captured in Trellis and have been incorporated in the emissions profile based on air-conditioning re-gassing. Due to data being based on actual records of refrigerant re-gassing maintenance records, the administrative and resourcing requirements required to capture and upload refrigerant data can be problematic to manage. However, using an estimate in line industry standards may result in higher emissions being reported than if the Council's air-conditioning systems are appropriately managed and have lower leakage rates.

It is recommended that the Council continue to collate refrigerant re-gas quantities on an annual basis through their maintenance contractor.

### 3.8 Waste to landfill

Waste to landfill data is captured in Trellis; however, includes both community and council operational waste. The Council is serviced by East Waste with a kerbside landfill, co-mingled and organics recycling service provided. Additional specialised waste drop-off servicing including hard rubbish, e-waste, oils, hazardous waste, batteries and paints, sealants and adhesives are also supported by East Waste and the Council.

East Waste have set a target of increasing landfill waste diversion to 70% by 2020 for member councils, however landfill diversion rates for the state reached 84% in 2018/19 and therefore it is expected that East Waste and the Council would be well on the way to reaching this target. It is recommended that the Council continue to work with East Waste to monitor and improve landfill diversion rates.

To enable carbon emissions to be calculated for the Council operations, total building area ( $m^2$ ) has been used to calculate an annual waste generation figure based on the City of Sydney's *Guidelines for Waste Management in New*

*Developments.* The building area captured in the Council's Building and Reserve Asset Register has been used to calculate annual waste volumes and has been incorporated into the below emissions profile. As some of these assets are not occupied as per the City of Sydney benchmarks, a realistic assessment of operation hours has been assumed.

For the Council's operations, it is recommended that waste management initiatives are implemented to increase landfill diversion rates and reduce contamination which has been identified as a key issue by East Waste across all councils. It is also recommended that the Council tracks operational waste separate to community waste to provide more accurate data on its corporate carbon emissions. For example, install RFID chips in operational bins so that East Waste can capture and report the data.

### 3.9 Supply chain

The Council currently tracks the purchase of A4 and A3 paper used in corporate offices which is captured in Trellis. The Council has been transitioning to carbon neutral and 100% recycled paper options and it is recommended that this is mandated from 2021.

## 4 Emissions profile

### 4.1 Introduction

The following section outlines the emissions profile for the Council to use as a baseline to work towards the Council's target of zero corporate carbon emissions by 2030.

### 4.2 Corporate carbon emissions profile

The following section outlines the combined emissions profile for the Council based on the above analysis.

Table 8: Emissions summary

Category	Sub-category	Emissions (t CO2-e)	%
Energy	Electricity Buildings & Facilities	840	44.4%
	Electricity Streetlights	277	14.7%
	Natural Gas	42	13.4%
Water	Water	134	7.1%
Transport	Fuel	225	11.9%
	Flights	0.5	0.03%
	Taxi / Uber	0.1	0.01%
Supply chain	Paper	14.6	0.8%
Waste & Resources	Operational waste to landfill	142	7.5%
Fugitive emissions	Refrigerants	4.7	0.2%
<b>Total (tCO2-e)</b>		<b>1,890</b>	<b>100%</b>

Refer to below graphs for a graphical summary of the Council's emissions profile which demonstrate that energy is a significant portion of the Council's emissions and should be a priority for implementing emissions reduction projects. (refer Figure 14 and Figure 15).

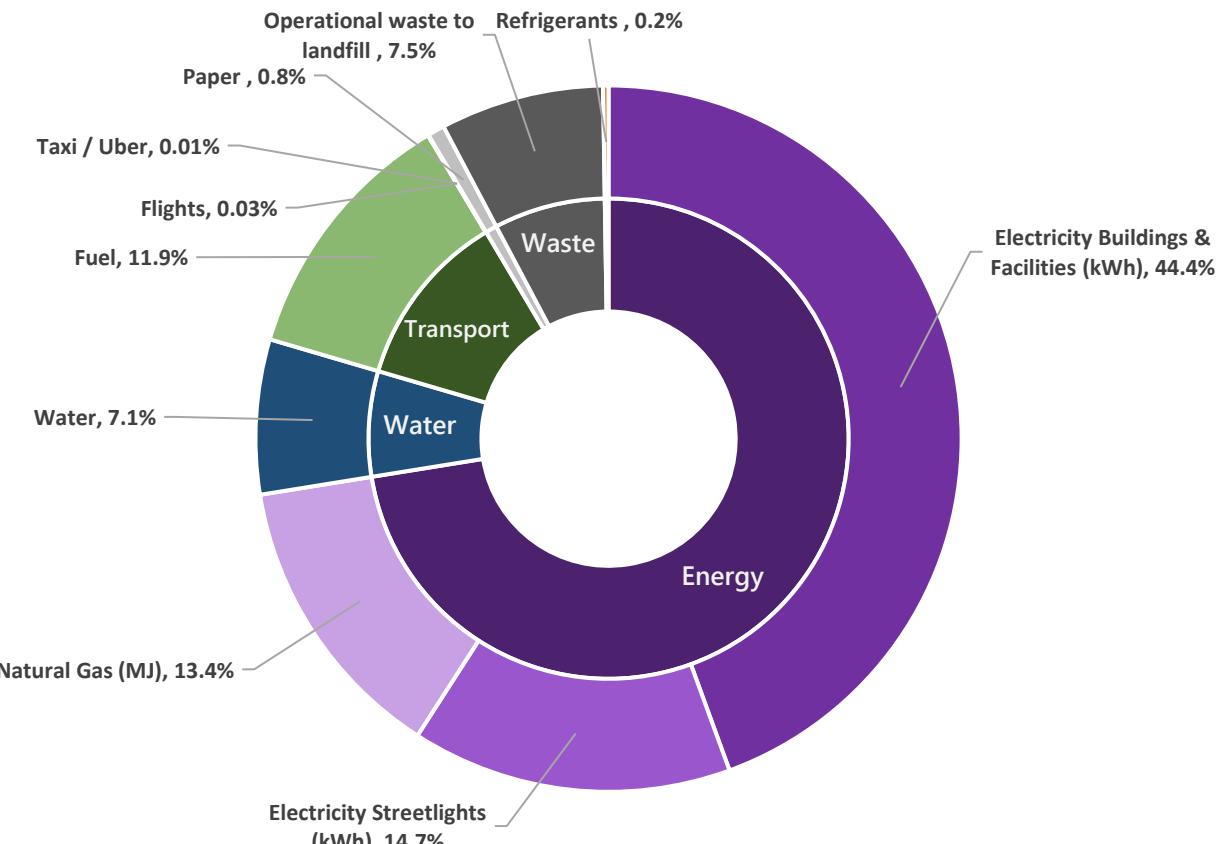


Figure 14: Emissions profile graph

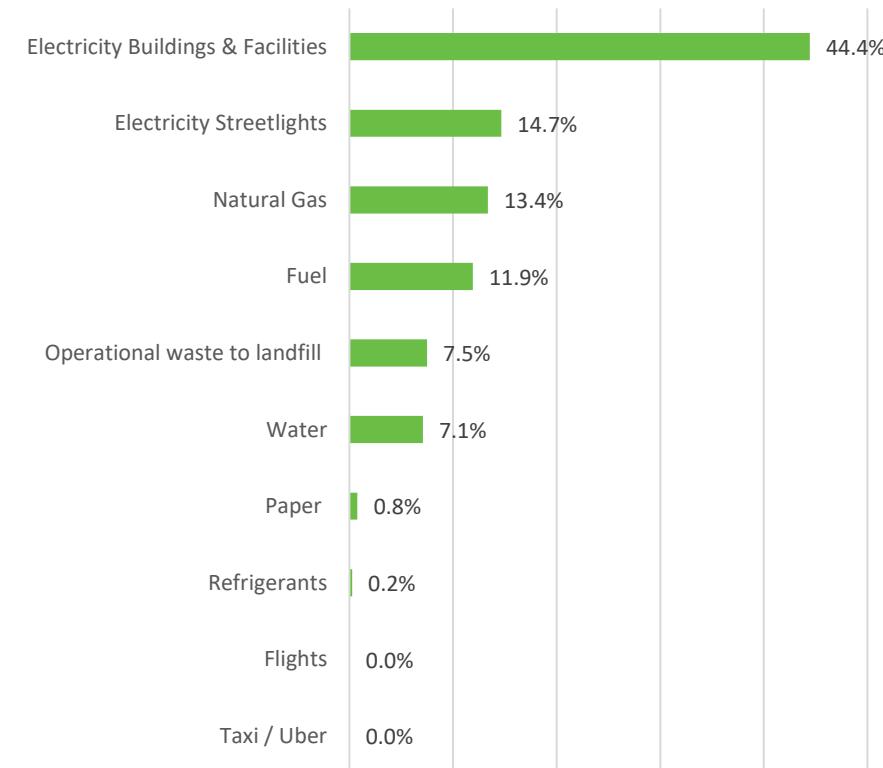


Figure 15: Emissions profile bar graph

#### 4.3 Emissions projections

Based on the above emissions profile, the Council's emissions have been projected out to 2030 in line with existing government commitments to provide a baseline.

The projections are based on the following with no additional emission reduction measures implemented by the Council:

- Renewable energy projections for South Australia which are the main driver for emissions reduction over time. Renewables are expected to reach over 75% by 2025 and over 90% by 2030, with some projections expecting >100% renewables by 2030.
- Electric vehicle (EV) uptake projections for Australia.
- Landfill waste diversion reducing marginally from 2020-2030 and then stabilising:
  - Landfill diversion was 84% in 2018/19. A 90% landfill diversion rate has been set for 2030.
- Vehicle efficiency (internal combustion engine vehicles) have been projected to increase marginally prior to being replaced by hybrid vehicles and EVs.
- Water emissions are projected to remain constant.

## 5 Emissions reduction projects

### 5.1 Introduction

A detailed review of the Council's existing projects and opportunities to reduce carbon emissions has been undertaken with the following emission reduction projects identified for implementation.

### 5.2 Approach to project assessment

In line with the Council's Quadruple Bottom Line based approach, emission reduction projects have been assessed based on their social, cultural, economic and environmental impact. This is to ensure an optimal suite of capital and non-capital initiatives are implemented that will help the Council achieve its zero corporate carbon emissions goal by 2030 while also contributing to other priorities.

Each project has been reviewed with the following considerations in mind:

- Key benefits, including primary benefits of carbon abatement, but also social and economic benefits.
- Initial capital cost.
- Operations and maintenance considerations.
- Simple payback.
- Timeframes for planning and implementation (to inform the Plan).
- Key risks and other considerations.

### 5.3 Emission reduction projects

The below provides a summary of the emissions reduction projects identified for implementation (refer to Appendix E for a detailed summary table).

Table 9: Emission reduction projects

Emissions Reduction Initiative	Summary	Total emissions reduction potential %	Timing
<b>Direct emissions reduction initiatives</b>			
Onsite Solar PV	Maximise rooftop solar PV at the following facilities: _Norwood Town Hall _Payneham Library and Community Centre _St Peters Library _St Peters Child Care Centre _Works Depot	15%	1-2 years
Energy efficiency audits and initiatives	Undertake energy efficiency audits and implement efficiency recommendations. Key initiatives could include LED lighting upgrades, air-conditioning replacements, appliance upgrades, insulation, shading and glazing upgrades and building sealing.	3-5% per annum over 5 years	1-2 years

Emissions Reduction Initiative	Summary	Total emissions reduction potential %	Timing
<b>ESD guidelines – new builds and refurbishments</b>	Implement ESD guidelines for all new buildings and refurbishments to increase resource efficiencies and reduce emissions.	<b>3-5% reduction per project</b>	1 year
<b>Zero emissions fleet transition</b>	Transition existing fleet to zero or low emission options including hybrid electric and electric vehicles. Refer EV Fleet Transition paper.	<b>10-15%</b>	Transition begins immediately
<b>Electric vehicle charging stations</b>	Install EV charging stations at key facilities to support zero emission fleet transition. Refer EV Fleet Transition paper.	<b>0% but required to support EVs</b>	1-2 years
<b>100% renewable energy contract</b>	Support a 100% renewable energy contract as part of Local Government Association (LGA) negotiations to support both building and EV fleet consumption. Expected implementation in 2023.	<b>&gt;25% (Following Solar PV rollout)</b>	2 years
<b>Increased landfill waste diversion</b>	Increase waste diversion rates through improved waste management practices. Key initiatives could include new waste infrastructure (internal bins and signage), implementing procurement guidelines to avoid/reuse and staff training sessions.	<b>1-2%</b>	1-5 years
<b>Water efficiency improvements</b>	Undertake water efficiency audits of facilities and reserves to reduce water consumption.  Key initiatives could include irrigation system upgrades and optimisations, upgrading to water efficient taps, toilets, shower heads and fixtures and identifying water leaks.	<b>1-2%</b>	<b>Trial: Immediately 1-2 years</b>
<b>Procure Carbon Neutral supplies</b>	Implement procurement procedures where carbon neutral office supplies are mandatory where available (e.g. A4/A3 paper).	<b>&lt;1%</b>	Immediately
<b>Total potential emissions reduction</b>			<b>Up to 70% compared to 2018/19 emissions profile</b>
<b>Supporting emissions reduction initiatives</b>			
<b>Communication and Promotion</b>	Ongoing marketing and communication of the plan and associated projects.	n/a	Ongoing

Emissions Reduction Initiative	Summary	Total emissions reduction potential %	Timing
<b>Sustainable staff commute &amp; survey</b>	Implement programs to support staff to transition to sustainable and active forms of transport including walking, riding and public transport. Develop an annual staff survey to track staff commute and the transition to low / zero emission modes of transport	n/a	Ongoing
<b>Natural gas transition</b>	Incorporate an assessment of transitioning to all-electric for facilities as part of energy efficiency improvements, refurbishments and new construction projects. Investigate transitioning natural gas building systems (heating/hot water) to all-electric by 2030. Investigate transitioning pools to all-electric as part of refurbishments	<b>Natural gas = 13% of emissions</b>	Ongoing
<b>Carbon neutral certification</b>	Investigate developing a full carbon inventory in line with Climate Active standards and becoming certified carbon neutral. To be reviewed following emission reduction measures being implemented.	n/a	Review in 2025
<b>Community Carbon Neutral Plan</b>	Develop full carbon inventory in line with Climate Active standards and become certified carbon neutral.	n/a	Review in 2025
<b>Carbon Neutral Council Events</b>	Investigate Climate Active Carbon Neutral events to showcase actions being undertaken by the Council.	n/a	From 2022/23
<b>Develop a Sustainable Procurement Policy</b>	Investigate developing a sustainable procurement policy or working with key teams to include sustainability measures in all procurement processes	n/a	From 2021
<b>Sustainable behaviour program</b>	Implement a sustainable behaviour program to promote sustainable practices both at work and at home	n/a	Ongoing

#### 5.4 Emissions reduction projections

The above emissions reduction projects have been projected out to 2030 to develop an implementation program and roadmap for the Council. The projections demonstrate that following the implementation of the above projects, there is an opportunity for the Council to reduce corporate emissions by over 50% by 2025 and over 70% by 2030.

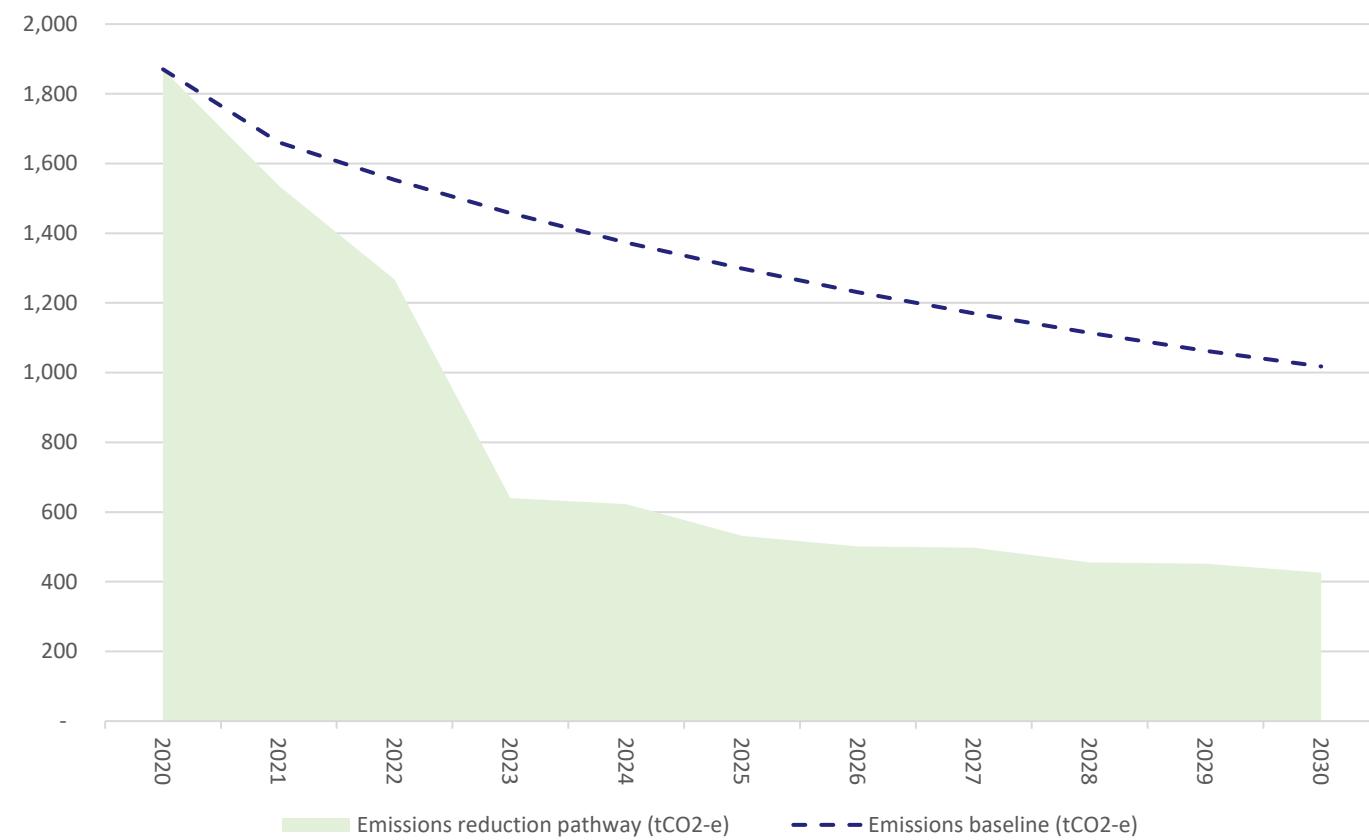


Figure 16: Emission reduction pathway

## 5.5 Financial analysis

A financial analysis of emission reduction projects has been undertaken to ensure that the initiatives support the Council's operations and demonstrate the efficient use of the Council's budget. The analysis has also incorporated the Council's quadruple bottom line approach with the social, cultural, environmental and economic impacts considered.

Emissions Reduction Initiative	Summary	Capital investment	Operational saving	Payback
<b>Direct emissions reduction initiatives</b>				
Onsite Solar PV	Maximise rooftop solar PV at the following facilities: _Norwood Town Hall (already budgeted / underway) _Payneham Library and Community Centre _St Peters Library _St Peters Child Care Centre _Works Depot	\$256,500	\$66,673	4
Energy efficiency audits and initiatives	Undertake energy efficiency audits and implement efficiency recommendations.  Key initiatives could include LED lighting upgrades, air-conditioning replacements, appliance upgrades, insulation, shading and glazing upgrades and building sealing.	\$2,000 per facility (Level 1 Energy Audit)	TBC – Per project	TBC – Per project
ESD guidelines – new builds and refurbishments	Implement ESD guidelines for all new buildings and refurbishments to increase resource efficiencies and reduce emissions.	\$8,000-\$10,000	TBC – Per project. (3-5% operational saving per project possible)	TBC – Per project
Zero emissions fleet transition	Corporate passenger fleet hybrid vehicle transition	20-30% increase in upfront capital	20-30% decrease in running costs	5-year return on investment
	Corporate passenger fleet hybrid vehicle transition – electric vehicle fleet transition	EV prices to be monitored and confirmed over the next 2-3 years. New models and price reductions are expected in this timeframe.		
Electric vehicle charging stations	Plant and maintenance - Heavy / medium vehicle transition			
	Undertake electrical infrastructure review	\$25,000- 30,000	n/a	n/a
	Install EV charging stations at key facilities to support zero emission fleet transition.	\$100,000		

Emissions Reduction Initiative	Summary	Capital investment	Operational saving	Payback
100% renewable energy contract	Support a 100% renewable energy contract as part of Local Government Association (LGA) negotiations to support both building and EV fleet consumption. Expected implementation in 2023.	n/a	Reduction in electricity costs expected	n/a
Increased landfill waste diversion	Increase waste diversion rates through improved waste management practices. Key initiatives could include new waste infrastructure (internal bins and signage), implementing procurement guidelines to avoid/reuse and staff training sessions.	n/a		
Water efficiency improvements	Undertake water efficiency audits of facilities and reserves to reduce water consumption.  Key initiatives could include irrigation system upgrades and optimisations, upgrading to water efficient taps, toilets, shower heads and fixtures and identifying water leaks.	\$2,000 per reserve  (Can incorporate water efficiency for Council facilities in energy audits)	TBC – Per site	TBC
Procure Carbon Neutral supplies	Implement procurement procedures where carbon neutral office supplies are mandatory where available (e.g. A4/A3 paper).	n/a – Minimal cost difference and already in place for most paper supplies		
<b>Supporting emissions reduction initiatives</b>				
Communication and Promotion	Ongoing marketing and communication of the plan and associated projects. Includes graphic design improvements (if required)	\$5,000	n/a	n/a
Sustainable staff commute & survey	Implement programs to support staff to transition to sustainable and active forms of transport including walking, riding and public transport.  Develop an annual staff survey to track staff commute and the transition to low / zero emission modes of transport	n/a	n/a	n/a
Natural gas transition	Incorporate an assessment of transitioning to all-electric for facilities as part of energy efficiency improvements, refurbishments and new construction projects.  Investigate transitioning natural gas building systems (heating/hot water) to all-electric by 2030. Investigate transitioning pools to all-electric as part of refurbishments	TBC – Per project		

Emissions Reduction Initiative	Summary	Capital investment	Operational saving	Payback
<b>Carbon neutral certification</b>	Investigate developing a full carbon inventory in line with Climate Active standards and becoming certified carbon neutral. To be reviewed following emission reduction measures being implemented.	<b>\$8,000 Climate Active fee + Consultant fees</b>	n/a	n/a
<b>Community Carbon Neutral Plan</b>	Investigate a Community Carbon Emissions Plan to reduce community emissions in line with the Council.	<b>TBC - Review in 2025</b>		
<b>Carbon Neutral Council Events</b>	Investigate Climate Active Carbon Neutral events to showcase actions being undertaken by the Council.	<b>TBC – Per event</b>	n/a	n/a
<b>Develop a Sustainable Procurement Policy</b>	Investigate developing a sustainable procurement policy or working with key teams to include sustainability measures in all procurement processes	<b>n/a</b> – Can be developed within existing resources		
<b>Sustainable behaviour program</b>	Implement a sustainable behaviour program to promote sustainable practices both at work and at home	<b>n/a</b> – Can be developed within existing resources		

Refer to Appendix E for a summary of the assessment.

## 5.6 Carbon offsets

Climate Active provides a list of eligible offset units under the Carbon Neutral standard's rules, to ensure genuine and credible emission reductions. These include but are not limited to Australian Carbon Credit Unit (ACCUs), Verified Carbon Standard (VCS) and The Gold Standard offsets.

Under the Climate Active standards, any remaining emissions left after emission management and reduction projects must be offset by purchasing carbon offsets (also known as carbon credits). These offsets are generated when reduction in carbon is made elsewhere to compensate for the carbon emissions generated by the Council.

Until recently, there were very few carbon offset projects in South Australia, making it difficult to buy local offsets. However, Australian and overseas approved offsets are available, in support of forestry, agriculture and renewable energy projects.

The cost of offset unit purchase is variable and market dependent. As a result, the price fluctuates depending upon the availability of the standard of offset required, the market demand at the time the purchase needs to be made, and the quantity of offsets required to be purchased. As demand increases and availability decreases, the price increases. The price also decreases as the quantity required increases. Essentially, basic supply and demand principles apply.

The current market price range for accredited Grade A carbon offset units that support Australian projects ranges from \$15/tonne to \$38/tonne. Based on projections undertaken by the Australian Government Treasury Report on Carbon Pricing advises that the current carbon offset range for Australia is a core price of \$20/tonne, and a high price of \$62/tonne. The Treasury modelling undertaken indicates that as the demand for carbon offset units increases over time, availability will decrease, and the price will therefore increase accordingly. Figure 17 provides a graph of carbon price projections which have been updated to reflect current prices compared to the original Treasury projections.

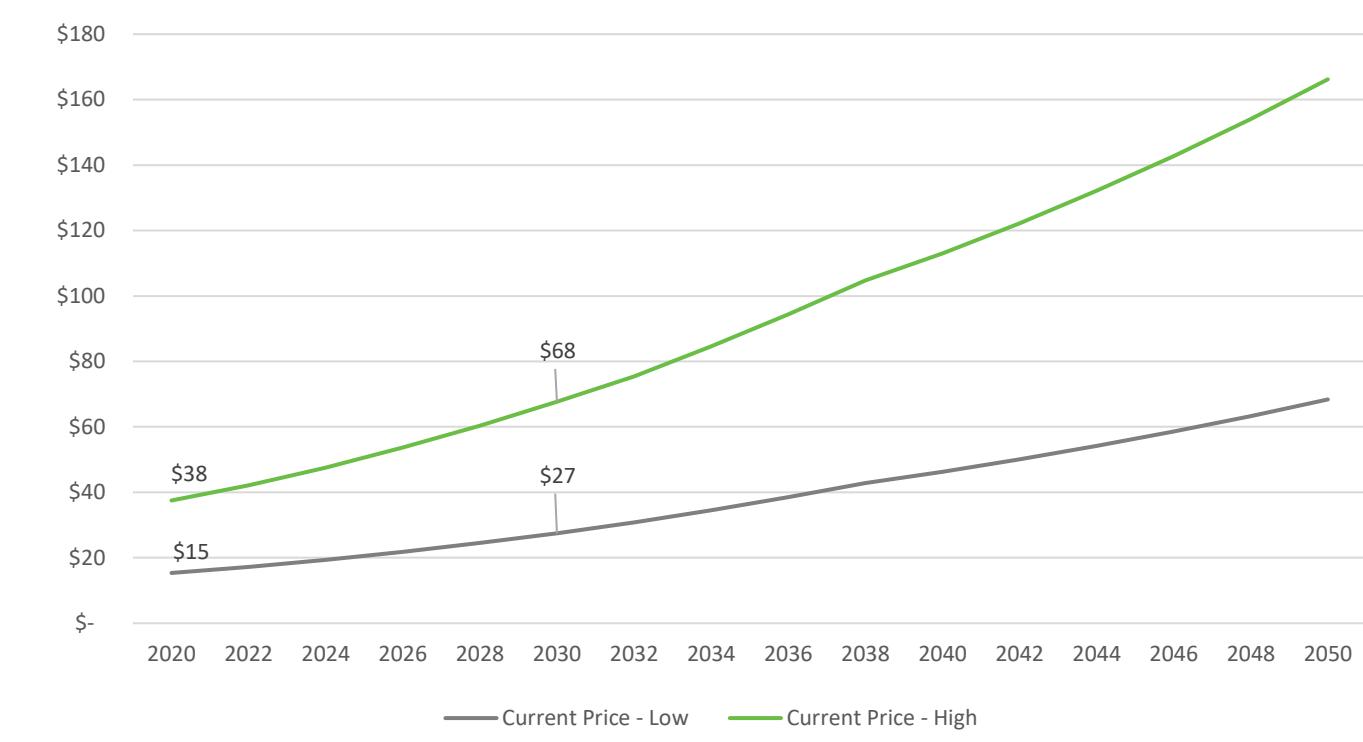


Figure 17: Carbon offset price projections

## 5.7 Carbon offset examples

### Carbon Offset Projects – Case Studies

Australia's largest accredited biodiversity offset is the Yarra Biodiversity Corridor Offset, a revegetation project located 400 km north of Perth. Managed by 'Carbon Neutral Consultants', this project involved planting seedlings in the wheatbelt region, to revegetate formerly cleared land.

<https://carbonneutral.com.au/yarra-yarra-biodiversity-corridor/>

In Tasmania, a large area of old growth forest previously designated for logging has been protected as a biodiversity forest, called the New Leaf Carbon Project. 28,000 hectares have been protected, and many companies, including Virgin Australia, buy carbon offsets from this project.

<http://marketplace.carbonmarketinstitute.org/new-leaf-carbon-project-2/>

The Department of Environment and Water (DEW) has been working on biodiversity projects to produce SA carbon offsets, including the Kangaroo Island Biodiverse Carbon Credit Pilot Project and an area of revegetation on the River Murray. The recent extension of Charlestown Conservation Park in the Adelaide Hills has been registered as a carbon conservation park with the Clean Energy Regulator, with the purpose of generating carbon offset credits through sequestration. It is difficult to obtain published information on these projects, however DEW has indicated that there may be opportunities for partnership with local organisations to create additional local biodiversity offsets. We recommend that further consultation is undertaken with DEW and SA Department of Premier and Cabinet to gain further clarity on what may be possible going forward.

### Carbon Sequestration in Trees

Planting of trees is an excellent way of sequestering carbon from the atmosphere. The Council has an active tree planting program, and there are obvious environmental benefits from this. If the Council were to attempt to plant an area to sequester all of the Council's corporate emissions, approximately 20,000 trees would need to be planted.

However, it should be noted that there is no way to verify the carbon offsets (or credits) from a planted area such as this without registering it as a carbon offset project, and there is no clear pathway to do this currently in Australia. Only approved carbon offsets can count towards a carbon neutral claim, or certification under Climate Active. It is important to note that tree planting is an excellent environmental initiative for many other reasons than contributing to carbon offsets, such as reducing heat island effect, increased biodiversity, etc., and should be considered as part of the wider environmental planning for the Council area.

The Department of Environment and Water (DEW) is currently operating biodiversity projects as carbon offsets, and it is possible that a partnership may be able to generate approved offsets. Alternatively, the Council could look to purchase established and approved biodiversity offsets elsewhere to support planting and reforestation projects in other places.

### 5.8 Zero emission pathways

Following confirmation of the preferred pathway for carbon offsets, the below is an example of the Council achieving zero corporate carbon emissions in either 2025 or 2030. Based on the above carbon offset price projections, the annual cost of carbon offsets is expected to range from approximately \$8,000 in 2025 or \$12,000 in 2030 based on low price projections (refer Figure 17).

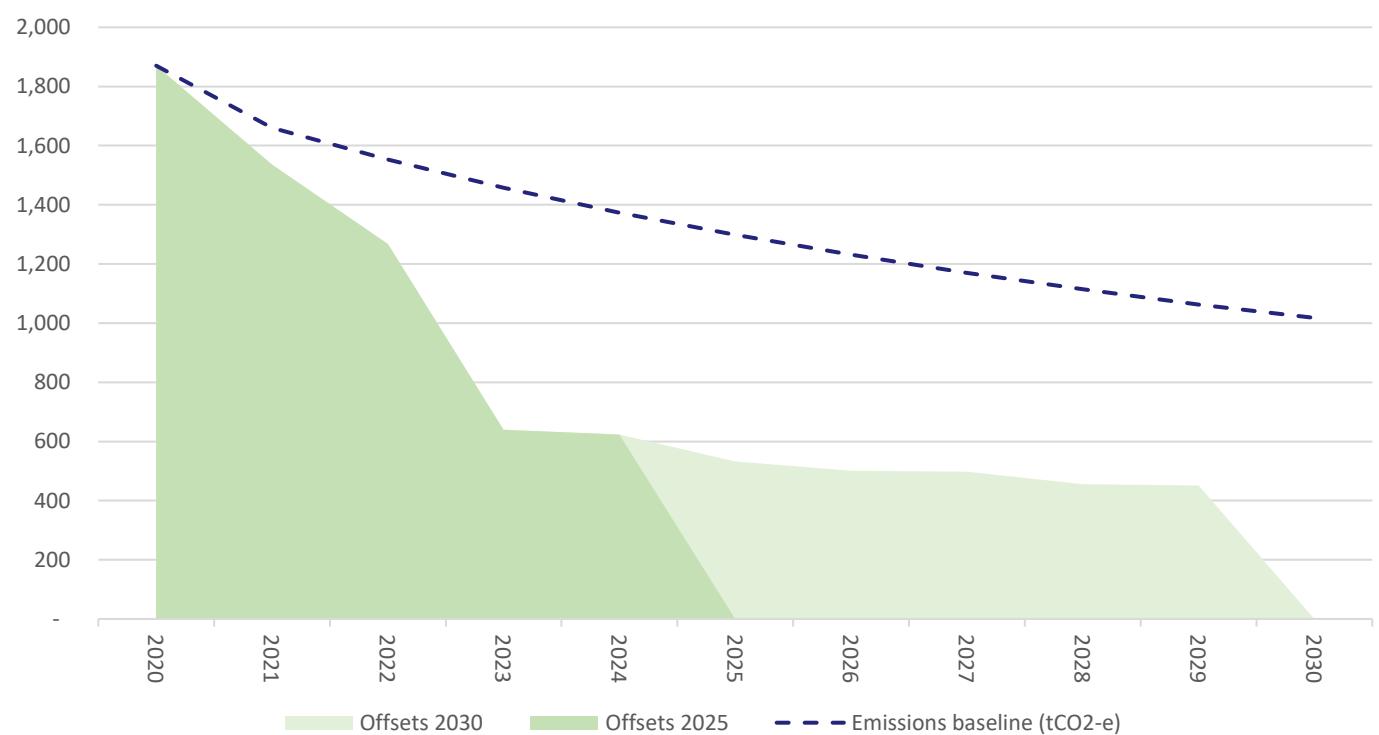


Figure 18: Carbon offset / zero emission pathways

It is recommended that the Council considers becoming carbon neutral in 2025 as the majority of the emission reduction projects would have been completed and there will only be a minor difference in total emissions between 2025 and 2030. In addition, as per the above projections, the costs of offsets are expected to increase over time and therefore it will be cheaper to become carbon neutral in 2025 which will demonstrate leadership.

## 5.9 Emissions reduction implementation plan

The following emissions reduction implementation plan has been developed to enable the Council to effectively plan for and delivery of emission reduction initiatives.

Emissions reduction initiative	Summary	FY20/21	FY21/22	FY22/23	FY23/24	FY24/25	FY25/26	FY26/27	FY27/28	FY28/29	FY29/30
<b>Key Activities</b>											
<b>Onsite Solar PV</b>	Maximise rooftop solar PV at the following facilities: _Norwood Town Hall _Payneham Library and Community Centre _St Peters Library _St Peters Child Care Centre _Works Depot			◆							
<b>Energy efficiency audits and initiatives</b>	Continue to implement energy efficiency upgrades and undertake energy audits of key facilities										
<b>ESD guidelines</b>	Develop ESD guidelines / checklist for new building projects and refurbishments		◆								
<b>Zero emissions fleet transition</b>	Corporate passenger hybrid fleet vehicle transition				◆						
	Full EV fleet transition							◆			
	Heavy / medium vehicle transition										◆
<b>Electric vehicle charging stations</b>	Electrical infrastructure study (pre-works)		◆								
	EV charging station implementation				◆						
<b>100% renewable energy contract</b>	Work with the LGA to secure a 100% renewable energy supply to achieve zero emissions electricity			◆							
<b>Increased landfill waste diversion</b>	Implement waste reduction initiatives to reduce waste to landfill from operations					◆					
<b>Water efficiency improvements</b>	Implement water efficiency projects such as irrigation system upgrades and optimisations, upgrading to water efficient taps, toilets, shower heads and fixtures and identifying water leaks.					◆					
<b>Procure Carbon Neutral supplies</b>	Implement procurement procedures where carbon neutral office supplies are mandatory where available (e.g. A4/A3 paper).										
<b>Review Climate Active certification and carbon offsets</b>	Undertake a review of the Council's emissions profile, carbon offset opportunities and pursuing Climate Active Carbon Neutral Certification					◆					

Supporting Activities											
<b>Communication and Promotion</b>	Ongoing marketing and communication of the plan and associated projects										
<b>Carbon Neutral Council Events</b>	Investigate opportunities to certify Council run events as Carbon Neutral.		◆								
<b>Develop a Sustainable Procurement Policy</b>	Investigate developing a sustainable procurement policy or working with key teams to include sustainability measures in all procurement processes		◆								
<b>Sustainable Staff Commute Support &amp; Survey</b>	Implement programs to support staff to transition to sustainable and active forms of transport including walking, riding and public transport. Develop an annual staff survey to track staff commute and the transition to low / zero emission modes of transport		◆								
<b>Sustainable behaviour program</b>	Implement a sustainable behaviour program to promote sustainable practices both at work and at home										
<b>Community Carbon Neutral Plan</b>	Investigate a Community Carbon Emissions Plan to reduce community emissions to zero in line with the Council.					◆					

	Rollout period
◆	Completion year

## Appendix A Council achievements timeline



## Appendix B Climate Active summary

### Introduction

The Australian Government, in partnership with the property sector and business, has developed the Climate Active (*formerly National Carbon Offset Standard (NCOS)*) for organisations. The organisational standard is a voluntary standard to manage greenhouse gas emissions and to achieve carbon neutrality. It provides best-practice guidance on how to measure, reduce, offset, report and audit emissions that occur as a result of the operations of an organisation.

### CLIMATE ACTIVE

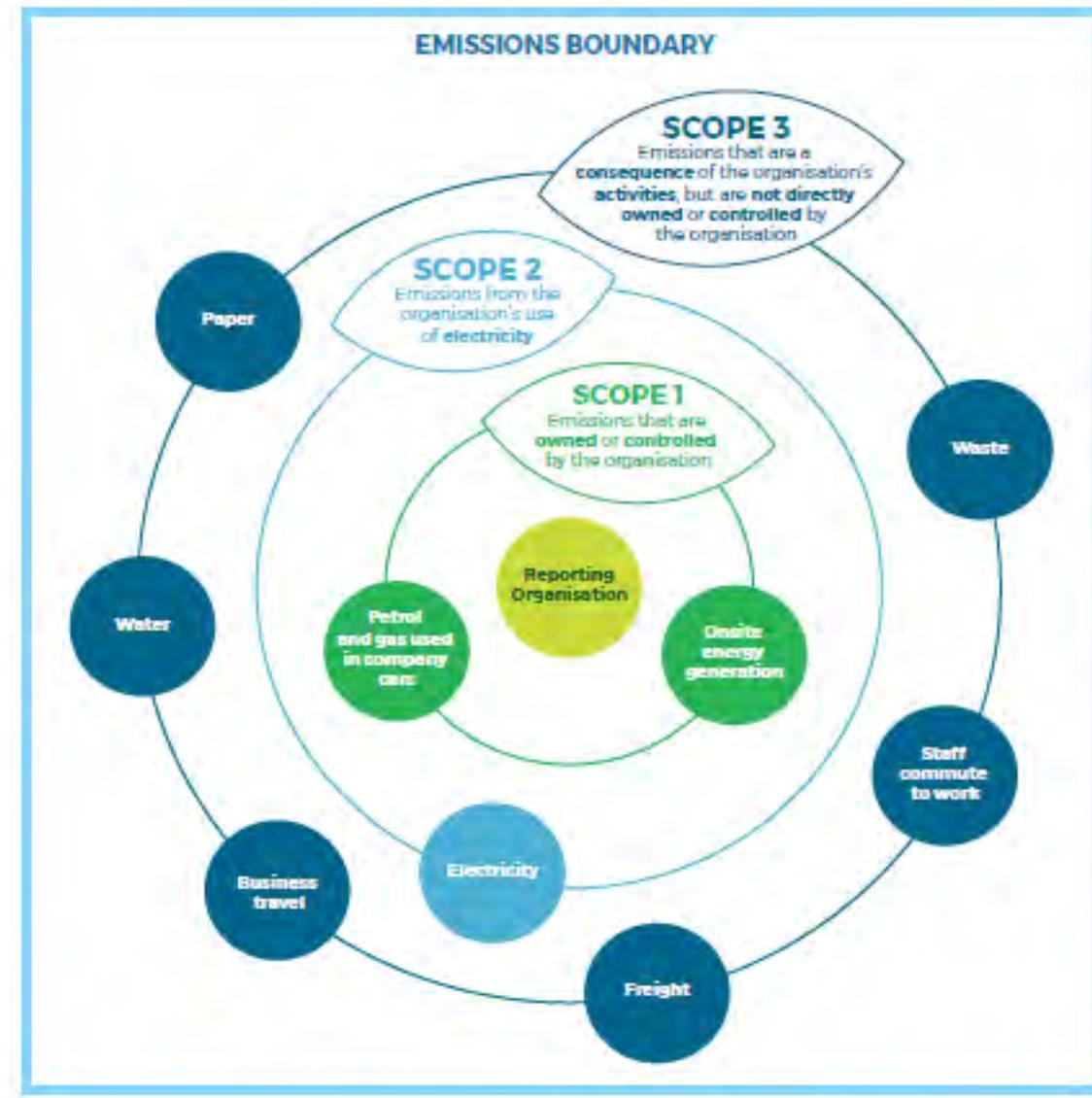
The purpose of Climate Active is to provide a structured, auditable pathway for organisations to work towards carbon neutrality. The Climate Active standard encourages the measurement, management and reduction of greenhouse gas emissions as far as is practicable, with the remaining emissions cancelled out by the purchase of accredited offset units.



Climate Active Pathway to certification. Source: CLIMATE ACTIVE

The following operational emissions are to be accounted for:

1. **Energy** (including lighting, heating and cooling, occupant energy use, plant equipment, other infrastructure and shared services). This includes all energy sources (grid electricity, on-site generated electricity, gas, diesel fuel etc.) and all emissions scopes (Scope 1, 2 & 3);
2. **Refrigerants** including air conditioning system leakage and replacement and refrigeration systems;
3. **Water** consumed, and **wastewater** discharged (including Scope 3 emissions associated with off-site water treatment);
4. **Transport** to and from a precinct (including occupant commuting, occupant travel to and from a place of work, property management vehicles, forklifts, shuttle services etc.); and
5. **Waste** leaving the precinct (including all waste streams, and Scope 3 emissions associated with off-site waste recycling, processing, combustion, or disposal to landfill).



Defining emissions scopes. Source: CLIMATE ACTIVE

**Emissions Scope**

The organisation emissions include all emissions that the organisation has control over. They fall into the three globally accepted categories:

Scope 1 – direct emissions resulting from the organisation's ownership and control, for example energy generated on site, fuel used in generators and company vehicles.

Scope 2 – the consumption of electricity generated elsewhere.

Scope 3 – emissions from electricity consumption and fuel use (indirect emissions from the extraction, production and transport of fuel burned at generation), and emissions from waste, business travel and accommodation, office paper and water use. Other scope 3 emissions sources that may be relevant include staff commuting, food and catering, postage and freight, stationery, office printing, cleaning services, IT services (e.g. data centres) and telecommunication services.

Any exclusions must be disclosed and justified.

The carbon account must include emissions of carbon dioxide ( $\text{CO}_2$ ), methane ( $\text{CH}_4$ ), nitrous oxide ( $\text{N}_2\text{O}$ ), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride ( $\text{SF}_6$ ), and nitrogen trifluoride ( $\text{NF}_3$ ).

**CLIMATE ACTIVE Certification**

The annual carbon account needs to be audited by an independent third party which carries NGERS Accreditation at least every three years. Once the emissions inventory has been confirmed, the carbon is then cancelled via the purchase of certified offsets, following which a submission can be made to Clime Active for certification.

Full details regarding Climate Active is available here

[http://www.environment.gov.au/climate-change/government/carbon-neutral/Climate Active](http://www.environment.gov.au/climate-change/government/carbon-neutral/Climate%20Active)

## Appendix C Previous emissions data and reduction targets

### Introduction

The following section summarises the data analyses undertaken and key learnings used to inform the development of the Plan.

### Previous emissions inventories

NPSP last developed a Greenhouse Strategy Plan in 2002 which included council and community emissions as well as targets and strategies to reduce, monitor and reduce emissions. The strategy was underpinned by an accredited ISO 14001 Environmental Management System (EMS) which provided a framework and reporting structure for emission reduction initiatives.

In 2000/01, emissions were estimated as follows:

- **Council:**
  - **2000/01 Baseline:** 4,548 tonnes CO<sub>2</sub>-e
  - **2012 target:** 3,637 tonnes CO<sub>2</sub>-e (20% reduction on 2001/02)
- **Community:**
  - **1998 Baseline:** 414,617 tonnes CO<sub>2</sub>-e
  - **2012 target:** 331,690 tonnes CO<sub>2</sub>-e (20% reduction on 1998)

The EMS was in place for a number of years however following the establishment of internal process for monitoring and improving environmental impacts, an accredited EMS was no longer maintained from 2012. To ensure that the Council's consumption and emissions are monitored and tracked Trellis (previously C3 Balance Carbon) was implemented from 2012. Trellis is an online portal that automatically extracts consumption data from invoices and assigns recognised emission factors to monitor carbon emissions.

The following emissions are being captured and tracked in Trellis which have been used to develop a high-level emissions profile for the Council (refer Section 4).

- Electricity
- Natural gas
- Fuel (council vehicles)
- Waste
- Flights
- Taxis
- Refrigerants
- Paper

Multiple areas in the Council actively monitor the Trellis portal including personnel from finance, assets and the Council's Sustainability Officer, and this is providing tangible benefits, including consumption reductions and cost savings. This model is ideal where multiple internal stakeholders are engaged in monitoring consumption and costs, allowing emission reduction proposals and initiatives to be supported for their environmental, economic and social benefits. For example, initiatives that reduce energy consumption will also reduce operating costs and can provide opportunities to improve social performance by improving council facilities (for example, air-conditioning upgrades can provide an improved indoor environment for staff and/or the community).

### Municipal Emissions Snapshot and Cohort Comparison

In 2017 the Council had a Municipal Emissions Snapshot and Cohort Comparison undertaken to gain an understanding of community emissions. The report estimated that community emissions totalled 547,000 tonnes of CO<sub>2</sub>-e in 2016/17 (refer Figure 19).



Figure 19: Snapshot community emissions estimate

The following is a comparison of the 1998 emissions inventory to the 2017 estimate in the Snapshot report (refer Table 2). The comparison highlights a >30% increase in emissions with industrial energy, waste and transport driving the emission increases. Note that emission factors, data sources and types and calculation methods have changed since the 2002 report and therefore a direct comparison is unlikely to be accurate. However, the comparison does highlight a trend of increasing community emissions which is expected due to increased waste to landfill, energy usage and private transport occurring across Australia. In particular, NPSP has experienced an increase in population and the number of dwellings.

Table 10: Community emissions comparison

	Residential	Commercial	Industrial	Transport	Waste	Total
1998	104,299	86,922	121,472	78,820	23,102	414,617
2017	92,900	74,700	208,900	100,800	69,700	547,000
Increase / Decrease	-11,399	-12,222	87,428	21,980	46,598	132,383
% Increase / Decrease	<b>-11%</b>	<b>-14%</b>	<b>72%</b>	<b>28%</b>	<b>202%</b>	<b>32%</b>

It should be noted that the population of NPSP has increased from 16,269 in the 2001 census to 17,518 in 2016, however when applied to the emissions on a per capita basis, still resulted in a >20% increase in emissions.

#### Appendix D Data completeness summary

The following outlines the data review undertaken in developing the NPSP emissions profile outlined below table. Data completeness was reviewed during the staff workshop held on the 16th December 2020 with the outcome included in the below table.

Due to the data completeness varying from year to year, it is recommended that the Council implement an ongoing data management and monitoring program for key emission sources as per the below.

Data	Year	Completeness and outcomes
Electricity	2018/19	Complete data
Electricity Streetlights	2018/19	<p>Complete data</p> <p><b>Question:</b> Electricity consumption and the associated emissions can be allocated in two ways:</p> <ul style="list-style-type: none"> <li>• <b>Option 1:</b> The Council classifies the streetlights as <b>under their operational and financial control</b> as they have requested SAPN to install the lights and can choose to upgrade them to LED if they prefer. In this case, both scope 2 &amp; 3 emissions apply.</li> <li>• <b>Option 2:</b> The Council classifies the streetlights as <b>outside of their operational control</b> as the lights are owned and maintained by SAPN. In this case, only scope 3 emissions apply.</li> </ul> <p>The City of Sydney and Brisbane City Council have both elected to classify the lights as under their operational/financial control and therefore have included Scope 2 and 3 emissions.</p> <p>Other councils such as the City of Yarra, Moreland City Council and Randwick City Council have elected to classify the lights as outside of their operational control and are only including Scope 3 Emissions.</p> <p>Does NPSP want to include or exclude the Scope 2 emissions? It can be argued that the streetlights are a service provided and leased by NPSP. Excluding would be similar to the Council stating that leased vehicles are not in their operational control.</p> <p><b>Workshop outcome:</b> Emissions are to be based on light classification (CLER, SLUOS, etc.). Trellis data has been downloaded and used for the emissions profile based on 2019/20 data which is a more accurate figure for streetlights following the LED lighting program.</p>
Natural Gas	2018/19	Complete data
Water	2018/19	<p>Water data complete based on CICM reports however difficult to collate on a facility basis due to the accounts being associated with the property valuation #.</p> <p><b>Workshop outcome:</b> It has been recommended that SA Water data is uploaded to Trellis so that water consumption for individual facilities can be tracked including emissions.</p>
Waste	2018/19	Total waste emissions including community kerbside pick-up.

Data	Year	Completeness and outcomes
		<p><b>Workshop outcome:</b> An estimate of waste emissions based on total floor area of council owned and operate facilities has been undertaken and the City of Sydney's metrics applied to estimate waste emissions for council operations.</p>
Recycled waste	2018/19	<p>Currently cost data only and no associated emissions in Trellis. This is unusual as recycled waste still has emissions associated with pick-up/servicing.</p> <p><b>Workshop outcome:</b> Investigate whether recycled waste should have associated emissions in Trellis. Following a review of the Climate Active standards and calculators, it has been determined that recycling and organic waste do not require an emissions factor and therefore have been excluded from the emissions profile.</p>
Flights	2013/14	Latest data from 2013/14 however is only showing km travelled. Emissions factor used to estimate emissions.
Refrigerants	2014/15	Latest data from 2014/15
Paper	2013/14	Latest data from 2013/14
Staff commute	2018/19	<p>Estimate from Climate Active calculators used based on NPSP annual report for FTEs.</p> <p><b>Workshop outcome:</b> Staff commute has been outlined for information only and excluded from the Council's emissions profile, however contributes to a significant emissions total. It is recommended that the Council support staff to transition to lower emissions transport options (walking, riding, public transport).</p>

Appendix E Detailed emissions reduction project summary

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Project Info		Financial Analysis			Emissions reduction (relative to total emissions)	Quadruple Bottom Line Assessment								
Emissions Reduction Initiative	Summary	Capital investment	Operational saving	Payback		Environmental	Social	Cultural	Economic					
<b>Direct emissions reduction initiatives</b>														
Onsite Solar PV	Maximise rooftop solar PV at the following facilities: _Norwood Town Hall (already budgeted / underway) _Payneham Library and Community Centre _St Peters Library _St Peters Child Care Centre _Works Depot	\$256,500	\$66,673	4	15%	✓			✓					
Energy efficiency audits and initiatives	Undertake energy efficiency audits and implement efficiency recommendations. Key initiatives could include LED lighting upgrades, air-conditioning replacements, appliance upgrades, insulation, shading and glazing upgrades and building sealing.	\$2,000 per facility (Level 1 Energy Audit)	TBC – Per project	TBC – Per project	3-5% per annum over 5 years	✓	✓		✓					
ESD guidelines – new builds and refurbishments	Implement ESD guidelines for all new buildings and refurbishments to increase resource efficiencies and reduce emissions.	\$8,000-\$10,000	TBC – Per project. (3-5% operational saving per project possible)	TBC – Per project	3-5% reduction per project	✓	✓		✓					
Zero emissions fleet transition	Corporate passenger fleet hybrid vehicle transition	20-30% increase in upfront capital	20-30% decrease in running costs	5-year return on investment	10-15%	✓			✓					
	Corporate passenger fleet hybrid vehicle transition – electric vehicle fleet transition	EV prices to be monitored and confirmed over the next 2-3 years. New models and price reductions are expected in this timeframe.												
	Plant and maintenance - Heavy / medium vehicle transition													
Electric vehicle charging stations	Undertake electrical infrastructure review	\$25,000-\$30,000	n/a	n/a	0% but required to support EVs	✓	✓		✓					
	Install EV charging stations at key facilities to support zero emission fleet transition.	\$100,000												
100% renewable energy contract	Support a 100% renewable energy contract as part of Local Government Association (LGA) negotiations to support both building and EV fleet consumption. Expected implementation in 2023.	n/a	Reduction in electricity costs expected	n/a	>25% (Following Solar PV rollout)	✓			✓					

Project Info		Financial Analysis			Emissions reduction (relative to total emissions)	Quadruple Bottom Line Assessment			
Emissions Reduction Initiative	Summary	Capital investment	Operational saving	Payback		Environmental	Social	Cultural	Economic
<b>Increased landfill waste diversion</b>	Increase waste diversion rates through improved waste management practices. Key initiatives could include new waste infrastructure (internal bins and signage), implementing procurement guidelines to avoid/reuse and staff training sessions.	n/a			1-2%	✓			✓
<b>Water efficiency improvements</b>	Undertake water efficiency audits of facilities and reserves to reduce water consumption. Key initiatives could include irrigation system upgrades and optimisations, upgrading to water efficient taps, toilets, shower heads and fixtures and identifying water leaks.	\$2,000 per reserve  (Can incorporate water efficiency for Council facilities in energy audits)	TBC – Per site	TBC	1-2%	✓	✓		✓
<b>Procure Carbon Neutral supplies</b>	Implement procurement procedures where carbon neutral office supplies are mandatory where available (e.g. A4/A3 paper).	n/a – Minimal cost difference and already in place for most paper supplies			<1%	✓			
<b>Supporting emissions reduction initiatives</b>									
<b>Communication and Promotion</b>	Ongoing marketing and communication of the plan and associated projects. Includes graphic design improvements (if required)	\$5,000	n/a	n/a	n/a	✓	✓		
<b>Sustainable staff commute &amp; survey</b>	Implement programs to support staff to transition to sustainable and active forms of transport including walking, riding and public transport.  Develop an annual staff survey to track staff commute and the transition to low / zero emission modes of transport	n/a	n/a	n/a	n/a	✓	✓		
<b>Natural gas transition</b>	Incorporate an assessment of transitioning to all-electric for facilities as part of energy efficiency improvements, refurbishments and new construction projects.  Investigate transitioning natural gas building systems (heating/hot water) to all-electric by 2030. Investigate transitioning pools to all-electric as part of refurbishments	TBC – Per project			Natural gas = 13% of emissions	✓			✓
<b>Carbon neutral certification</b>	Investigate developing a full carbon inventory in line with Climate Active standards and becoming certified carbon neutral. To be reviewed following emission reduction measures being implemented.	\$8,000 Climate Active fee + Consultant fees	n/a	n/a	n/a	✓	✓		

Project Info		Financial Analysis			Emissions reduction (relative to total emissions)	Quadruple Bottom Line Assessment			
Emissions Reduction Initiative	Summary	Capital investment	Operational saving	Payback		Environmental	Social	Cultural	Economic
Community Carbon Neutral Plan	Investigate a Community Carbon Emissions Plan to reduce community emissions in line with the Council.	TBC - Review in 2025			n/a	✓	✓		
Carbon Neutral Council Events	Investigate Climate Active Carbon Neutral events to showcase actions being undertaken by the Council.	TBC – Per event	n/a	n/a	n/a	✓	✓		
Develop a Sustainable Procurement Policy	Investigate developing a sustainable procurement policy or working with key teams to include sustainability measures in all procurement processes	n/a – Can be developed within existing resources			n/a	✓			
Sustainable behaviour program	Implement a sustainable behaviour program to promote sustainable practices both at work and at home	n/a – Can be developed within existing resources			n/a	✓	✓		



## City of Norwood Payneham & St Peters – Emissions Reduction Plan

<b>Meeting</b>	<b>NPSP Elected Members Workshop</b>
<b>Date</b>	14 <sup>th</sup> December 2020
<b>Time</b>	8:30pm
<b>Attendees</b>	Elected Members Workshop

### Workshop summary

<b>Topic</b>	<b>Summary</b>
<b>Presentation</b>	dsquared presented the Emissions Reduction Plan overview. The presentation slides are attached.
<b>Energy</b>	<p>Comments from the elected members on including embodied energy, considering eco content of materials that Council uses in construction, e.g. concrete, timber, and in public realm projects.</p> <p>Noted that the public like ‘win win’ projects, for example where there is an emissions reduction but also a public benefit, such as reduced heat island effect.</p> <p>Procurement guidelines may be required to help ensure energy efficiency options are considered.</p> <p>Sustainable design guidelines may also help.</p> <p>Energy audits of existing facilities.</p>
<b>Renewables</b>	<p>Queried when SA grid will be 100% renewable, estimated 2030. Council should consider renewable energy projects to support the transition.</p> <p>Highbury landfill site is a potential solar farm project – could Council buy renewable energy from here?</p> <p>Questions over solar PV and battery payback to consider these options vs. a Power Purchase Agreement (PPA) for 100% renewable energy.</p> <p>dsquared to issue solar and battery technical paper.</p>
<b>Water</b>	<p>Council has a relatively high-water use, from park irrigation and outdoor pools.</p> <p>Landscape selection in park projects critical.</p> <p>Future connection of recycled water should help this.</p>
<b>Transport</b>	<p>Council’s fleet is relatively small, but transitioning to EV fleet to be considered.</p> <p>Two e-bikes for Council use get used regularly.</p> <p>Possible options for Council to fund and promote car share or e-bike schemes for public use?</p> <p>dsquared to issue EV technical paper.</p>
<b>Waste</b>	<p>East Waste are already trying to reduce emissions where possible.</p> <p>Better waste volume reporting is required.</p>
<b>Carbon</b>	<p>Interested in quick wins versus long term returns.</p> <p>Need information on current footprint and scale of reduction projects – this is our next step.</p> <p>Ensure projects get fully integrated into financial planning to safeguard these against changes in political focus.</p>



# Norwood Payneham & St Peters Emissions Reduction Plan

14<sup>th</sup> December 2020

The aim of this presentation is to dive into:

- \_emission reduction trends and case studies
- \_review the council's story so far
- \_discuss carbon neutrality
- \_understand the council's aims and priorities
- \_outline next steps

dsquared is an innovative and independent consultancy **delivering sustainable solutions** for the built environment.

We are Adelaide's 2020 Carbon Neutral Ambassadors, are a certified Carbon Neutral Organisation and operate under certified ISO 9001 and ISO 14001 Quality and Environmental Management Systems.



Our aim is to create new more **sustainable spaces, places and communities** by providing **Environmentally Sustainable Design (ESD) and sustainability advice** from the earliest stages of project master planning, through design, construction and commissioning, and into operations and management.

We support sustainability in all sectors of the built environment.



Master Planning



Precincts



Commercial



Education &  
Research



Health Care



Aged Care &  
Retirement



Residential



Public Buildings



Sports &  
Recreation



Adaptive Reuse



Industrial



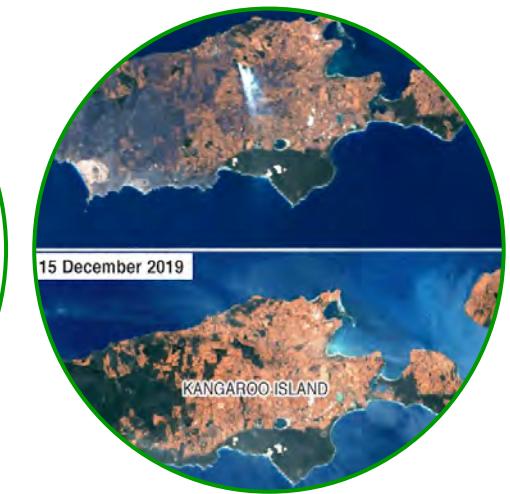
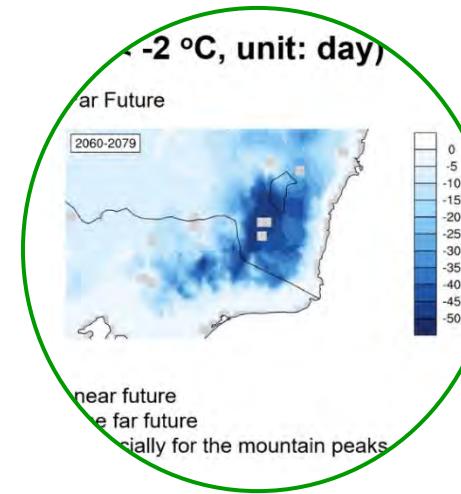
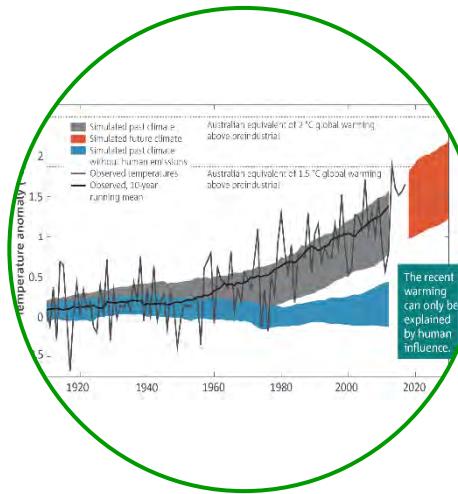
Government &  
Defence



Infrastructure

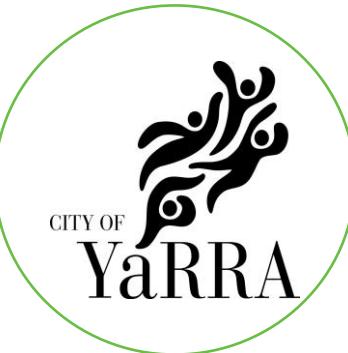


Renewables

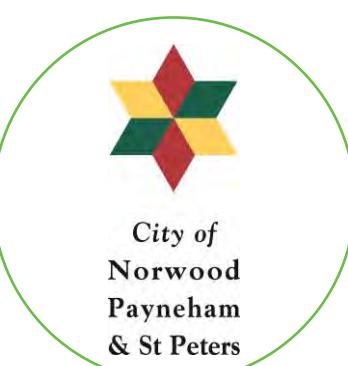
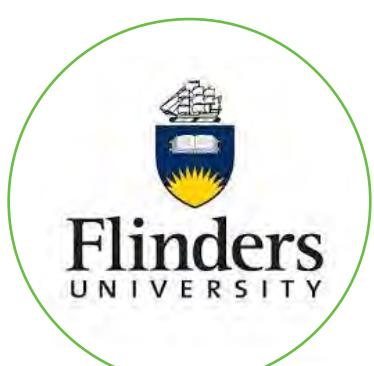




## Carbon Neutral Councils - nationally



## Carbon Neutral - locally



Carbon Management Plan

Flinders University Carbon Positive

Strive towards emissions reductions

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**Quick facts**

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Measure emissions ➤ Set objectives ➤ Avoid ➤ Reduce ➤ Switch to alternatives ➤ Offset remaining

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-  Solar installation to buildings
-  LED street lighting upgrade
-  Battery installation to buildings
-  Energy audits / upgrades for buildings
-  Behaviour change program
-  Install electric vehicle charging points
-  Transition to electric vehicle fleet
-  Purchase 100% renewable power
-  Become certified 100% carbon neutral

 **COUNCIL'S CARBON FOOTPRINT**

Carbon footprint now

 1,050 tonnes\*

After project implementation

 189 tonnes\*

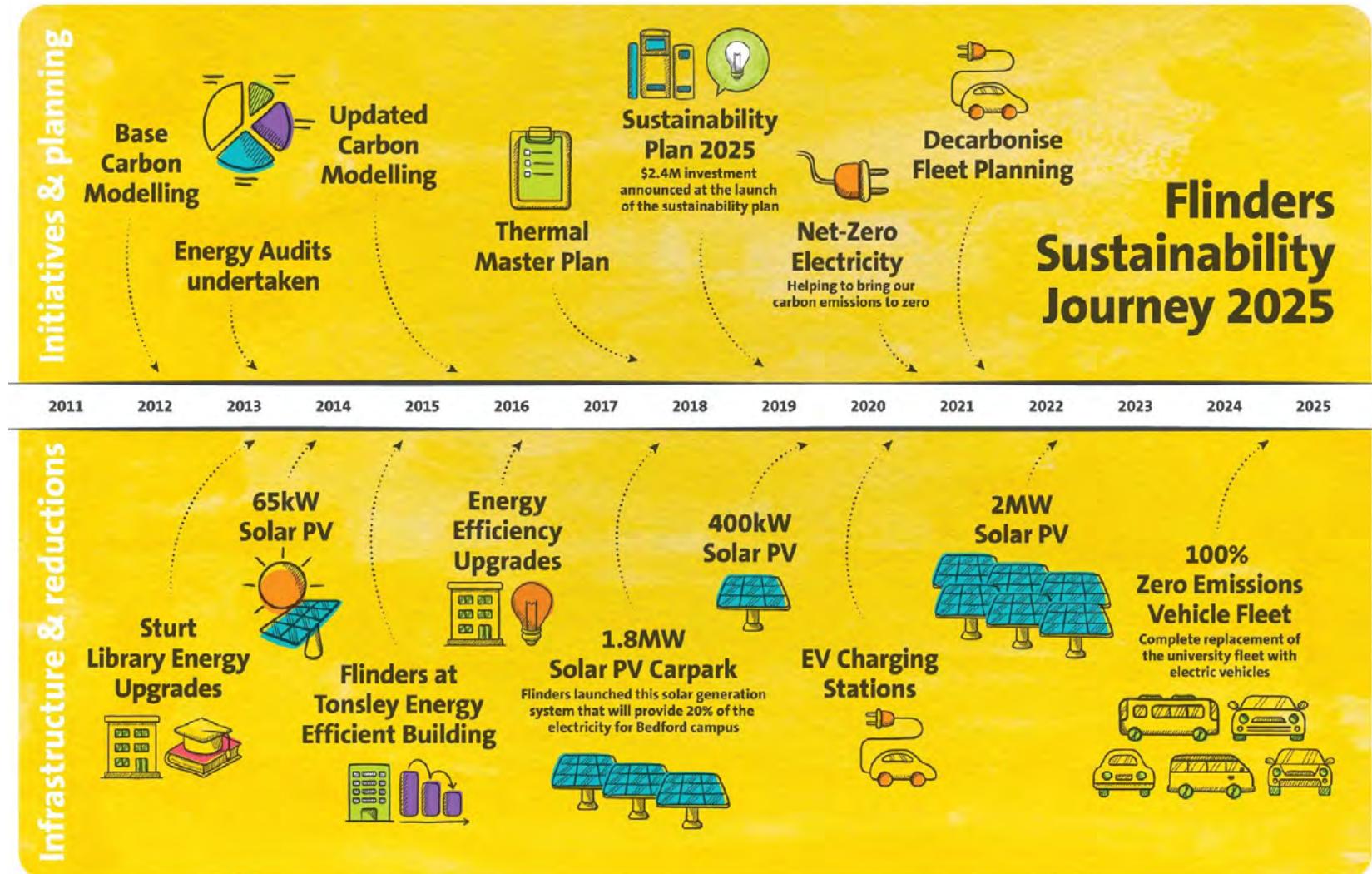
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[ahc.sa.gov.au](http://ahc.sa.gov.au)





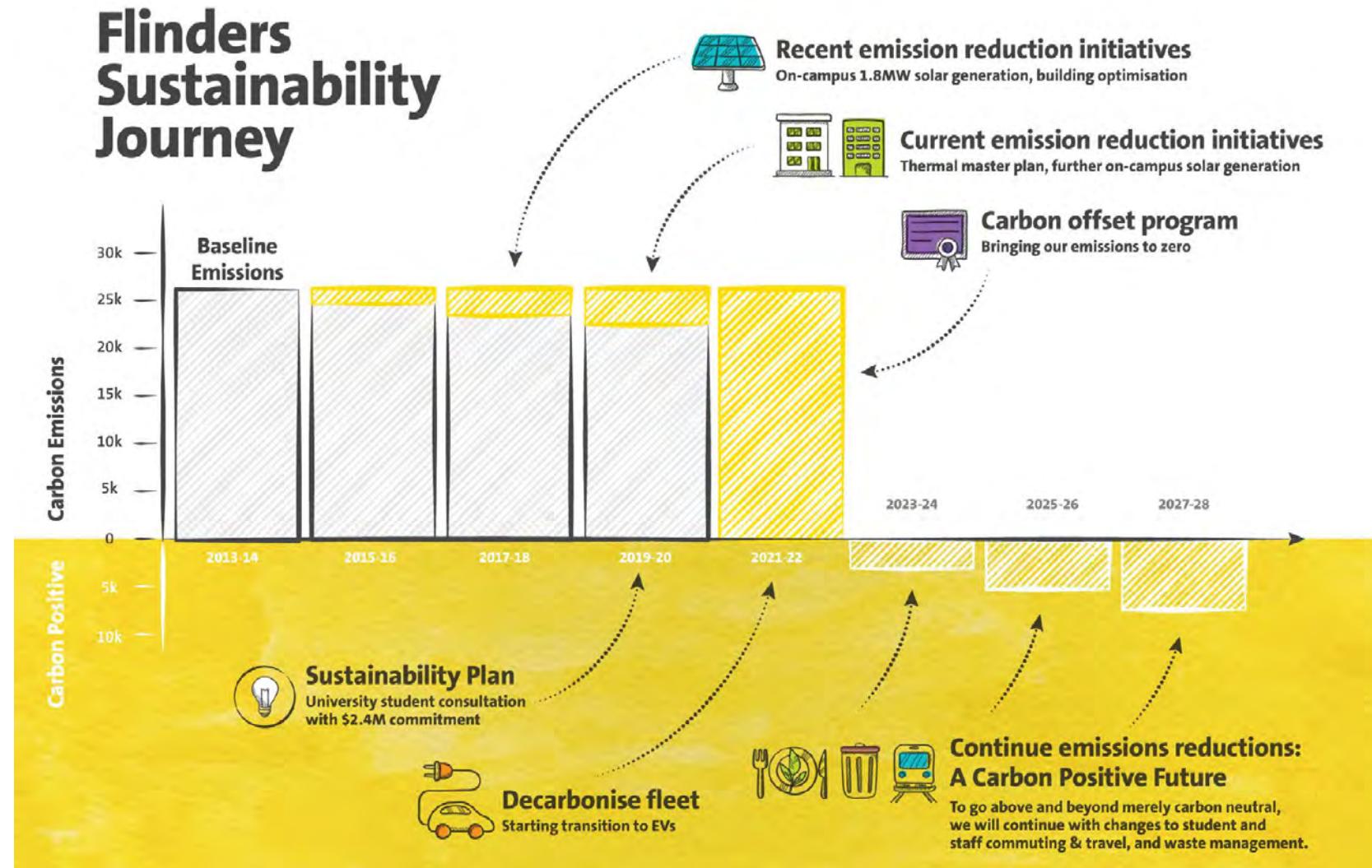
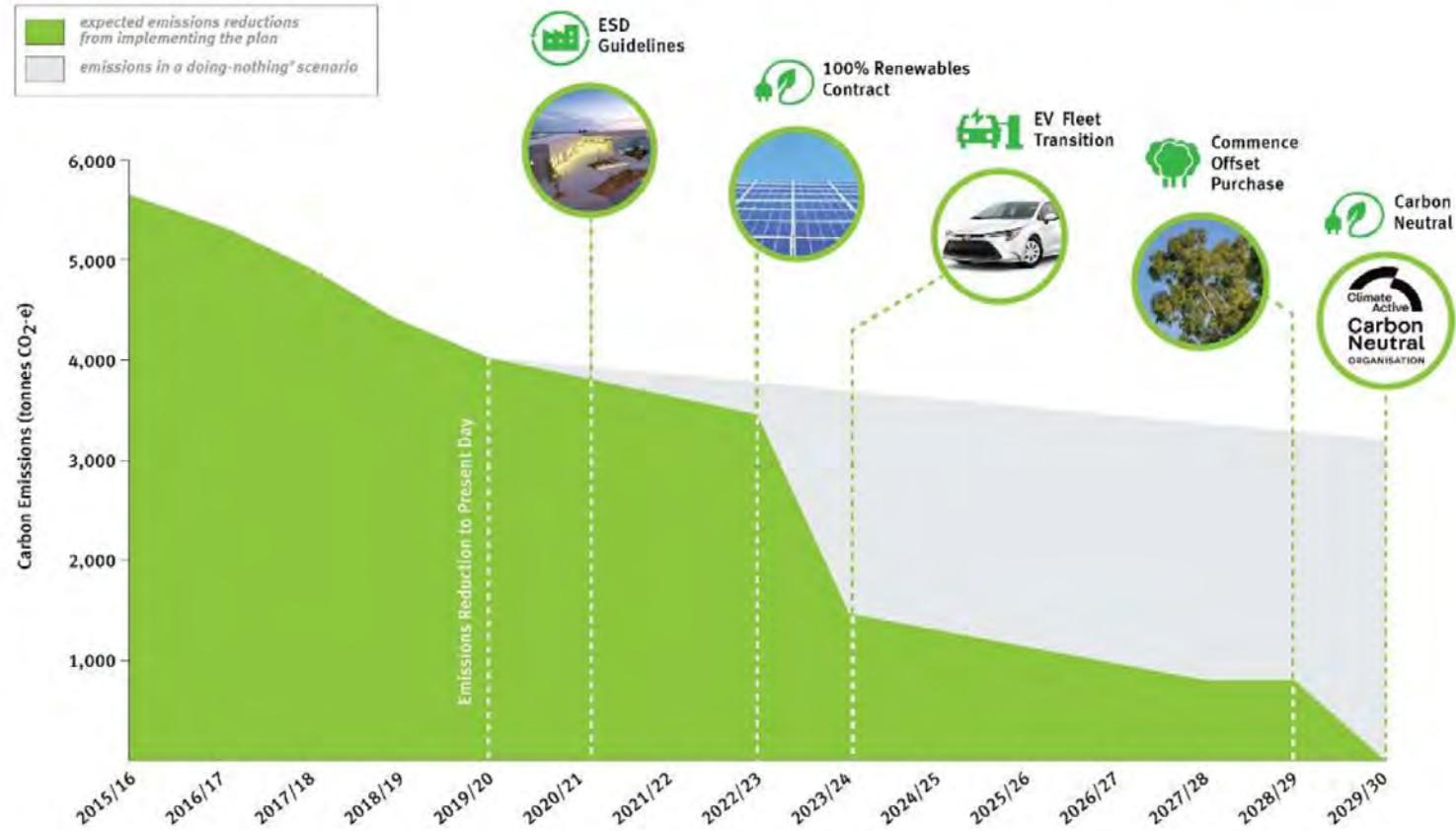


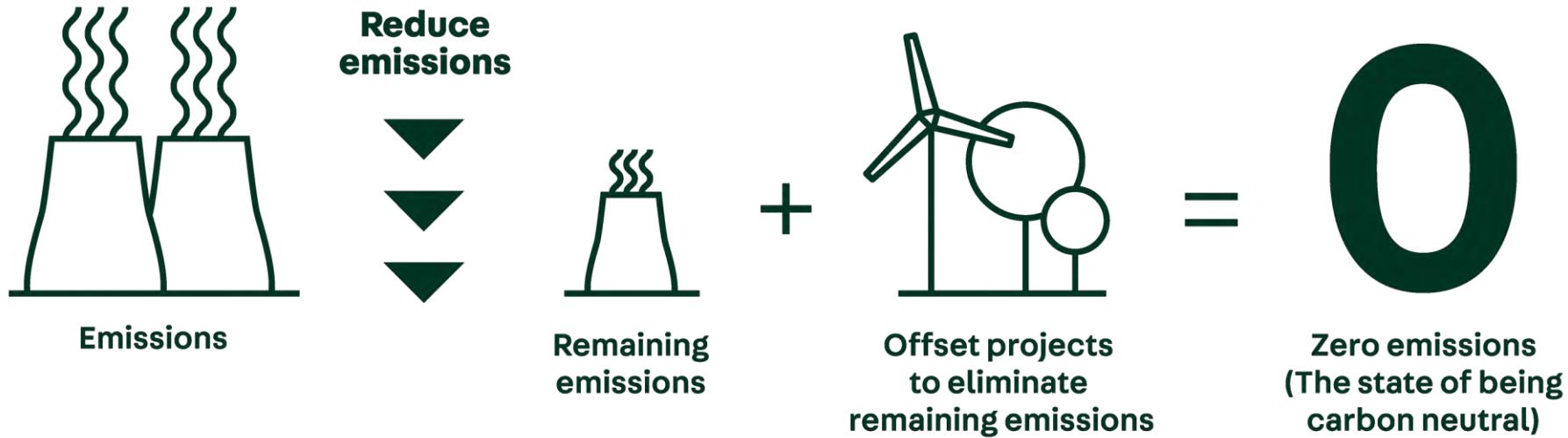


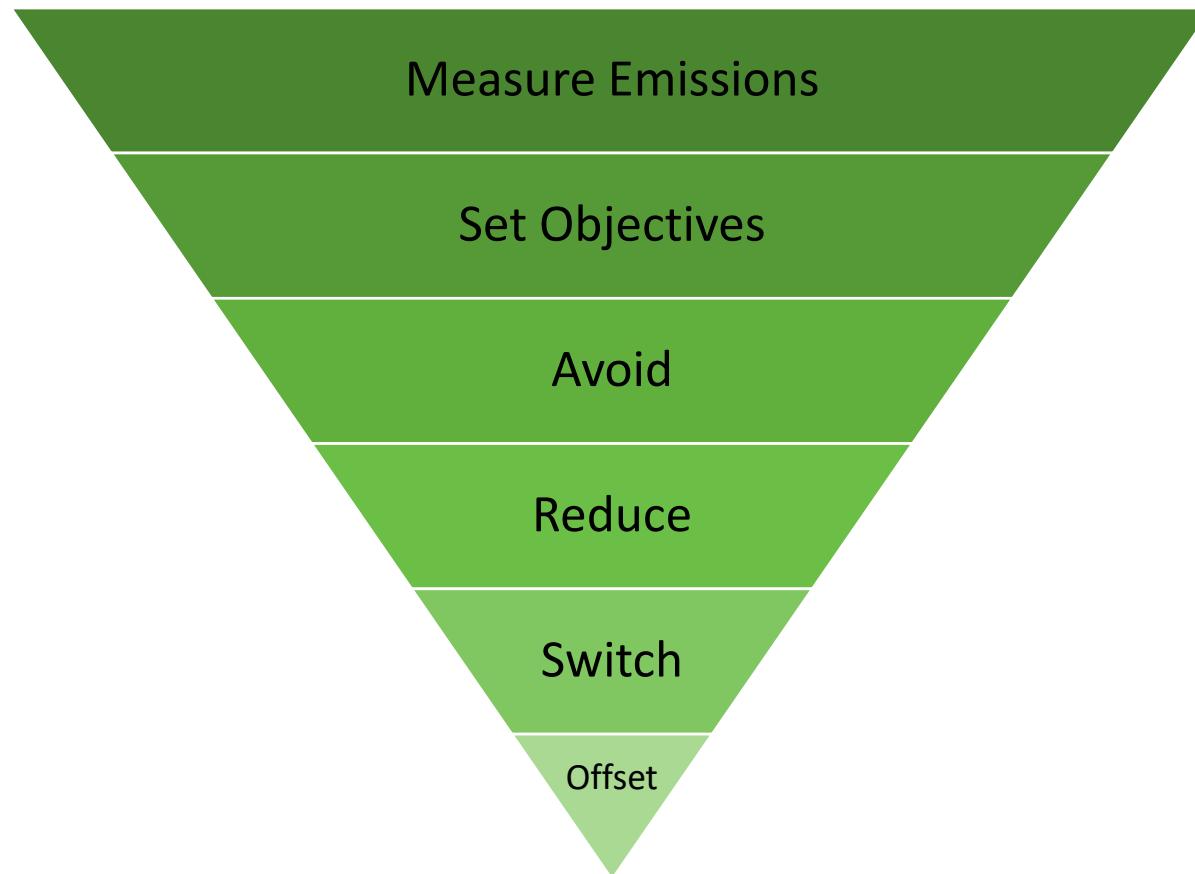
Figure 3: Carbon Neutral Pathway showing expected emissions reductions from implementing the plan (green) and a 'doing-nothing' scenario (grey)

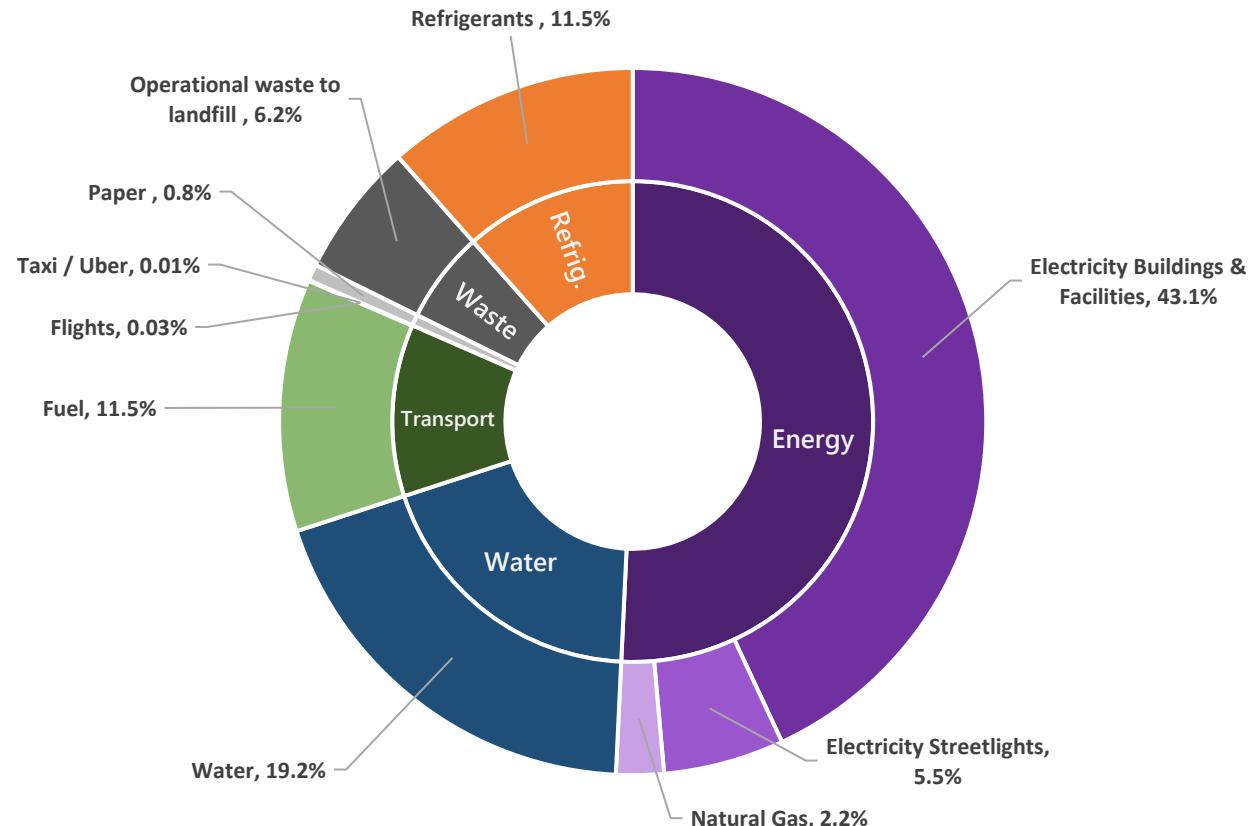
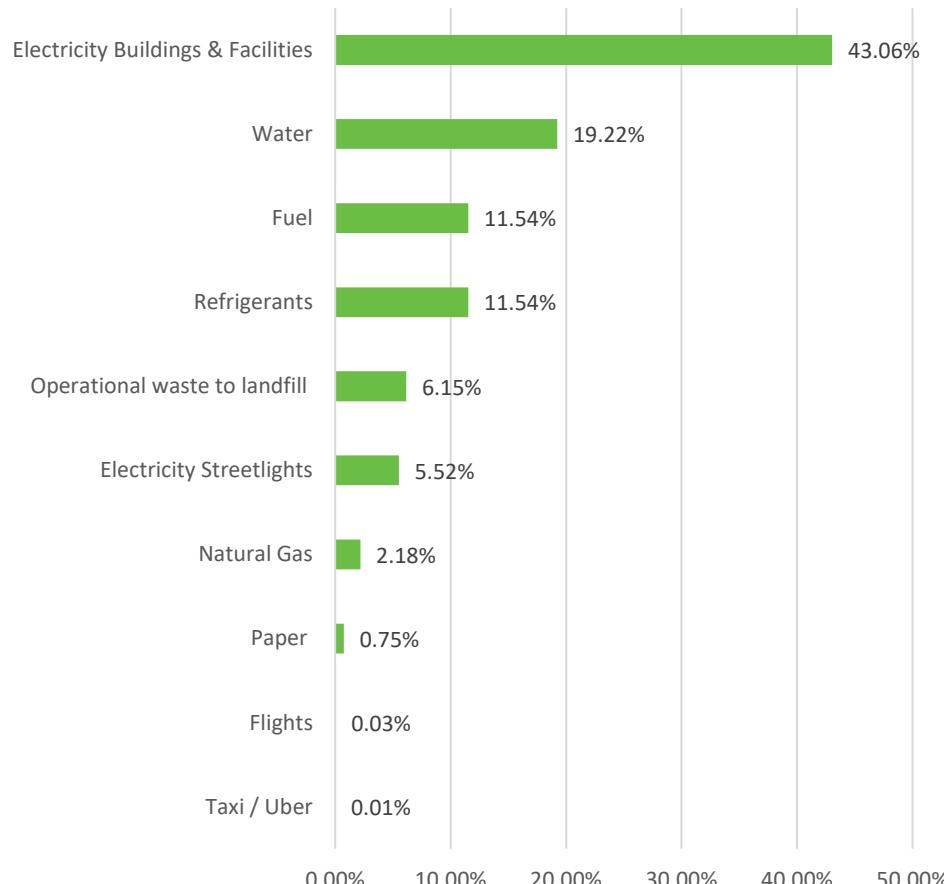




# What it means to be carbon neutral





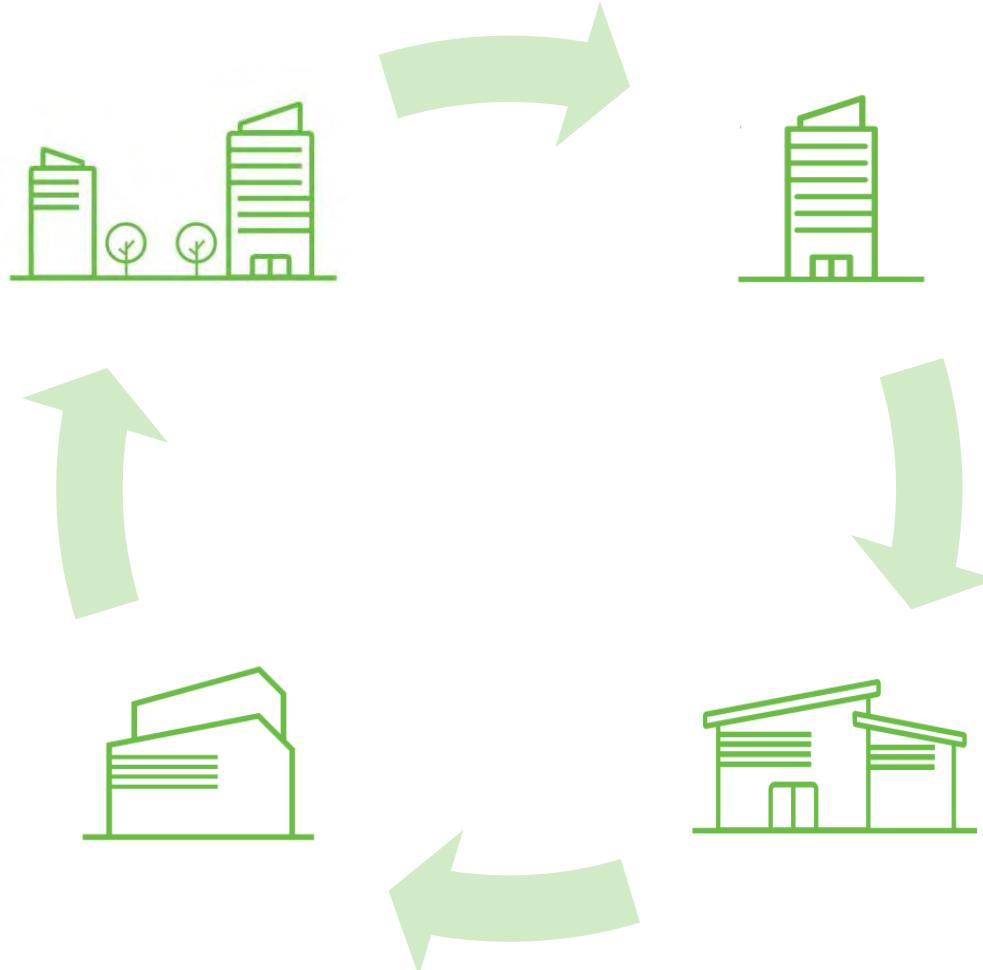




## Zero corporate carbon emissions by 2030

### Achievements so far:

- \_Carbon/emissions monitoring (Trellis)
- \_Solar PV on council facilities
- \_LED streetlight upgrades
- \_Energy efficiency upgrades
- \_Thermal blankets to pools
- \_Eastern Regional Alliance (ERA) – Waterproofing Eastern Adelaide
- \_Improved waste management/services



## Energy efficiency & reduction projects

Make financial, operational and environmental sense

- \_ LED lighting upgrades (buildings + streetlights)
- \_ Air-conditioning upgrades and controls
- \_ Insulation, shading and building sealing
- \_ Equipment and appliance upgrades
- \_ ESD guidelines for new builds and refurbishments

## Renewable energy supply

Two options available which can be integrated

\_Council owned / operated solar PV (onsite)  
supported by battery storage

\_100% renewable energy supply (offsite)



## Water efficiency & reduction projects

Reduce dependence on the River Murray and operating costs, while improving community facilities

\_ Water efficiency upgrades to buildings and facilities (toilets, taps and appliances)

\_ Irrigation system upgrades

\_ Swimming pool improvements

\_ Alternative water supplies



**Low and zero emission transport** – Reduces emissions and air pollution and costs are coming down

\_ Transition council fleet vehicles to electric or hybrid electric

\_ Transition to low and zero emission staff commutes (walk, ride, public transport, car pool – COVID aware)

\_ Install EV charging stations and take advantage of public charging stations

<b>2019 Hyundai i30 Go (Petrol Manual)</b>
<b>5 year analysis</b>
Total On Road Cost
<b>\$ 20,760</b>
Monthly Running Cost ?
<b>\$ 198.4</b>
5 year total
co2 ?
20.03
Tonnes
Battery Range
N/A km.
Seats
5

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Total On Road Cost
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5 year total
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Tonnes
Battery Range
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Seats
5





## Waste & resource management

Take advantage of the War of Waste momentum

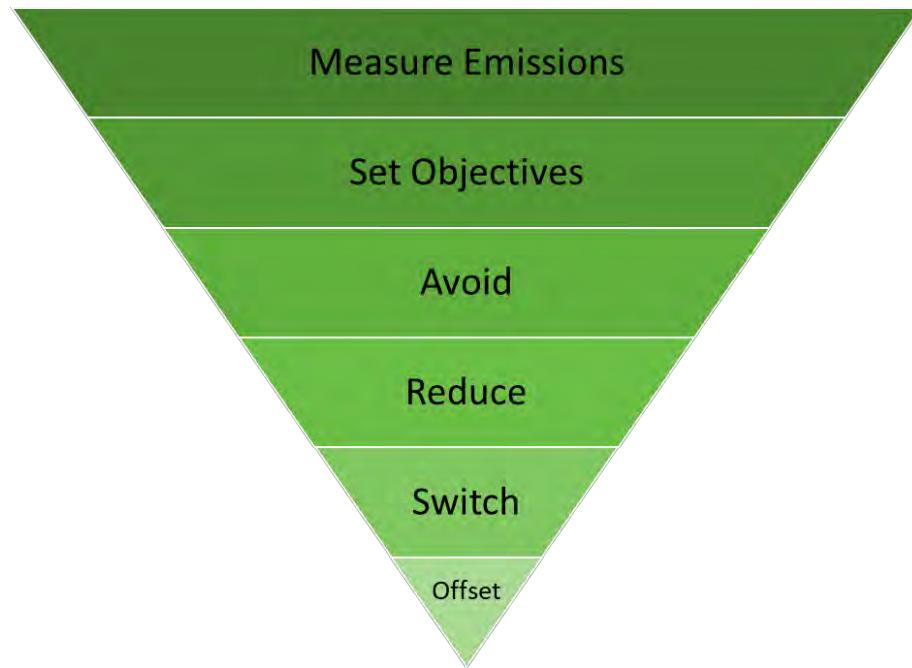
\_Lead the way with council waste management practices

\_Implement improved procurement policies and procedures

\_Set targets for waste separation, reduction and avoidance

\_Continue support for waste separation education through East Waste

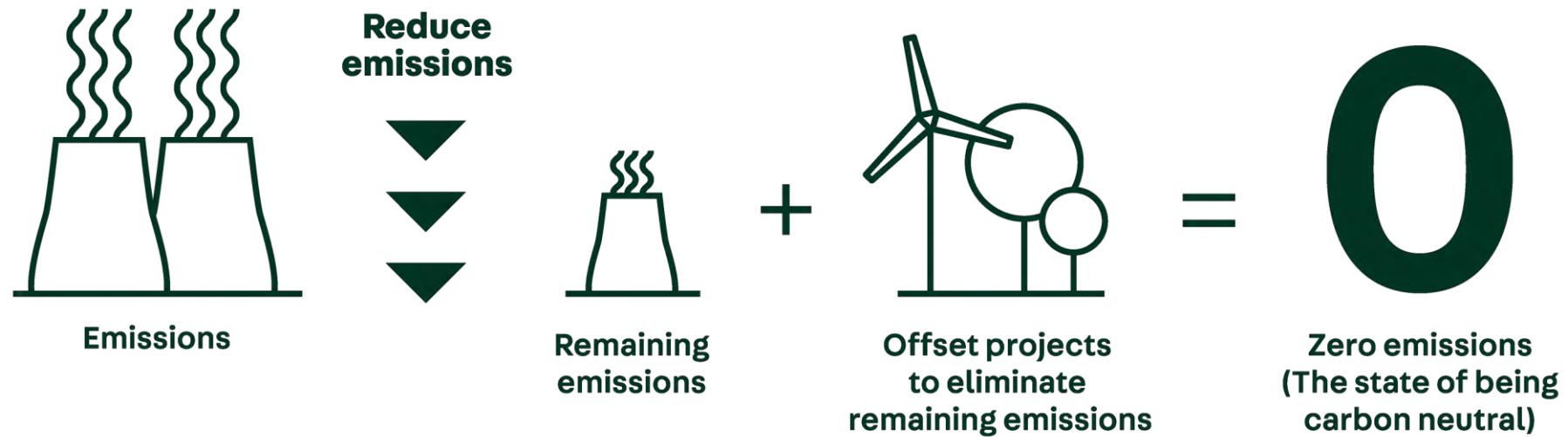
\_Waste stream contamination key



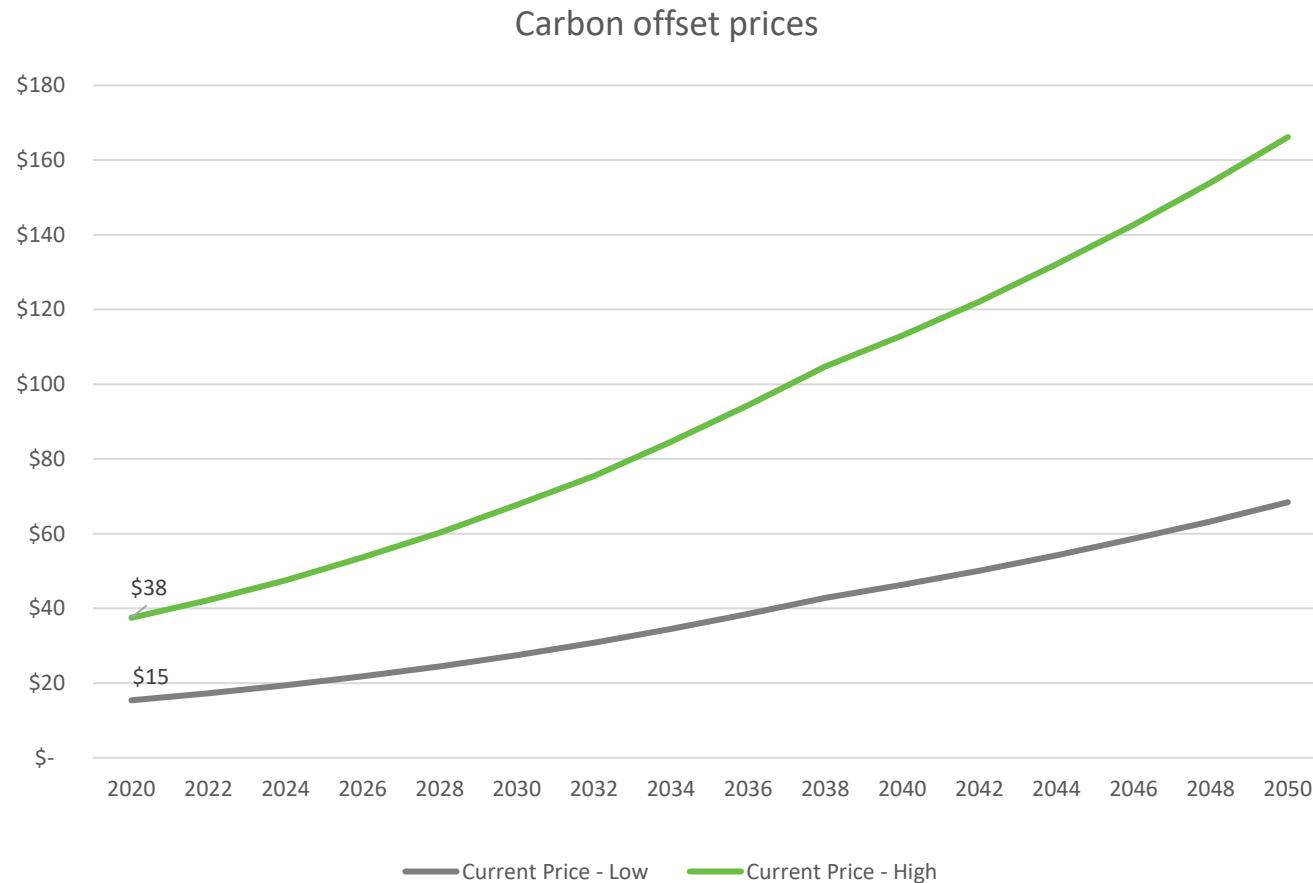
Implement reduction measures for the remaining emissions including:

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# Questions and discussion



# Thank you

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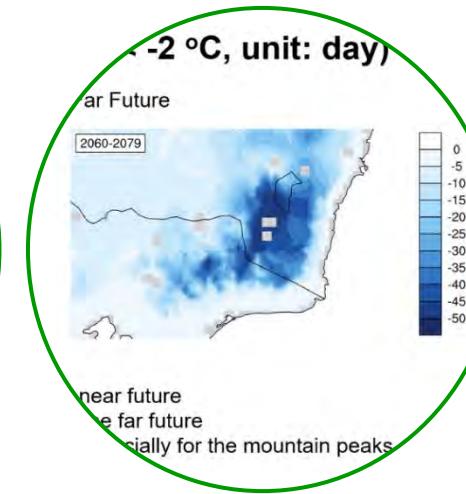
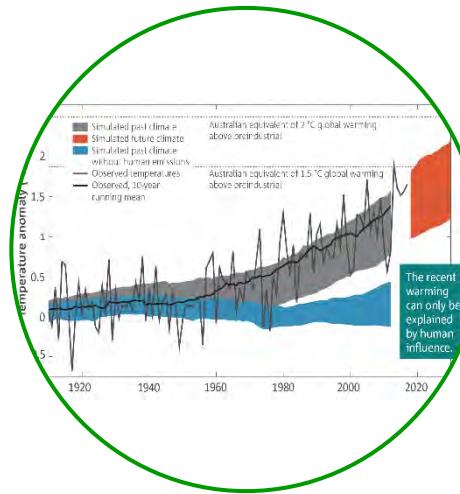


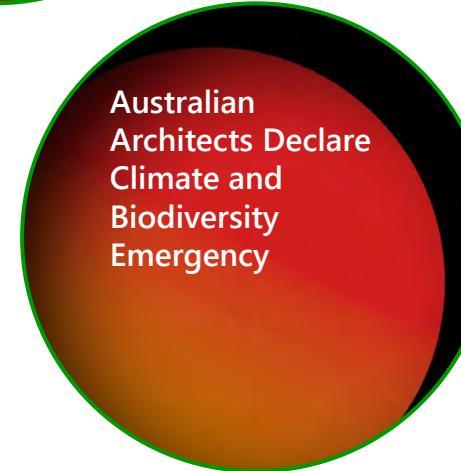
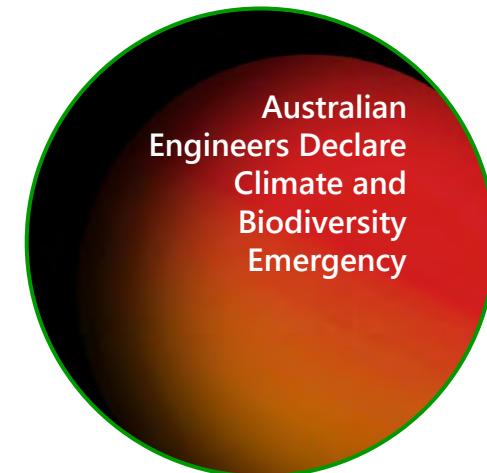
# Norwood Payneham & St Peters Emissions Reduction Plan – Staff workshop

16<sup>th</sup> December 2020

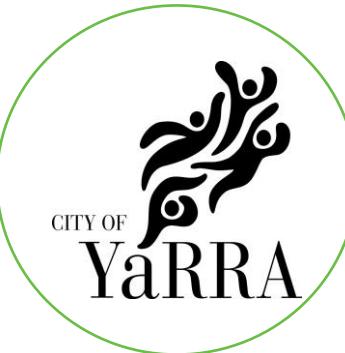
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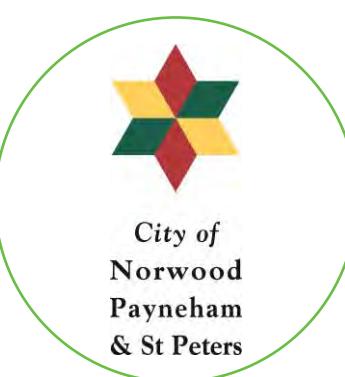




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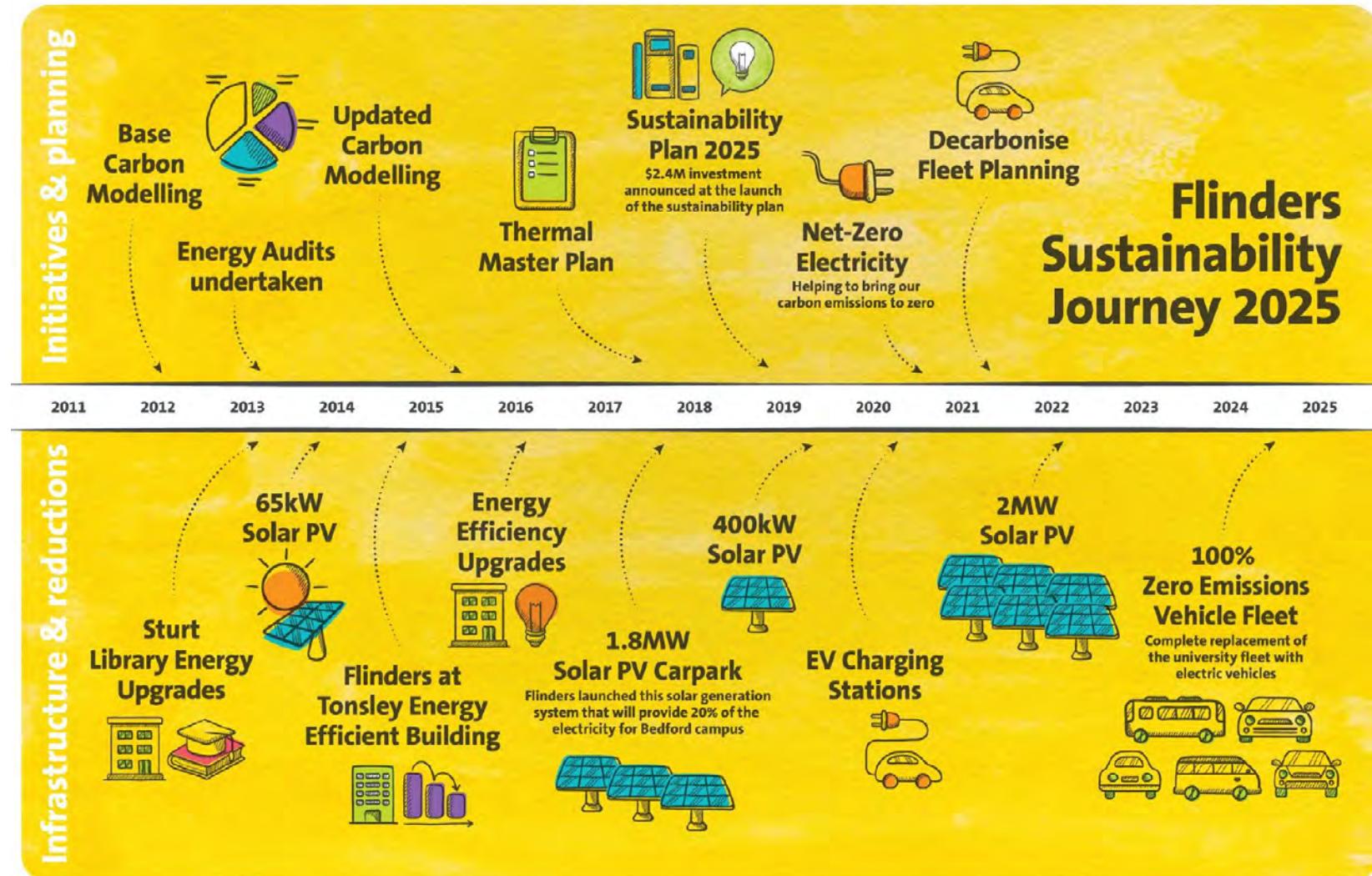
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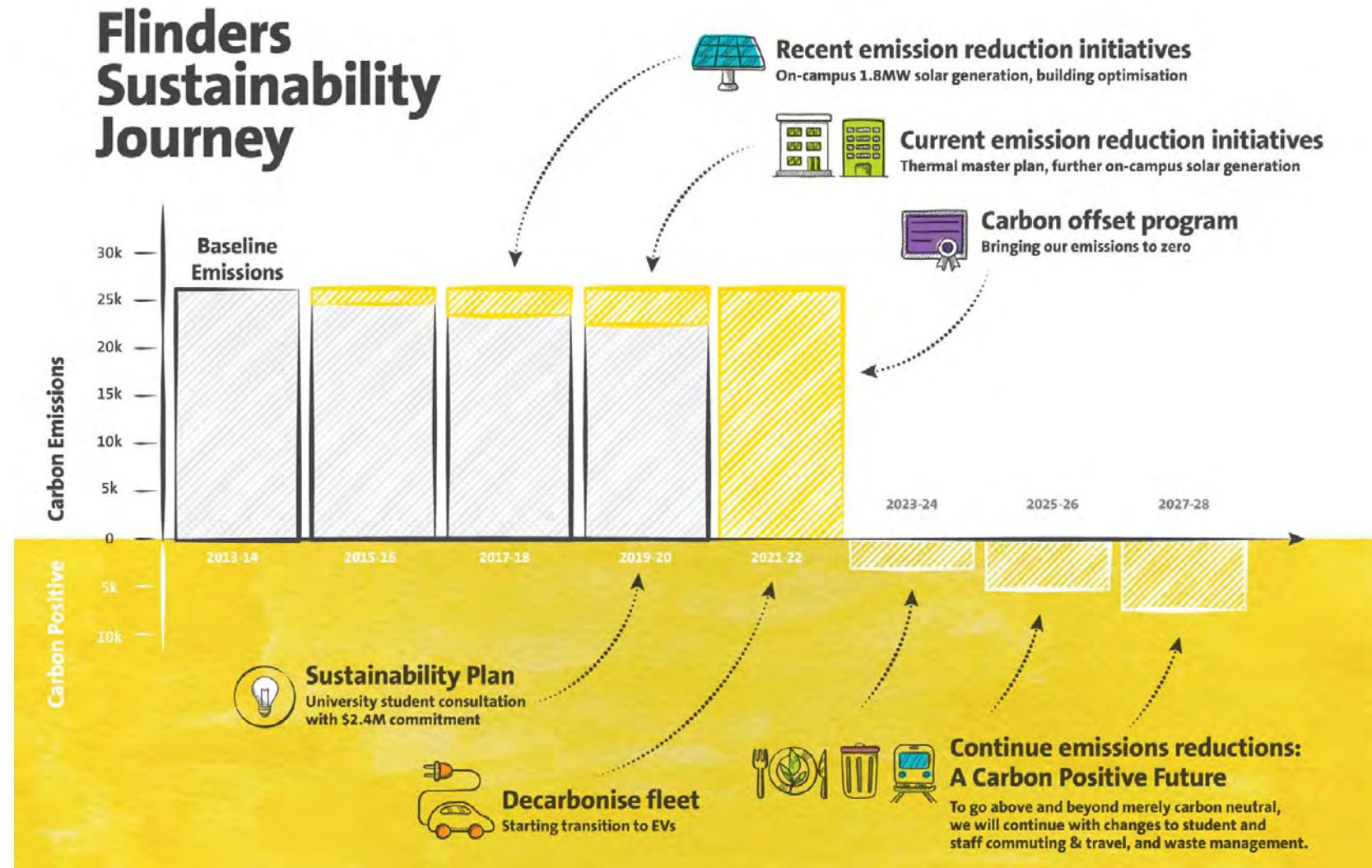
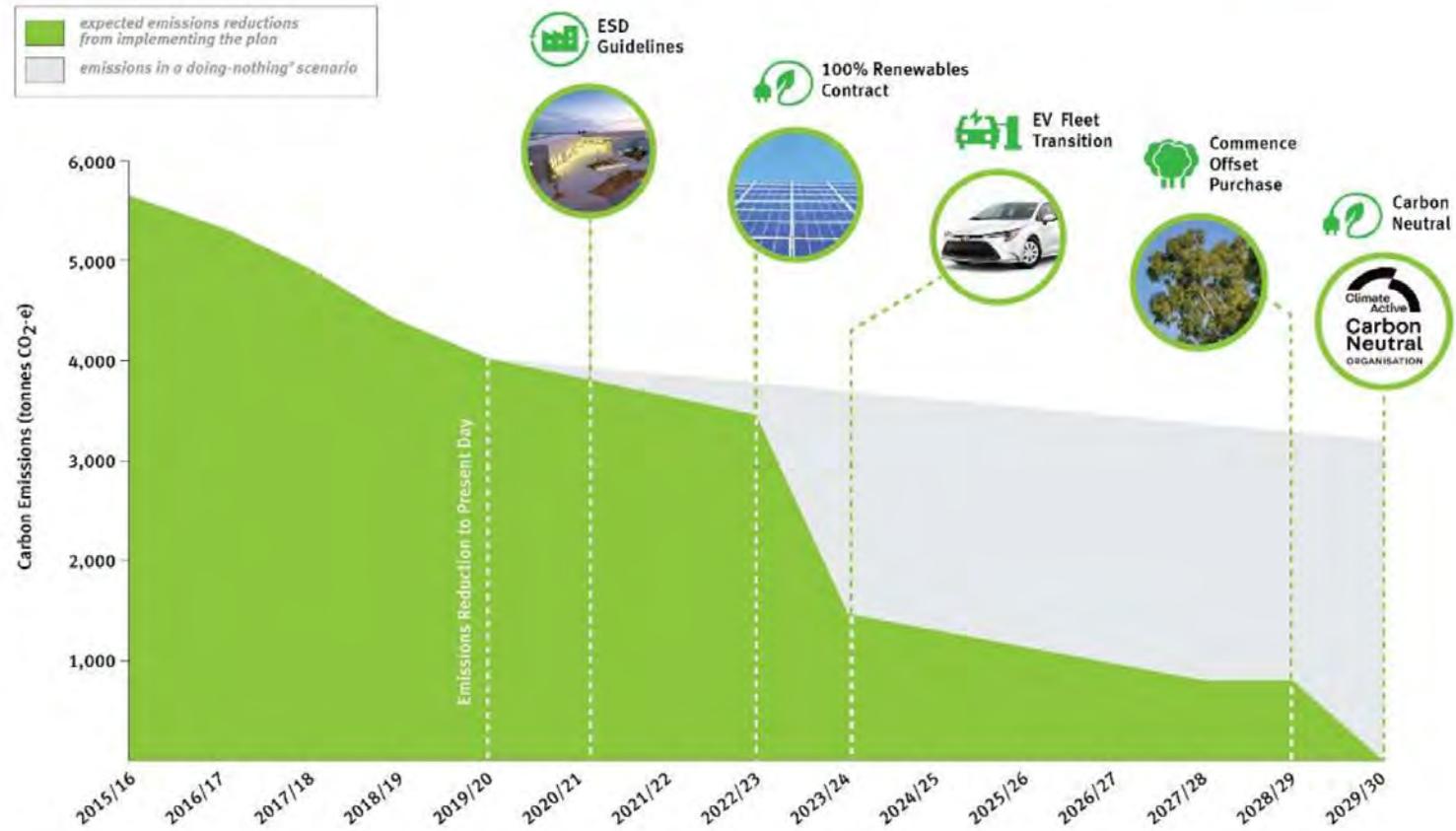


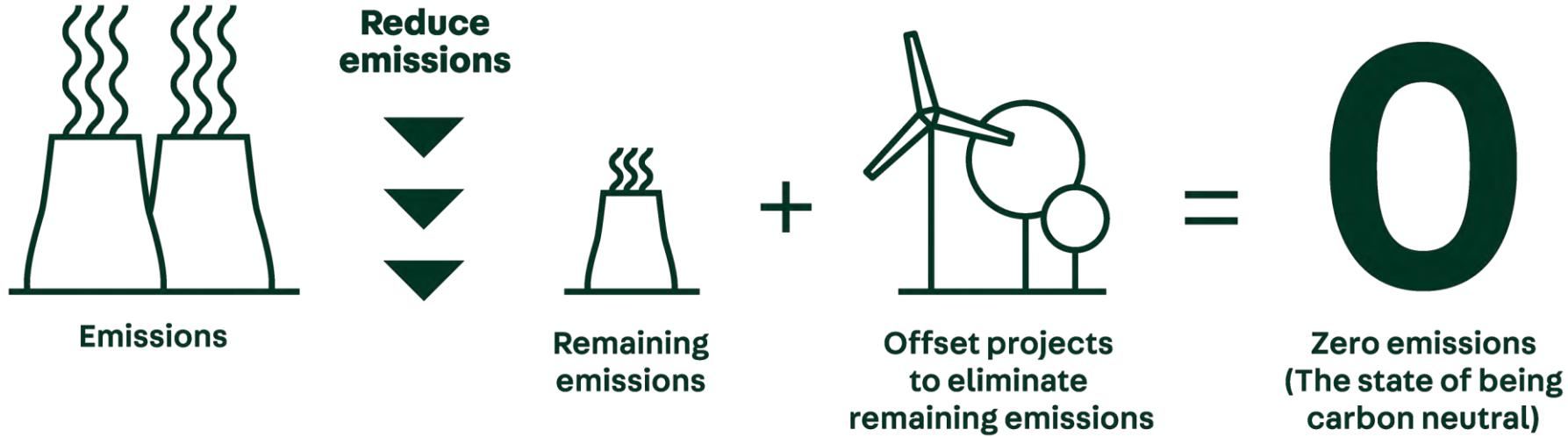


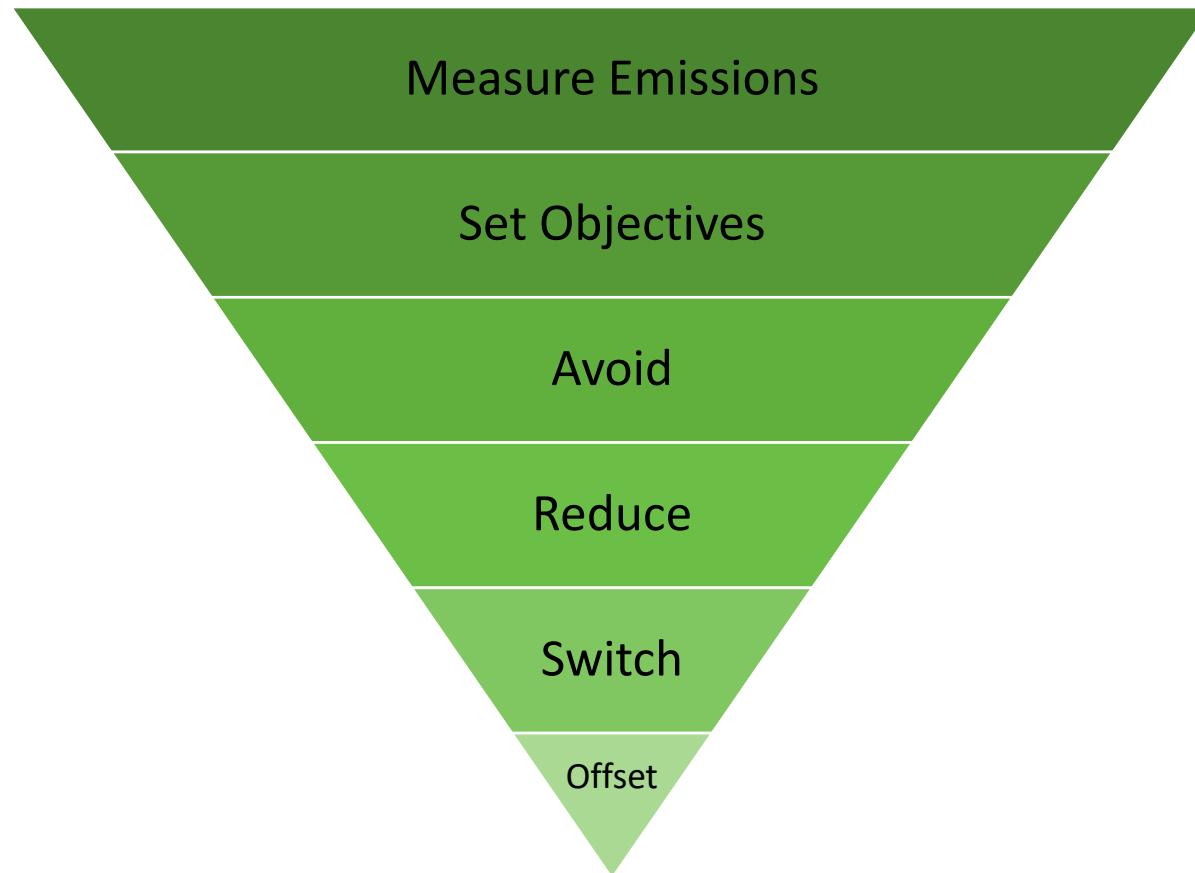
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# What it means to be carbon neutral





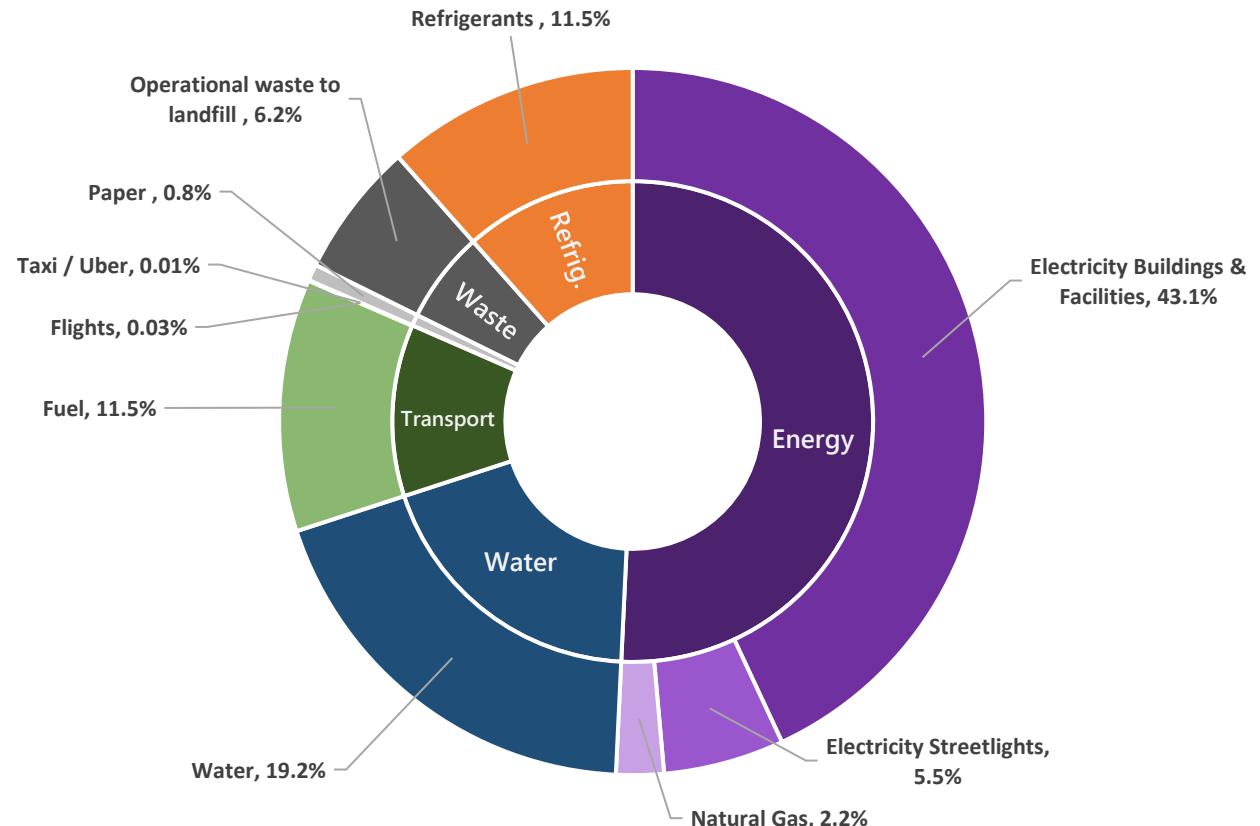
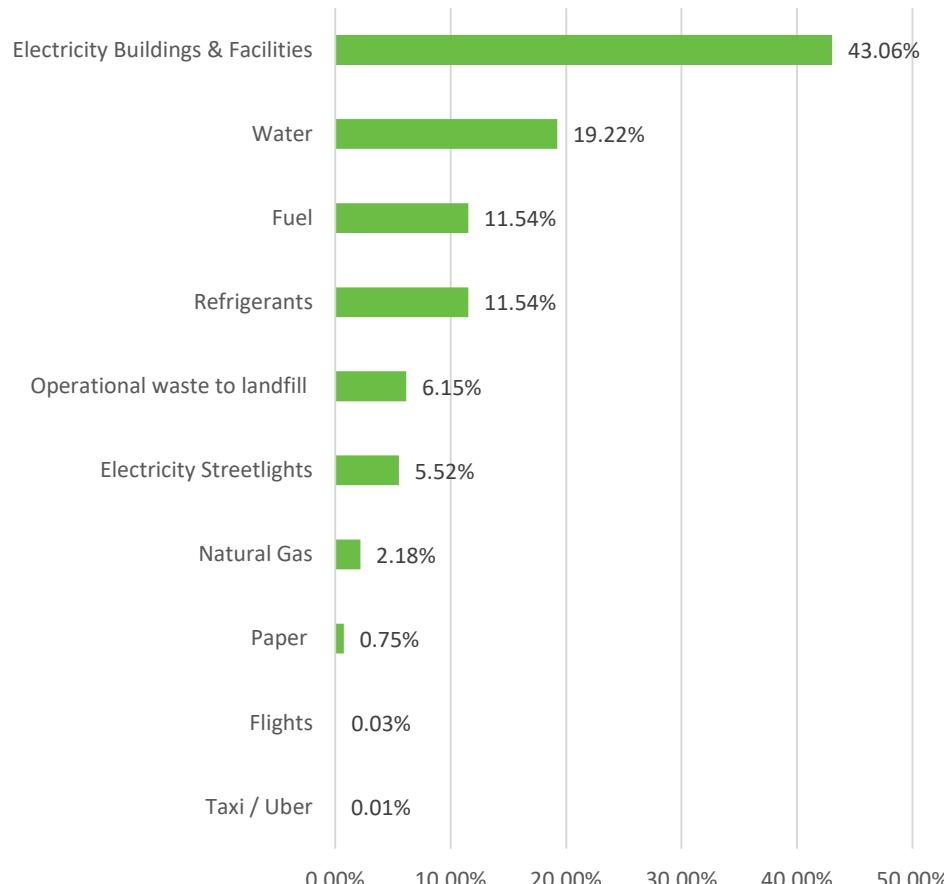


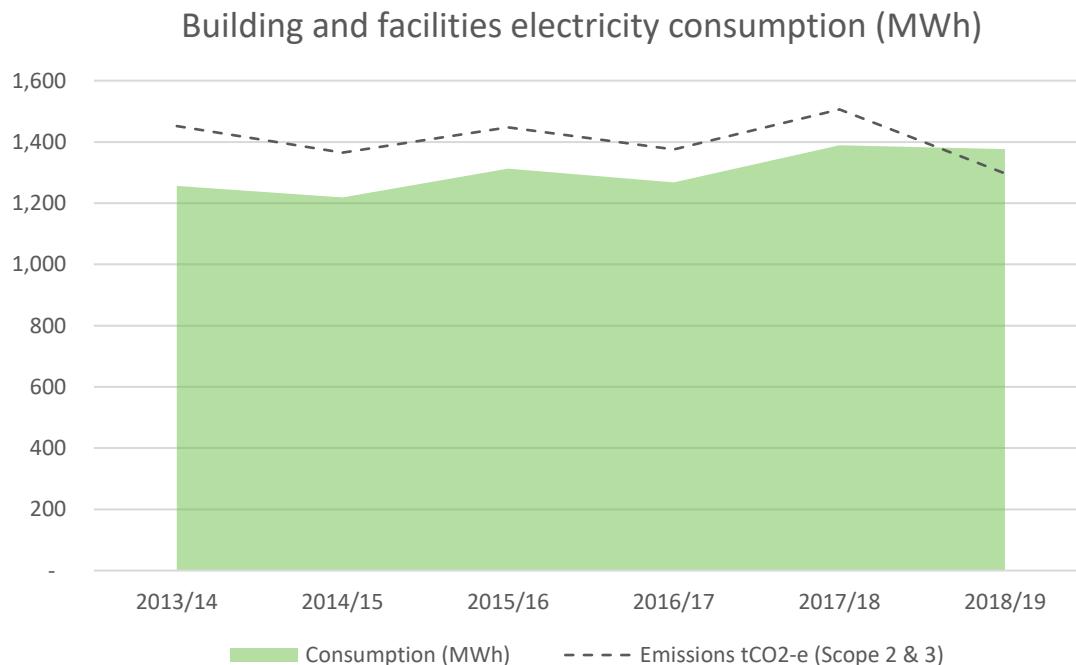
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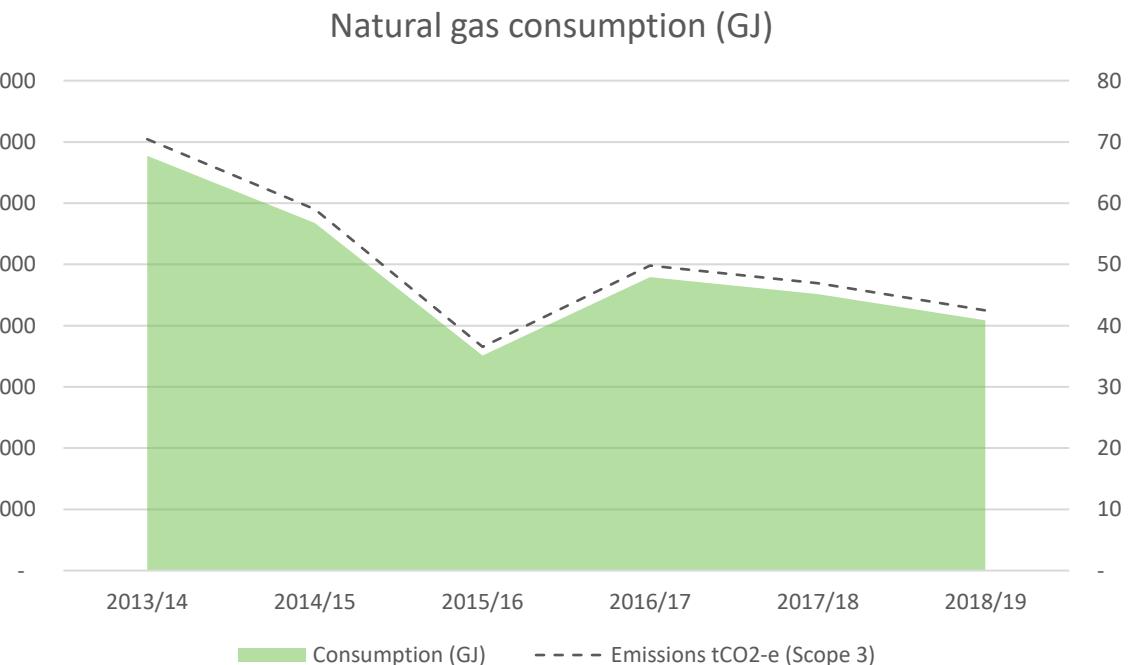
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- \_Improved waste management/services

Category	Sub-category	Emissions (t CO2-e)	%
<b>Energy</b>	Electricity Buildings & Facilities	840	43.1%
	Electricity Streetlights	108	5.5%
	Natural Gas	42	2.2%
<b>Water</b>	Water	375	19.2%
<b>Transport</b>	Fuel	225	11.5%
	Flights	0.5	0.03%
	Taxi / Uber	0.1	0.01%
<b>Supply chain</b>	Paper	14.6	0.8%
<b>Waste &amp; Resources</b>	Operational waste to landfill	160	6.2%
<b>Fugitive emissions</b>	Refrigerants	225	11.5%
<b>Total</b>		<b>1,990</b>	<b>100%</b>

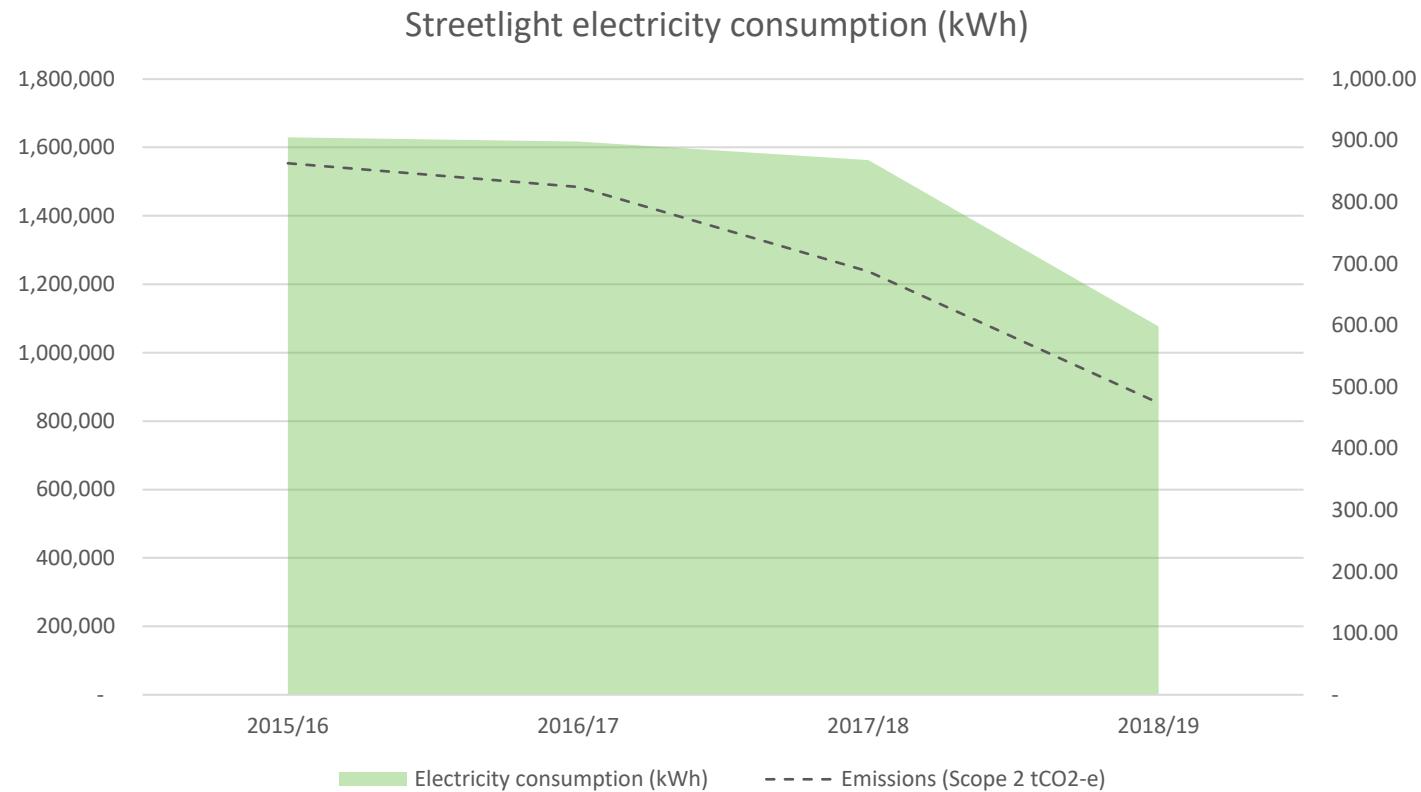




\_Electricity consumption increased by 120MWh or 10% from 2013/14 to 2018/19



\_Natural gas consumption decreased by 2,689GJ or -40% from 2013/14 to 2018/19



\_Streetlight consumption decreased by 34% from 2015/16 to 2018/19

\_Additional reductions expected in 2019/20 when data is uploaded

\_Scale of emissions reduction impact varies depending on classification (Scope 2 and/or 3 emissions)



### Energy efficiency & reduction projects

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Two options available which can be integrated

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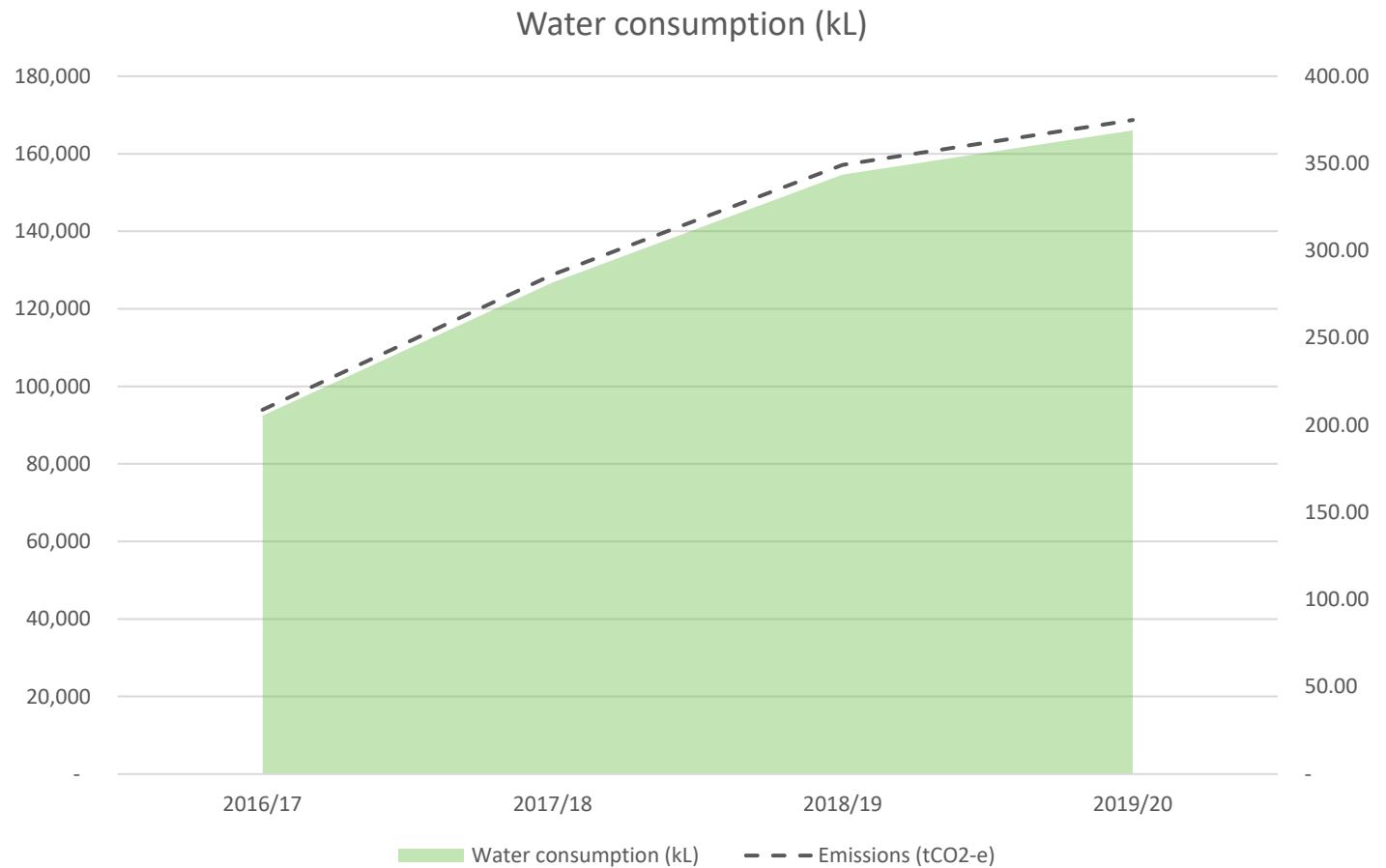


## Council solar PV and battery storage feasibility study

\_Feasibility study underway

\_Sites are being refined

\_Battery storage functions to be explored further



Water consumption increased by 73,631kL or 80% from 2016/17 to 2019/20

Equates to a \$202k in increased water costs at 2020/21 prices

## Water efficiency & reduction projects

Reduce dependence on the River Murray and operating costs, while improving community facilities

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\_ Irrigation system upgrades

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Vehicle type	Average emissions (g CO2-e / km)	Total kg for average SA commute (13.4km)
Petrol Car	250	3.4
Diesel Car	200	2.7
Bus	114	1.5
Hybrid petrol/electric	82	1.1
Electric vehicle (SA grid charge)	71	1.0
Train	62	0.8
Electric bike (SA grid charge)	3	0.04
Walk / ride	0	0
Electric vehicle (100% Renewable powered)	0	0

**Low and zero emission transport** – Reduces emissions and air pollution and costs are coming down

\_ Transition council fleet vehicles to electric or hybrid electric

\_ Transition to low and zero emission staff commutes (walk, ride, public transport, car pool – COVID aware)

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**2019 Hyundai i30 Go (Petrol Manual)  
5 year analysis**

Total On Road Cost	Monthly Running Cost
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5 year total	Battery Range	Seats
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Total On Road Cost	Monthly Running Cost
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Take advantage of the War of Waste momentum

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\_Waste stream contamination key

1 tonne landfill waste =

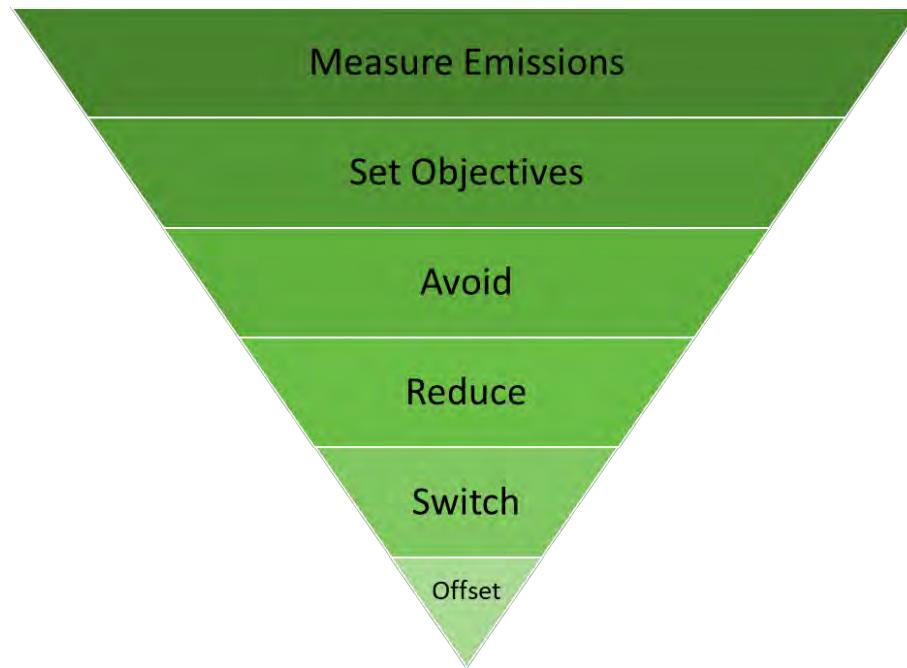


= 1.4 tonnes of CO<sub>2</sub> emissions

1 tonne recycling / organic waste

= 0.000002 tonnes of CO<sub>2</sub> emissions

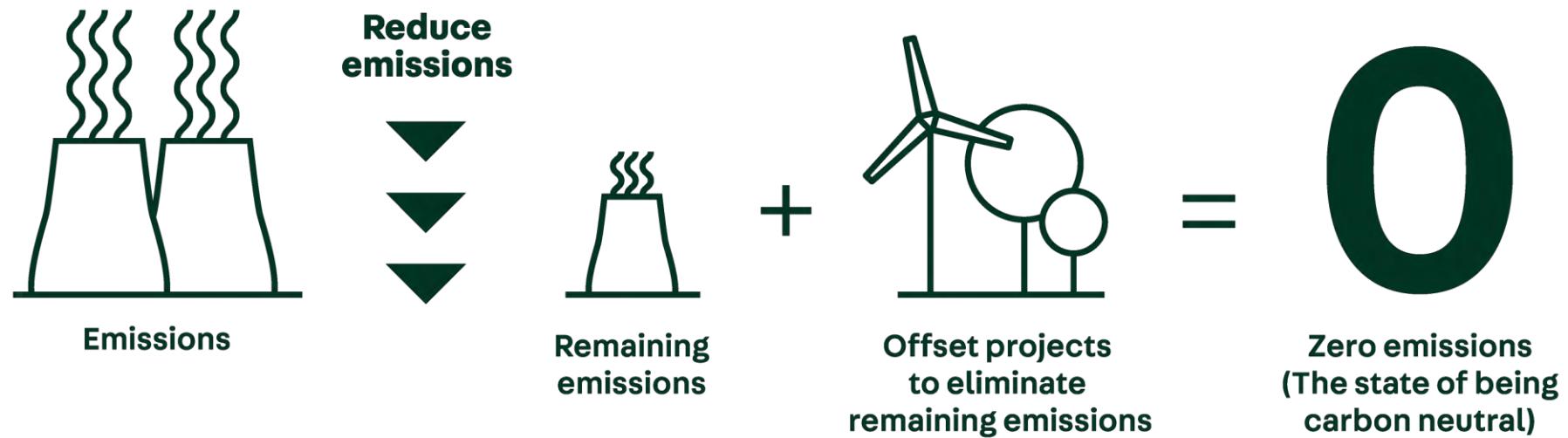




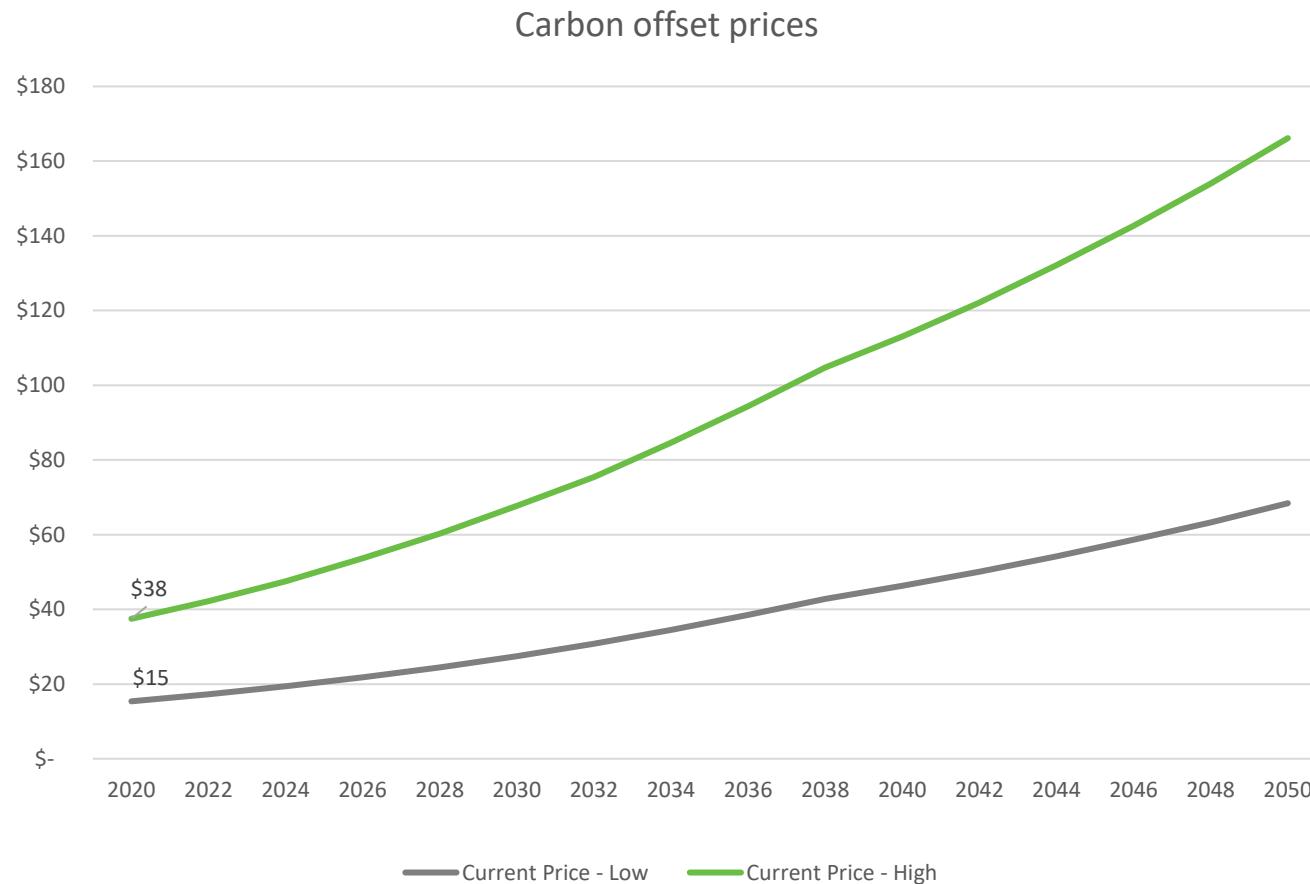
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**Location** - South Australian, Australian or international

# Questions and discussion



## Our next steps include

- \_collating stakeholder inputs from this workshop
- \_finalising emission data and reduction priorities
- \_finalising solar PV / battery storage and fleet transition studies
- \_continuing Emissions Reduction Plan development

# Thank you

Contact:

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# Norwood Payneham & St Peters Emissions Reduction Plan – Project workshop

11<sup>th</sup> February 2021

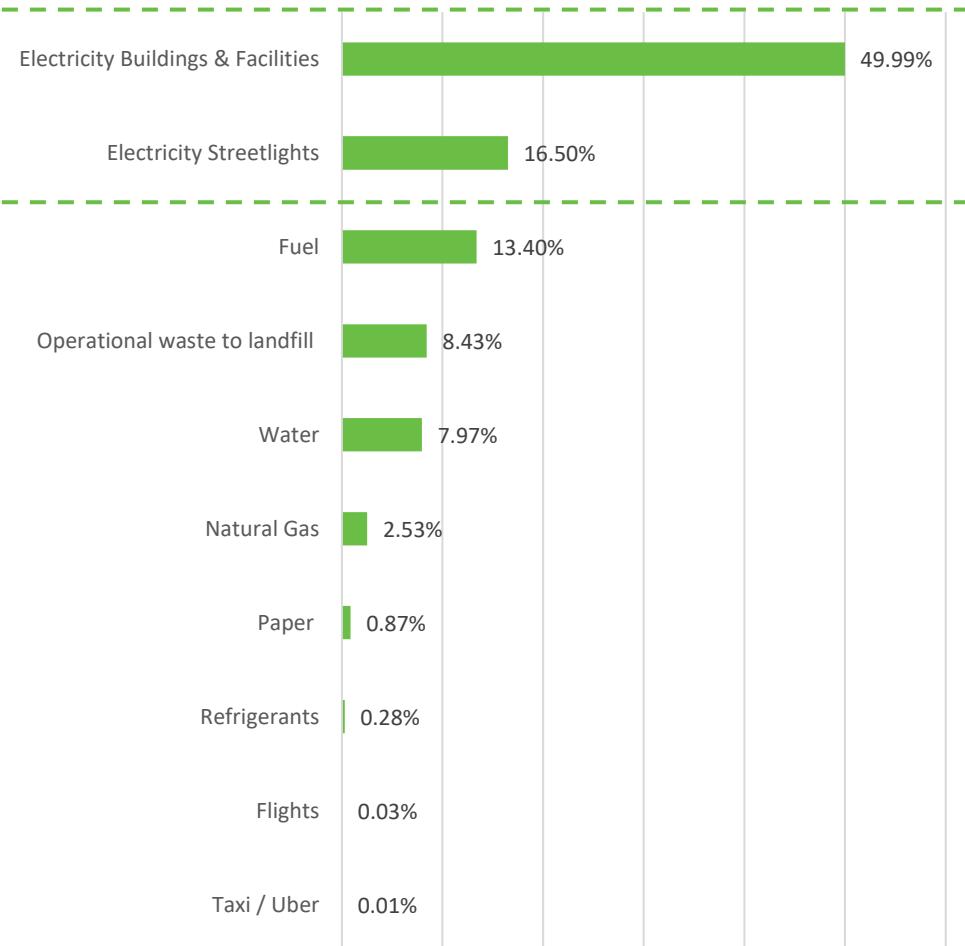
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<b>Supply chain</b>	Paper	14.6	0.9%
<b>Waste &amp; Resources</b>	Operational waste to landfill	142	8.4%
<b>Fugitive emissions</b>	Refrigerants	4.7	0.3%
<b>Total (tCO2-e)</b>		<b>1,680</b>	<b>100%</b>

Streetlights updated in line with feedback

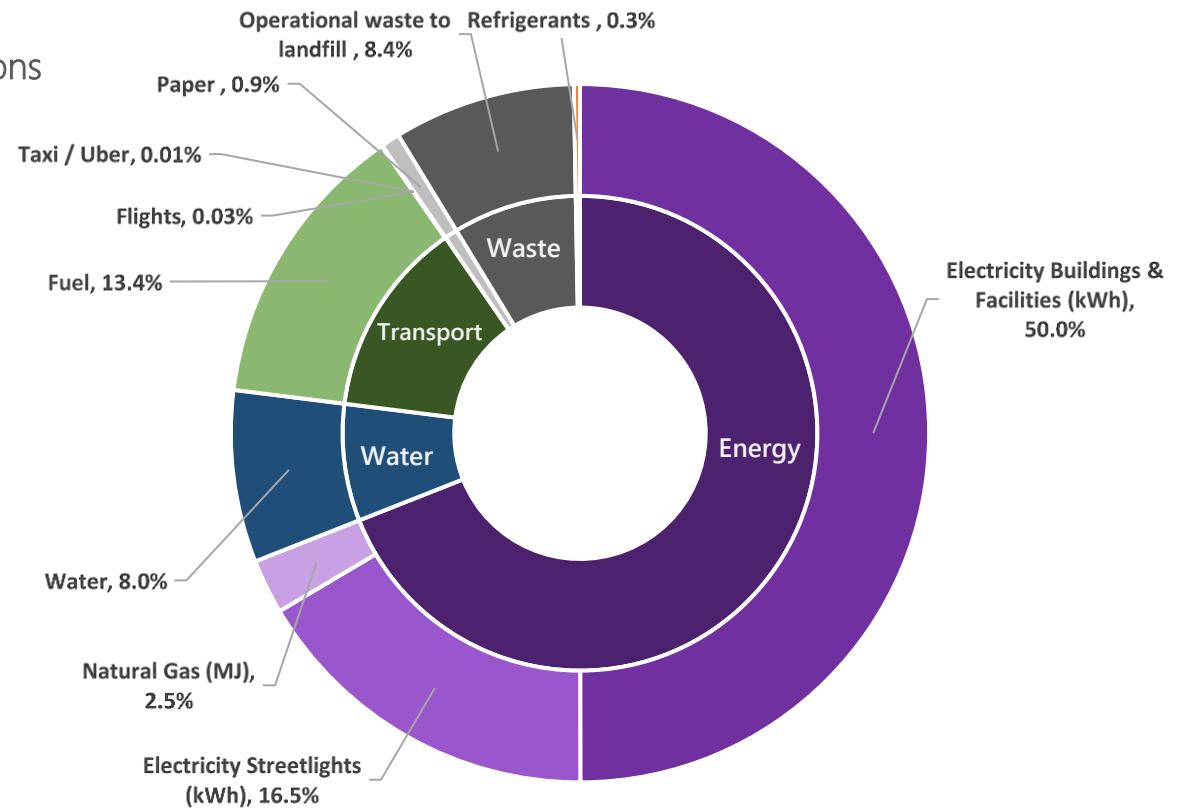
Water emission factor updated to latest Climate Active carbon neutral standards

Waste calculated based on sqm calculation

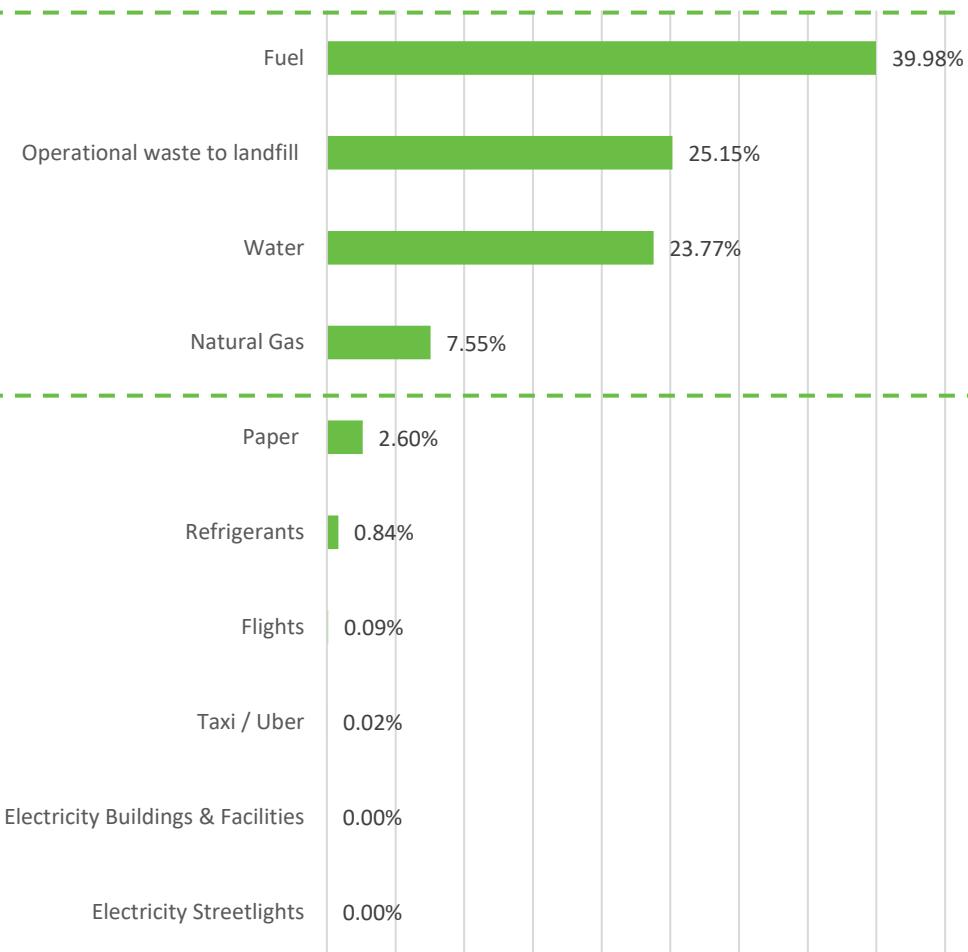
Refrigerants reviewed and reduced



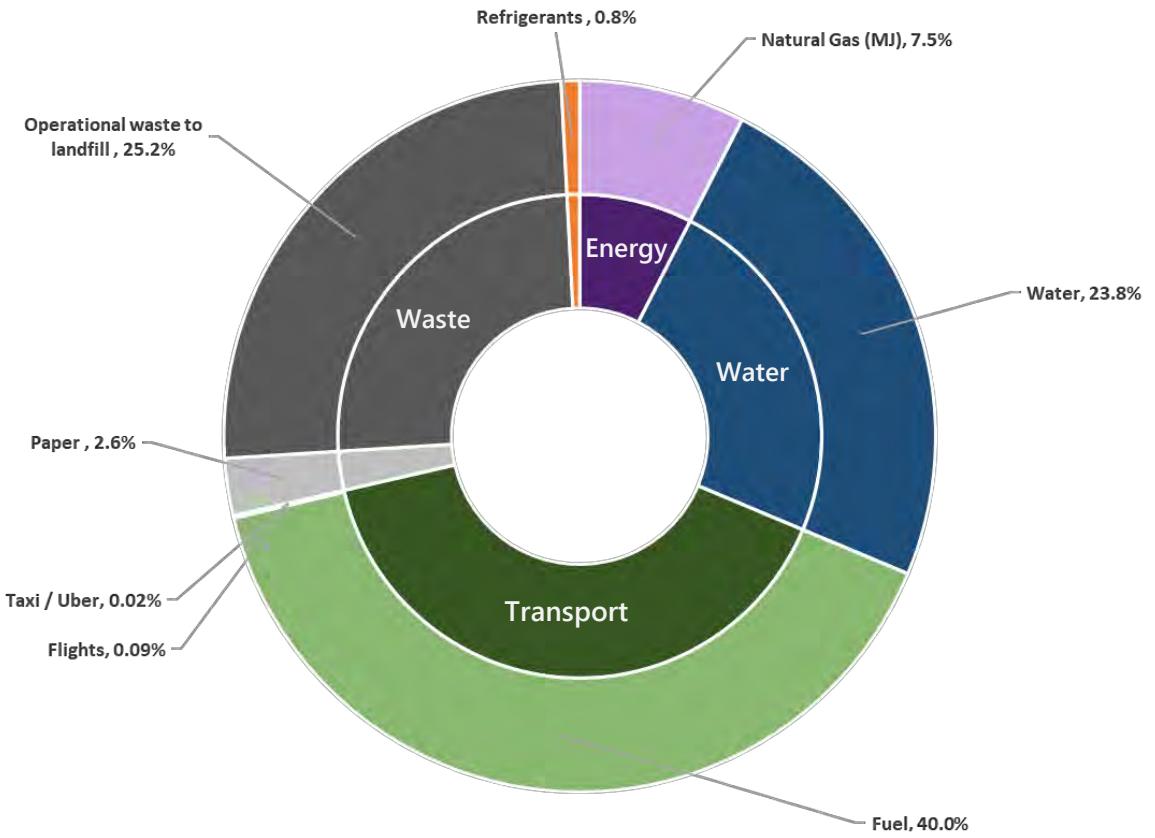
Electricity  
= 66% of emissions



# NPSP emissions profile – 100% renewables

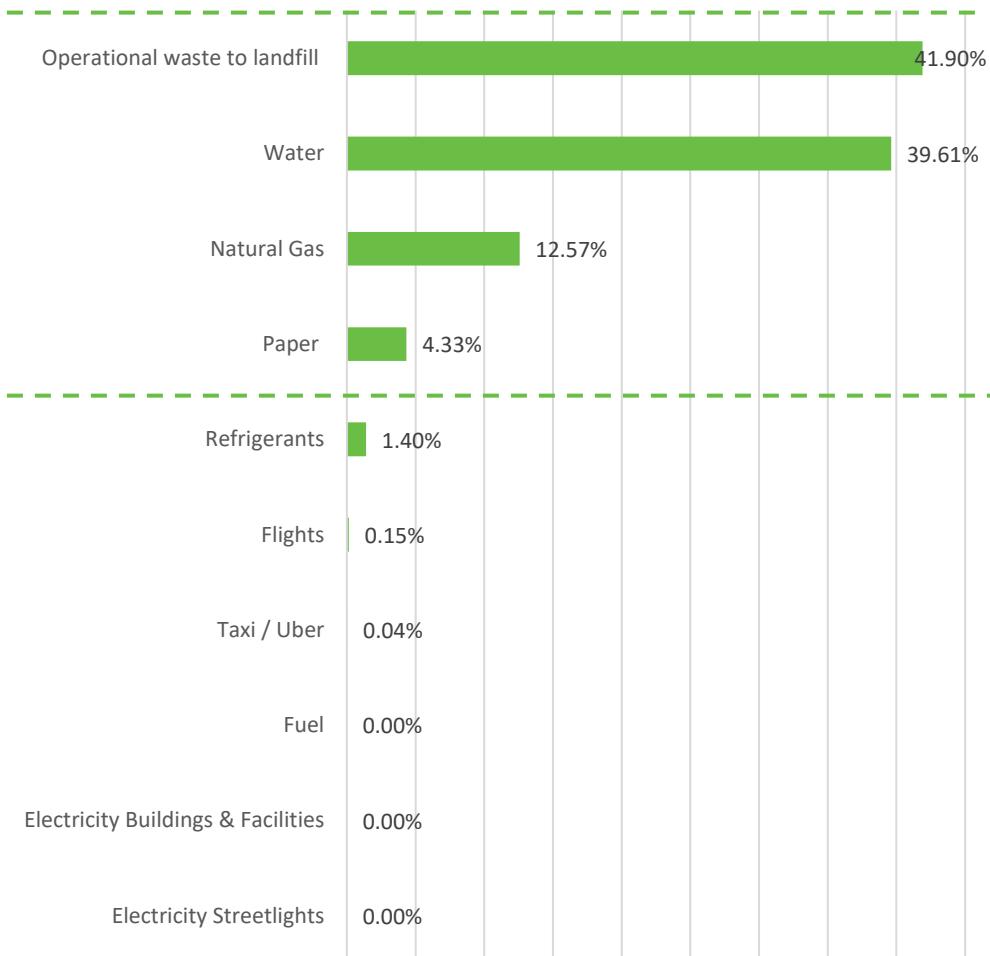


Top 4  
= 96% of  
emissions

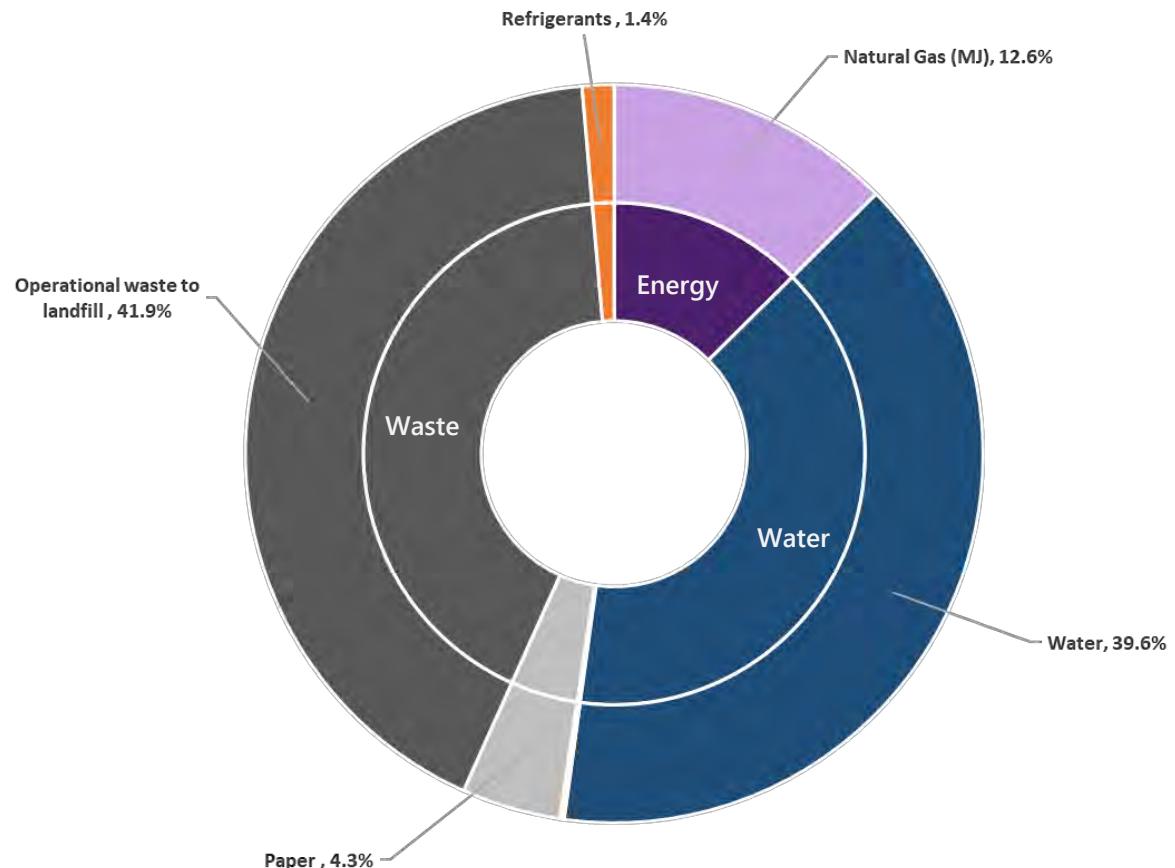


# NPSF emissions profile = Zero emissions fleet

A112 dsquared



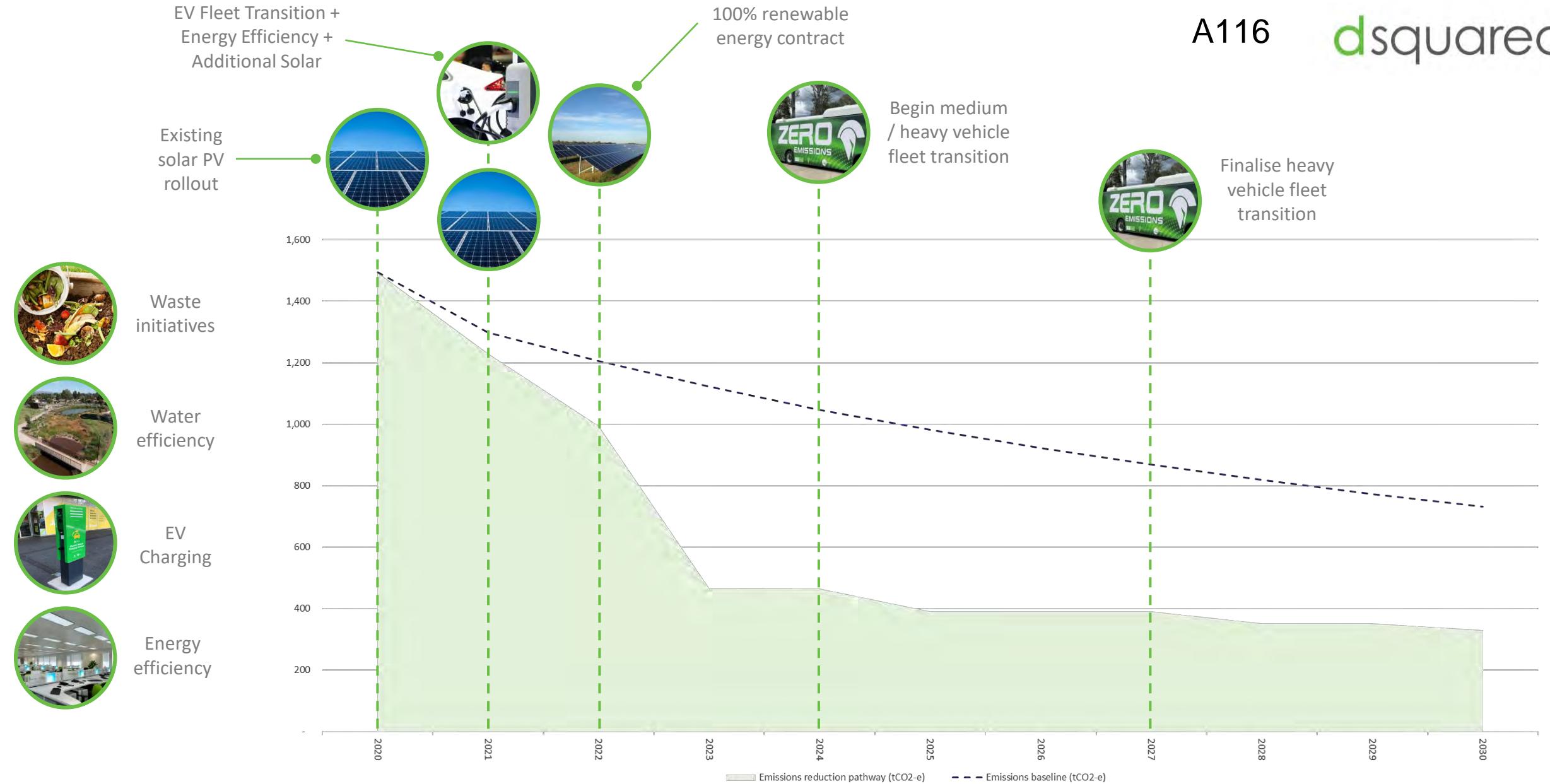
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= 98% of  
emissions

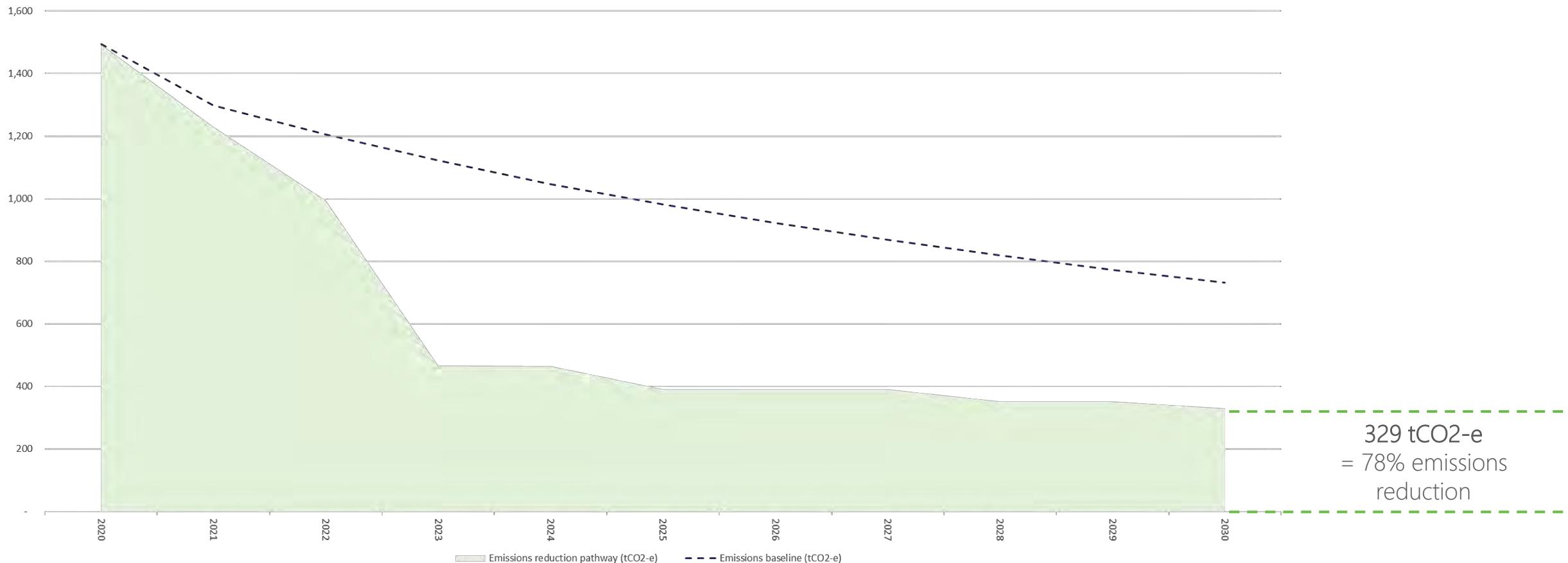


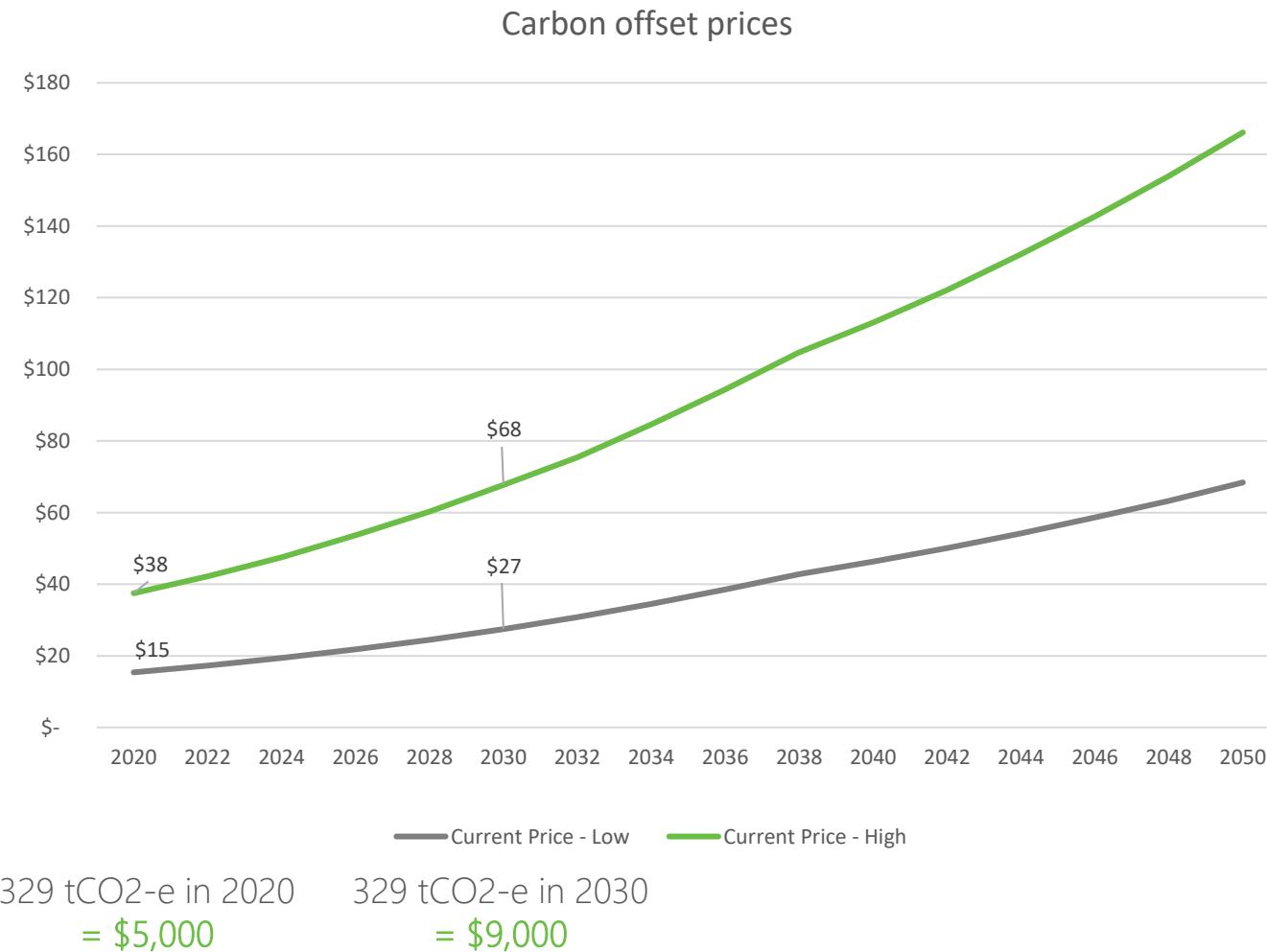
Project Info		Financial Analysis			Emissions reduction (relative to total emissions)	Quadruple Bottom Line Assessment			
Emissions reduction project	Summary	CAPEX	OPEX	Payback (Yrs.)		Environmental	Social	Cultural	Economic
<b>Rooftop solar PV</b>	Maximise rooftop solar PV to council facilities	\$402,750	-\$100,916	4	<b>17%</b>	✓			✓
<b>Car park solar PV</b>	Install 250kW solar PV system to <u>Webbe Street</u> carpark	\$750,000	-\$71,250	11	<b>14%</b>	✓			✓
<b>Energy efficiency audits and initiatives</b>	Undertake energy efficiency audits and implement projects at top 8 facilities which provide reduce energy emissions and operating costs. \$2,000 - \$5,000 per energy audit per facility depending on energy audit type (Level 1 / 2).	\$16,000 - \$40,000	\$20,000 per annum	TBC	<b>3-5% per annum over 5 years</b>	✓			✓
<b>ESD guidelines – New builds and refurbishments</b>	Implement new ESD guidelines for new builds and refurbishments. Include 3-5% additional budget allocated to ESD initiatives to ensure projects incorporate emission reduction strategies such as higher efficiency plant and equipment, transitioning to all-electric, implementing \$8,000-\$10,000 to develop and implement guidelines.	\$8,000-\$10,000	-		<b>&gt;3% reduction per project</b>	✓	✓		✓
<b>Zero emissions fleet transition</b>	Transition fleet to all-electric vehicles at end of lease / as EV equivalents are available.	60-80% increase in leasing costs	TBC	TBC	<b>10-15%</b>	✓			
<b>Electric vehicle charging stations</b>	Install electric vehicle charging stations to support EV transition.	<b>AC Lv3:</b> \$6,000 - \$8,000 <b>DC Lv1:</b> \$18,000 - \$20,000	-	n/a	<b>0% but required to support EVs</b>	✓	✓		
<b>100% renewable energy contract</b>	Implement 100% renewable energy contract for electricity + streetlights. No increased operating costs based on recent PPA examples (State Government and Flinders University).	-	-	n/a	<b>40% (Following Solar PV rollout)</b>	✓			✓











**Carbon offsets vary in price depending on:**

**Type** - Australian Carbon Credit Unit (ACCUs), Verified Carbon Standard (VCS) and The Gold Standard

**Focus** - renewables vs. revegetation

**Location** - South Australian, Australian or international



# Questions and discussion



# Thank you

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**SOCIAL VALUE**  
INTERNATIONAL



 Green Building  
Council Australia  
Member 2020-2021



Founding Partner  
**CARBON NEUTRAL ADELAIDE**



# **Attachment B**

## **Draft Corporate Emissions Reduction Plan**

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**City of  
Norwood  
Payneham  
& St Peters**

City of Norwood Payneham & St  
Peters

# Low Emissions Fleet Transition Paper

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Project Number: 2232



Document Control

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Issue	Date	Change	Checked	Approved
01	11/03/21	Draft issue for comment	JP	DD
02	18/03/21	Final update	JP	DD
03	31/03/21	Minor update to wording	JP	DD

Our vision is to think beyond the square.

Our mission is to reduce the impact on the environment of our client's actions by providing innovative solutions, challenging perceived thinking, and pushing the boundaries of achievement whilst using all resources in a sustainable way.

We confirm that all work has been undertaken in accordance with our ISO 9001 accredited quality management system.

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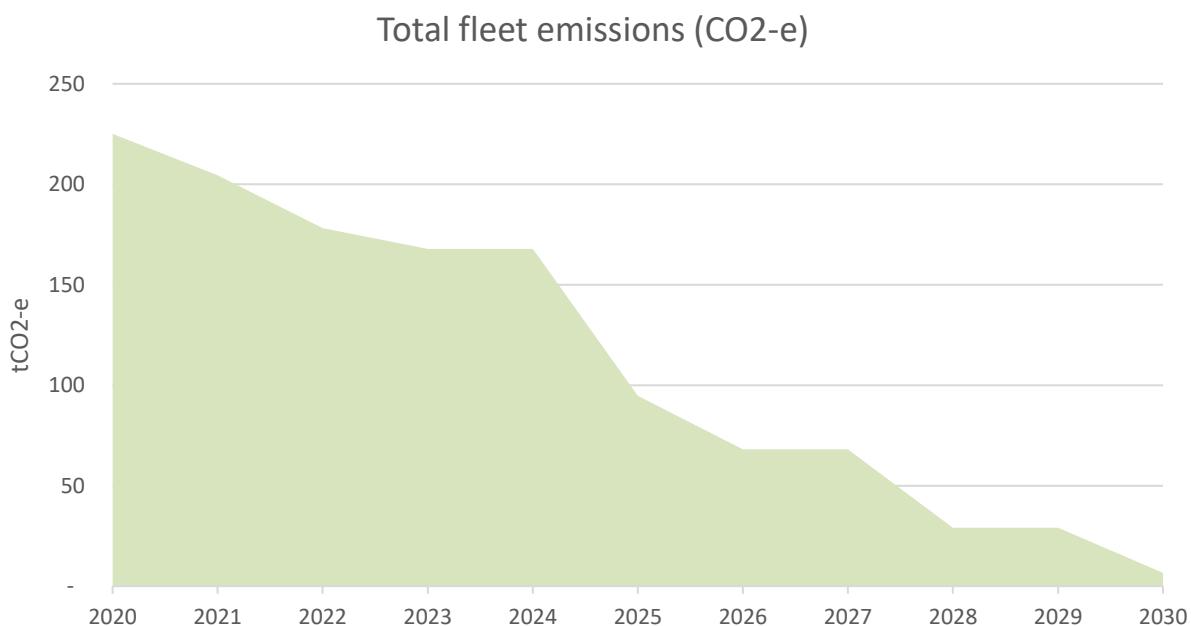
## Executive summary

The purpose of this report is to provide a summary of low and zero emission fleet transition options for the City of Norwood Payneham & St Peters. A staged transition has been developed which allows the Council to replace corporate fleet vehicles with low emission vehicles such as hybrid electric options in the short term and electric vehicles (EVs) in the longer term. This will allow the Council to reduce fleet emissions in a meaningful way while reducing the cost of transitioning to EVs which currently have a price premium.

The key recommendations are:

- Transitioning all corporate passenger fleet vehicles to hybrid electric vehicles by 2023. As part of this transition, it is recommended a small number of fleet vehicles are transitioned straight to full EVs as there are no equivalent hybrid options but there are readily available EV options.
- Transitioning all corporate passenger fleet vehicles to fully electric vehicles by 2026 as part of fleet replacements, subject to organisational requirements and vehicle availability.
- Beginning plant and maintenance vehicle transitions to low and zero emission options from 2025.
- Planning for the installation of EV charging stations at key facilities to support the EV transition and beginning installation from 2021/22 to support initial EV transitions.
- Ensuring that 100% renewable energy is procured as part of the Local Government Association Procurement (LGAP) electricity contract negotiations. This will ensure that the EVs are powered by 100% renewables reducing fleet emissions to zero.

Emission reduction projections have been undertaken based on the above recommendations and there is an opportunity to significantly reduce total fleet emissions by 2030 as per the below graph.



## 1 Introduction

---

### 1.1 Purpose

The City of Norwood Payneham & St Peters operates a range of passenger, plant and maintenance fleet vehicles which are currently powered by fossil fuels. As part of the Council's commitment to achieving "zero corporate carbon emissions by 2030", this Low Emissions Fleet Transition Paper has been developed to provide a summary of low and zero emission transport trends and projections, transition options and emission reduction benefits to enable the Council to make an informed decision on transitioning their fleet.

### 1.2 Low and zero emission vehicle uptake

Hybrid electric vehicles (HEV) and plug-in hybrid electric vehicles (PHEVs) have been commercially available in Australia since the early 2000's with full electric vehicles (EVs) entering the market in 2010 and an exponential growth occurring in electric vehicle registrations since 2014. In addition, there are 2 Fuel Cell Electric Vehicles (FVEC – or hydrogen powered vehicles) being trialled in Australia by a number of organisations however are not available for private sale. In particular, Hyundai is operating a loan program with a fleet of 20 hydrogen vehicles currently being used by the ACT Government and BMW is expected to release a small number of vehicles in 2022.

The Electric Vehicle Council has recently updated their figures and have stated that over 6,700 EVs were sold in 2019 which was an increase of over 200% compared to approximately 2,200 sold in 2018. The following figure (refer Figure 1) shows the growth of EV sales from 2011 to 2018 (note that this does not take into account the significant growth in 2019 and 2020 sales).



Figure 1: Electric Vehicle Sales. Source: Electric Vehicle Council

Projections from the Australian Energy Market Operator (AEMO) are that with moderate intervention from across government, EV sales will increase from approximately 2,200 vehicles in 2018, to 70,000 by 2023 and will make up the majority of vehicle sales by 2050 (refer Figure 2). Moderate intervention includes targets being set by state governments as part of net-zero strategies, transitioning state and local government fleets to EV's and the rollout of charging infrastructure.

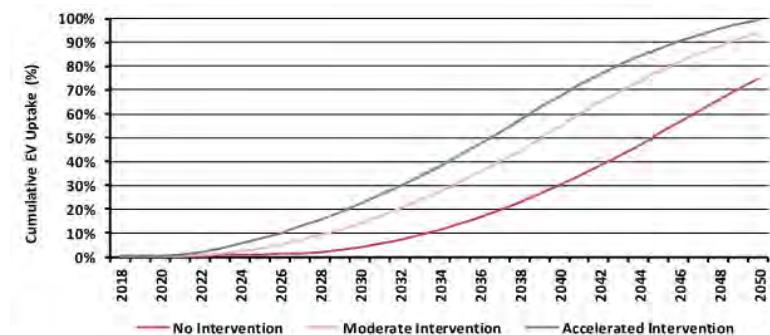


Figure 2: AEMO EV Projections

It should be noted that current government intervention has not been in line with the moderate intervention pathway and therefore take-up has been slower. This also assumes a relatively slow uptake of hydrogen vehicles which may have changed since the National Hydrogen Strategy was released in November 2019. However, many countries are committing to the phase out of internal combustion engine vehicles and major car manufacturing countries are also announcing timeframes to phase out ICE vehicles and therefore the transition to hybrids and EVs is expected to increase in the near future.

The uptake of electric vehicles in South Australia is currently one of the highest per capita in Australia which is likely due to the availability of public charging stations (second highest per capita) and the knowledge that a large percentage of our electricity comes from renewable sources i.e. fossil fuel electricity generation is often cited as a reason not to support EV's due to the emissions associated with coal and gas fired power stations used to charge the vehicles. EV's have been further supported by programs such as the City of Adelaide Council's Electric Vehicle Charging Hub and on-street stations in the Adelaide CBD where there are now 46 charging stations available. Since these stations were implemented there have been over 4,000 vehicle charging sessions and over 12MWh of electricity delivered to EV's. In addition, the South Australian Government is currently investing \$13.4M to deliver public state-wide electric vehicle charging infrastructure to support the uptake of EVs.

Although there are no specific studies into distances travelled between charges for electric vehicles and where they are charged (home versus public charging), the average daily commute for South Australian's is 13.8km or 138km per week which is well within the range of a single charge for most EV's. It is expected that the majority of EV owners charge their vehicle at home overnight using either a standard wall plug or with a home charging station, unless convenient charging stations are provided at their place of employment or parking complex.

The provision of public charging infrastructure by government (Federal/State/Local) is one of the top three areas that consumers believe will increase the uptake of electric vehicles, along with subsidies for EV's and installing home charging systems. Although not a focus of this paper, with current projections this provides an argument to increase investment in EV charging stations by the Council to support EV owners in visiting the Council region. This could be achieved by allowing the public to use Council owned charging infrastructure, entering into commercial agreements for private operators to install charging stations on Council land or providing grants to business to install chargers in the Council area.

## 2 Low and zero emission vehicles

---

### 2.1 Emissions

Vehicle emissions data has been collated for the following vehicle types to demonstrate the emissions reduction opportunities of transitioning to low and zero emission transport options (refer Table 1). The data has been based on the following data sources:

- **Passenger vehicles:** Australian Government Green Vehicle Guide and the ARENA/SA Government funded Car Operating Cost Calculator. The emissions are based on a review of the most popular vehicles purchased in Australia (top 3) by vehicle segment.
- **Public transport:** Data sourced from the Department of Infrastructure and Transport (DIT previously DPTI) on public transport use and bus, train (electric and diesel) and tram use.
- **E-bikes:** A review of e-bike specifications with the National Greenhouse Accounts Factors August 2020 applied for electricity used to charge the e-bikes.

#### **Passenger vehicles**

The below is a summary of average passenger vehicle emissions. Note that not all vehicle segments currently have an equivalent.

Table 1: Average urban CO<sub>2</sub> emissions by vehicle segments

Vehicle Type - Reporting Format	Petrol CO <sub>2</sub> Emissions (g/km)	Diesel CO <sub>2</sub> Emissions (g/km)	Hybrid PE CO <sub>2</sub> Emissions (g/km)	Electric CO <sub>2</sub> Emissions (g/km)
Small Car	179	145	86	68
Small SUV	206	144	109	58
Medium Car & SUV	227	167	82	89
Large Car & SUV	332	234	54	72
Utility	308	252		
Small Van	202	139		68
Large Van	378	240		



The data demonstrates that hybrid electric and fully electric vehicles have the opportunity to reduce CO<sub>2</sub> emissions by over 50% for hybrids and 60-75% for EVs while also providing a significant reduction in air pollution.

However, it should be noted that there can be a large discrepancy between the manufacturer's reported data and the actual emissions in real world driving simulations. Studies have identified a significant increase in Nitrogen Oxide (NOx) and Hydrocarbon (HC) emissions for diesel vehicles (exceeding legislated limits), increased Carbon Monoxide (CO) for petrol vehicles (but within legislated limits) and reduced fuel efficiency for all vehicle types (petrol, diesel and hybrid electric).

The reports have not focussed on electric vehicles (EVs) however it is expected that real-world performance of EVs will also be reduced compared to laboratory data. As a result, the manufacturer's data should be used with caution as the actual emissions of vehicles, in particular diesel, are expected to be far higher in real-world conditions.

Due to NOx having a direct impact on air quality and health this should be considered as part of the larger aim to shift to low emission forms of transport. This is expected to be highly relevant to the Council's maintenance and facility management teams which would be frequently using and working around diesel vehicles.

### **Public transport**

In addition to transitioning the Council's fleet to low and zero emission options, reducing vehicle use by using other forms of active and sustainable transport should also be a priority. The below is a summary of average South Australian public transport emissions which demonstrates that using public transport has the potential to significantly reduce the Council's emissions compared to using a petrol/diesel powered vehicles.

Transport Type	CO <sub>2</sub> e g/km
Bus	114
Tram	22
Train	62

The Council provides Adelaide Metro cards for staff use however usage could be improved with better signage and awareness. It is recommended that the Council include additional information on the Adelaide Metro cards as part of inductions and signage when booking fleet vehicles.

### **Walking and cycling**

A final option to reducing emissions to zero is walking and cycling or as a low emission option using an electric bike (e-bike). Based on the average e-bike charged from the South Australian grid, e-bike emissions are approximately 3-4 gCO<sub>2</sub>-e per kilometre.

This is a minimal to no cost option compared to purchasing or leasing a vehicle and provides additional health and wellbeing benefits for the staff. It should be noted that there are alternative risks associated with walking and riding compared to driving a car and therefore the Council should ensure adequate training is provided, in particular when operating an e-bike.

## 2.2 Embodied emissions

Although not part of the scope of this plan, embodied emissions are often questioned when transitioning to EVs due to the environmental impact of mining battery materials such as lithium and the energy required to manufacture the batteries. However, recent lifecycle analyses have demonstrated that EVs typically offset all of the embodied emissions during the first 3-4 years of operation when manufactured at a factory powered by fossil fuels and charged from electricity grids with a low share of renewable energy. Where the batteries are manufactured at renewable powered factories (such as Tesla's Gigafactory) and there is a higher percentage of renewable energy in the electricity grid, such as South Australia, studies have demonstrated a 1-2 year offset period.

Although this is an important component for consideration, with South Australia on track to reach 100% renewable energy in the next 10 years and as the world continues to transition to renewable energy, the overall emission reduction opportunity for EVs will continue to improve. In addition, EV batteries continue to improve in energy capacity which will reduce material requirements and can be recycled at end of life for alternative purposes such as grid and home battery storage systems.

### 3 Fleet transition

---

#### 3.1 Current fleet

The Council's current corporate passenger fleet is managed through a number of lease arrangements with the majority of vehicles either no longer in lease or nearing the end of lease. An annual emissions estimate has been calculated based on the Council's corporate passenger fleet emissions against the vehicle lease annual kilometres.

Table 2: Existing fleet

Vehicle/Make	Annual emissions estimate (tCO <sub>2</sub> -e)	Lease km
<b>URBAN SERVICES CITY ASSETS</b>		
Toyota Camry SX	4.0	60,000
Toyota Corolla Ascent	4.0	60,000
Toyota Corolla Ascent	2.3	35,000
Toyota Corolla Ascent	2.3	35,000
Toyota Hiace Van	8.3	125,000
Toyota Corolla SX	6.6	100,000
<b>URBAN PLANNING &amp; ENVIRONMENT</b>		
Toyota Camry SX	3.0	45,000
Holden Astra Sportwagon	4.0	60,000
Toyota Corolla Ascent	5.0	75,000
Holden Astra Sportwagon	2.3	35,000
Holden Astra Sportwagon	3.0	45,000
<b>GOVERNANCE AND COMMUNITY AFFAIRS</b>		
Toyota Corolla ZR	4.0	60,000
Toyota Corolla SX	2.7	40,000
Holden Astra Sportwagon	2.3	35,000
Volkswagen Caddy Van	3.0	45,000
Holden VF 11 Ute	8.3	80,000
<b>CORPORATE SERVICES</b>		
Toyota Corolla ZR	4.0	60,000

Vehicle/Make	Annual emissions estimate (tCO <sub>2</sub> -e)	Lease km
<b>CEO'S OFFICE</b>		
Mazda CX 8 Asaki	2.7	40,000
Holden Astra Sportwagon	2.0	30,000
Volkswagen Caddy Van	1.3	20,000
<b>Total emissions (tCO<sub>2</sub>-e)</b>	<b>72</b>	

### 3.2 Low and zero emission vehicles

The following low and zero emission vehicle options are available to the Council.

#### 3.2.1 Electric vehicles

EV availability has increased significantly in recent years while prices have also reduced. The following EVs are available or are expected to be available during 2021 for <\$60,000:

- Hyundai Ioniq
- Hyundai Kona
- Nissan Leaf
- MG ZS EV
- Renault Zoe
- Mini Electric Hatch

#### 3.2.2 Hydrogen vehicles

Hydrogen cell vehicles are becoming increasingly available worldwide and with the hydrogen supply chain currently in development across Australia in line with the National Hydrogen Strategy and a key focus of South Australia's Hydrogen Strategy and Action Plan, it is expected that hydrogen vehicles will become more readily available in the near future. Hydrogen vehicles are being targeted at medium and heavy vehicle markets where weight and travel distance are a concern which may be applicable to the Council's maintenance vehicles and trucks.

The below are examples of hydrogen cell vehicles to be manufactured in Australia (refer Figure 3) and hydrogen refuelling stations being implemented in Europe to support the hydrogen vehicle transition (refer Figure 4).



Figure 3: H2X Australia - Hydrogen SUV



Figure 4: Hydrogen Refuelling Station

It is recommended that the Council focus on EVs for passenger vehicles over the next 5 years and monitor the progression of hydrogen vehicles.

### 3.2.3 Medium and heavy vehicles

In line with passenger EV's, current uptake of medium and heavy electric vehicles (utility vehicles, trucks and buses) in Australia is relatively low, however is expected to grow significantly in the coming years. Electric truck and bus sales are expected to grow between 9% to 17% per annum through to 2030 across OECD countries and there are examples of state governments implementing EV bus trials to help drive this transition. The Department of Infrastructure and Transport has recently implemented hybrid diesel electric buses in Adelaide with more buses in delivery and fully electric buses expected to begin operation in 2021 for the Adelaide Airport Skybus service. In addition, EV bus trials are underway across Australia in most capital cities including:

- **Sydney:** Transit Systems is trialling 11 electric buses across Sydney Inner West.
- **Brisbane:** Brisbane Metro is introducing 60 electric buses from 2021 and the Brisbane Airport Corporation currently operates 11 electric buses.
- **Melbourne:** Transdev Melbourne has been running a trial of 1 electric bus in 2020 to demonstrate electric bus capabilities and undertake a comparison to diesel buses.
- **Canberra:** Transport Canberra currently operates 1 electric bus and has released an expression of interest (EOI) to implement 90 electric buses by 2024 as part of their Zero-emissions Transition Plan. This has followed the implementation of light rail infrastructure which is 100% renewable energy powered.

Some of the key challenges for medium and heavy EV's is the need for significant charging infrastructure for vehicles travelling on regional routes exceeding currently available EV ranges without charging infrastructure being available. Companies such as Volvo, Volkswagen, Isuzu (Mitsubishi), Iveco and Tesla are all developing heavy EV's. Several trials are also underway, with Woolworths using electric distribution trucks and councils in WA, VIC and SA (East Waste) trialling electric waste trucks, which have relatively fixed routes with known travel distances. The results from the trials have not been publicly disclosed and it may be a number of years before EV heavy vehicles become more prevalent.

As the Council operates a range of medium and heavy vehicles and a community bus that have a consistent travel distance, it is recommended Council investigate transitioning to electric options when the current vehicle is due for replacement. An option for the community bus is the SEA Commuter Bus (refer Figure 5) which can be charged from a standard 3-phase power outlet or from AC or DC charging stations (depending on the vehicle specifications).



Figure 5: SEA Electric Commuter Bus (12-15 Seat)



Figure 6: SEA Electric charging plug

### 3.2.4 Maintenance and all-terrain vehicles

Another option for consideration by the Council is transitioning plant vehicles such as quad bikes, mowers and tractors to electric options when due for replacement. There are a range of benefits to all-electric vehicles including reduced fossil fuel dependence, improved air quality and employee health with zero air pollutants, reduced noise output and the ability to charge the vehicles with onsite renewable energy. As part of the solar PV feasibility assessment, additional solar PV has been proposed for the Works Depot to facilitate EV charging which could support this transition.



Figure 7: Electric Quad Bike



Figure 8: H2X Hydrogen Tractor

### 3.2.5 Electric bikes

Australia has adopted the European standard (EN15194) for electric bikes (e-bikes) which limits the speed to 25km/h and motor power to 250W for pedal assisted bikes, however this standard was not adopted across all states until 2015. As a result, e-bike uptake has been relatively slow compared to international markets (in particular Europe and China). However, e-bike sales have increased significant battery prices continue to decrease, more models become available and in particular as a result of the COVID-19 pandemic. Depending on the battery size, motor power and the type of use, e-bikes typically have a range of 50-200km. Prices range from approximately \$1,200 for entry level to \$10,000 for premium off-road models.

Due to the range of different battery sizes and types found in e-bikes, each e-bike will have a compatible charger which plugs into a standard mains supply power point (240V). Current e-bikes for sale in Australia have a charge time of 4-10 hours for a full charge or 2 hours for a meaningful extension of range. As a result, it is expected that providing public charging infrastructure will have minimal impact on uptake as the user is required to carry their charger with them and leave their bike and portable charger in a public area for extended periods. Most e-bikes allow the user to remove the battery and therefore charge in more convenient locations (e.g. inside a library or local café).

Newer e-bikes are starting to enter the market with faster charging capabilities (2-4 hours for a full charge) and this may increase the need for providing public charging stations, however these bikes will also have increased range. For example, newer higher capacity batteries have a range of 150-200km which will allow a user to complete their daily commute across a standard week on one charge.

It is recommended that the Council consider purchasing additional e-bikes for staff use with the aim of reducing the use of fleet vehicles. When compared to the purchase or leasing cost of a new vehicle, this is a relatively minor investment that can both reduce emissions and providing active forms of travel to support staff health and wellbeing.

### 3.3 Fleet transition

The below outlines potential hybrid and EV replacement models for the Council to transition to at the end of current leasing arrangements. A small number of vehicles have been identified to transition straight to EV equivalents based on feedback from the Council or due to a hybrid vehicle equivalent not currently being available.

Table 3: Fleet transition options

Vehicle/Make	Potential hybrid replacement	Potential EV replacement
<b>URBAN SERVICES CITY ASSETS</b>		
Toyota Camry SX	Toyota Camry Hybrid	Hyundai Ioniq / Kona / MG ZS EV
Toyota Corolla Ascent	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Toyota Corolla Ascent	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Toyota Corolla Ascent	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Toyota Hiace Van	n/a - Transition straight to EV	SEA E4V Delivery Van
Toyota Corolla SX	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
<b>URBAN PLANNING &amp; ENVIRONMENT</b>		
Toyota Camry SX	Toyota Camry Hybrid	Hyundai Ioniq / Kona / MG ZS EV
Holden Astra Sportwagon	Mitsubishi Outlander PHEV / Toyota RAV4 GXL Hybrid	Hyundai Kona / MG ZS EV
Toyota Corolla Ascent	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Holden Astra Sportwagon	Mitsubishi Outlander PHEV / Toyota RAV4 GXL Hybrid	Hyundai Kona / MG ZS EV
Holden Astra Sportwagon	Mitsubishi Outlander PHEV / Toyota RAV4 GXL Hybrid	Hyundai Kona / MG ZS EV
<b>GOVERNANCE AND COMMUNITY AFFAIRS</b>		
Toyota Corolla ZR	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Toyota Corolla SX	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
Holden Astra Sportwagon	Mitsubishi Outlander PHEV / Toyota RAV4 GXL Hybrid	Hyundai Kona / MG ZS EV
Volkswagen Caddy Van	n/a - Transition straight to EV	Renault Kangoo Z.E.
Holden VF 11 Ute	n/a - Transition straight to EV	Renault Kangoo Z.E.

Vehicle/Make	Potential hybrid replacement	Potential EV replacement
<b>CORPORATE SERVICES</b>		
Toyota Corolla ZR	Toyota Corolla Hybrid	Hyundai Ioniq / Nissan Leaf
<b>CEO'S OFFICE</b>		
Mazda CX 8 Asaki	Toyota Kluger Hybrid Electric 2021	Equivalent vehicle
Holden Astra Sportwagon	Mitsubishi Outlander PHEV / Toyota RAV4 GXL Hybrid	Hyundai Kona / MG ZS EV
Volkswagen Caddy Van	n/a - Transition straight to EV	Renault Kangoo Z.E.

### 3.4 Fleet transition emissions reduction

Based on the above options, a fleet transition emissions projection has been undertaken based on a staged replacement program with the majority of vehicles transitioning to hybrids over the next 1-3 years and a full EV transition by 2026 subject to organisational requirements and vehicle availability. The below emissions projections incorporate the following assumptions:

- A 3-year replacement period (36 months) has been used based on existing lease arrangements.
- All corporate passenger fleet vehicles replaced with hybrid options by 2023.
- All corporate passenger fleet vehicles transitioned to full EV options by 2026 subject to organisational requirements and vehicle availability.
- A 100% renewable energy contract is implemented through the Local Government Association Procurement (LGAP) from 2023, reducing EV emissions to zero.

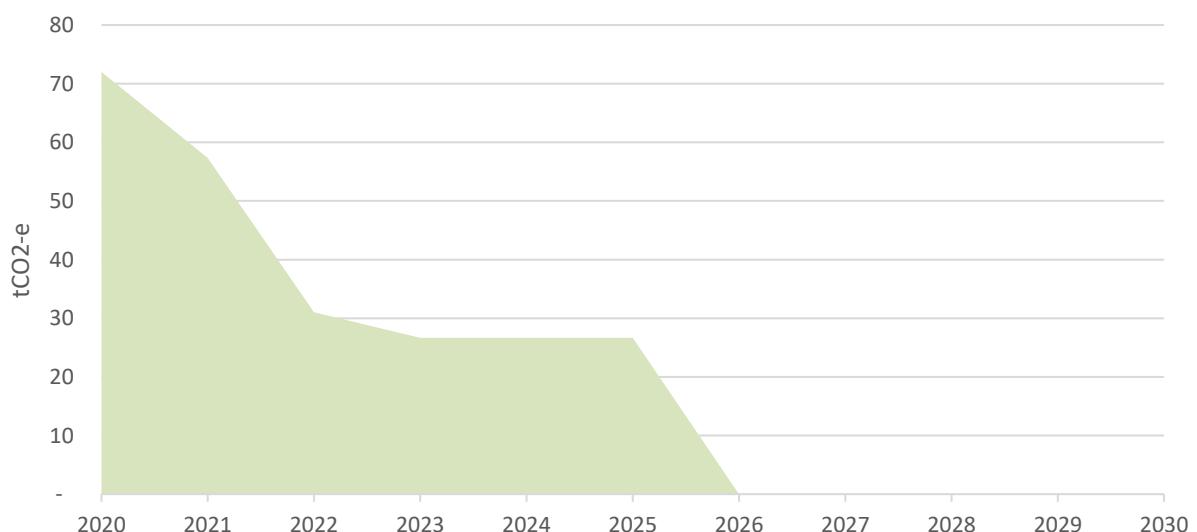


Figure 9: Corporate passenger fleet transition emissions

By comparison, if the Council's depot plant and maintenance vehicles are incorporated into the projections, the corporate fleet emissions reduction has a reduced overall impact (refer Figure 10). The below projections incorporate the above assumptions however include the following fleet transition projections:

- Maintenance vehicles as the Toyota Hilux are replaced with an EV equivalent in 2025.
- A small selection of heavy vehicles (trucks) due for replacement are transitioned to an EV/hydrogen equivalent in 2025 as a trial.
- Heavy vehicles and trucks are replaced with an EV/hydrogen equivalents from 2028.

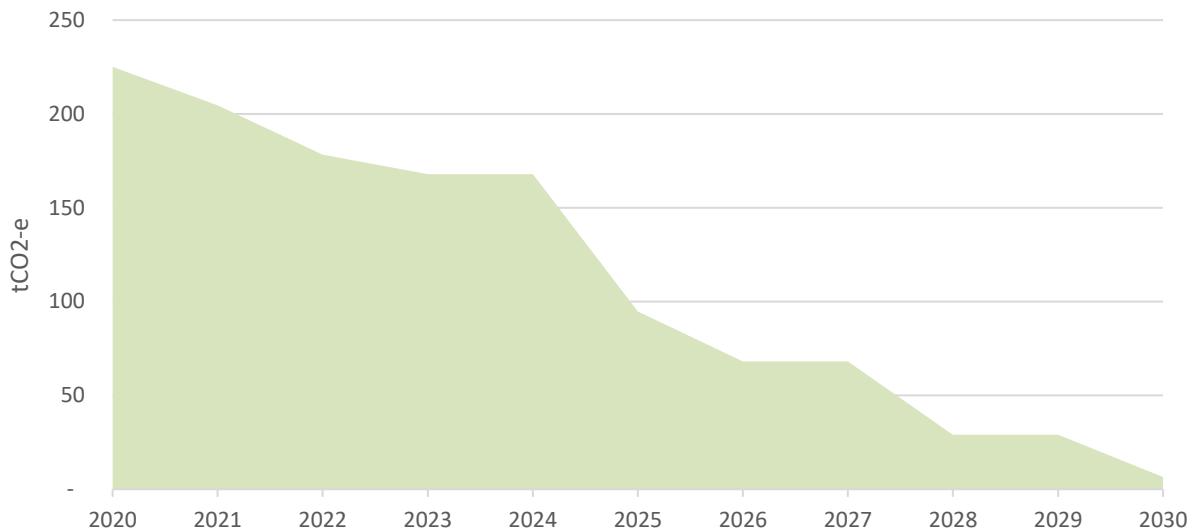


Figure 10: Total fleet emissions projection

Based on these projections, the majority of the Council's fleet emissions can be reduced by transitioning to EVs and/or hydrogen cell vehicles by 2030. It is expected that a small number of vehicles and plant/equipment will still be powered by petrol and diesel, however additional opportunities to replace this equipment are likely to become available as the transition away from fossil fuels accelerates.

## 4 Electric vehicle charging

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### 4.1 Charging station charge rates

The Society of Automotive Engineers (SAE) International have established a charging level protocol to define the speed and therefore quality of charging that a station can provide. The protocol has 6 levels with 3 AC standard charging rates and 3 DC fast charging with various charge times (refer Appendix A).

The main public EV charging stations available in Australia are AC Level 2 and 3 chargers which provide a higher charge rate than standard home installations and DC charging stations such as Tesla Superchargers (DC Level 3). In the last 12-18 months, new DC charging solutions have entered the Australian market which provide a 24-25kW charge rate which do not have the large electrical load of a fast charger however provide a faster charge rate AC Level 3 without being restricted by the EVs onboard charging capacity. The following provides a breakdown of the typical charging solutions provided by intended function.

Where EVs are charged	Charger power	Ideal locations	Activities enabled
Inter-regional	50kW+ DC fast chargers	Convenient locations	Long distance travel
Destination	7 – 22 kW AC chargers	Tourist destinations, shopping centres	Widespread travel and EV tourism
Workplace	7 – 22 kW AC charger	Park and rides, workplaces	Complete EV ecosystem
Home	7 – 22 kW AC chargers	Off-street parking	Better grid utilisation

### 4.2 EV charging capacity

To ensure the vehicle charging stations match the available EV fleet in Australia, it is important to understand the battery size, maximum charge capacity and plug types of available EVs (refer Appendix B).

The majority of EV's in Australia are not capable of AC charging rates higher than 7.4kW and therefore charging stations with AC Level 2 7.4-11kW charge stations are recommended unless a particular make (Tesla S/X or Renault) are being procured in which case an AC Level 3 22kW station may be justified. Similar to AC charging, DC charge rates will also be dependent on the EV make and model with the majority of EV's charging up to 77kW and specific models such as Tesla up to 120kW. It should also be noted that the majority of new vehicles entering the market have the Type 2 / CCS charging plug and therefore charging stations should be selected to match.

It is recommended that a mixture of charging solutions is provided as follows:

- Providing DC 25kW (60-65Amp) charging stations at strategic locations to provide faster charging options for higher use fleet vehicles.
- Providing AC Level 2 or 3 chargers in locations with less frequent vehicle use and opportunities for longer charging periods. It is recommended that a comparison is undertaken comparing the Level 2 vs 3 prices as recent tenders have resulted in Level 3 chargers being installed due to a minimal difference in price.

#### 4.3 Control and monitoring systems

AC Level 2 and DC charging requires the charging station and on-board vehicle charger to communicate with each other in order to manage the rate of charge.

If it is a requirement for the user to pay for the energy consumed, or for the system to have access controls and the ability limit the peak demand imposed on the electricity supply network, the charging station system will need to be monitored and managed by a centralised management system which will increase installation and operational costs.

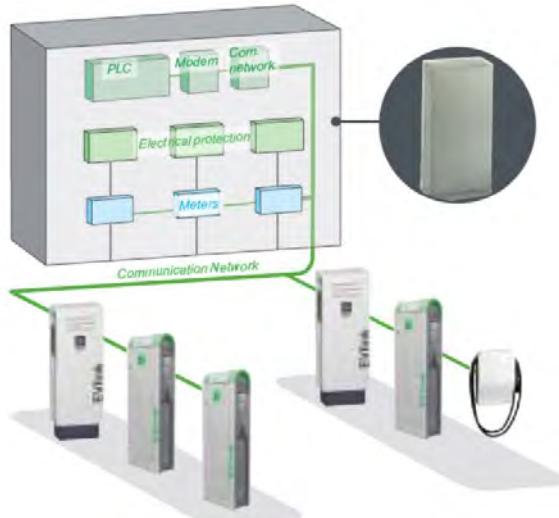


Figure 11: Centralised Management System Schematic. Source: Schneider

Centralised Management Systems can offer the ability to communicate directly with customers via smart phone applications in order to alert the customer when the vehicle has reached its full charge and to perform retail billing and payment functions.

The management system can reduce the charge capacity of any given charge station should this be required to limit the total electricity maximum demand. This can be undertaken:

- *proportionally* – whereby all charging stations have their capacity equally reduced by the same amount;
- *in descending order* – where the highest capacity chargers have their capacity reduced first until they reach the same level as the lowest, then reduction becomes proportional, or
- *via privilege* – where for example in the case of a premium fast charge customer, the charge capacity of the AC Level 2 charges is sacrificed in the short term to allow the DC Level 1 charge to be expended in as short a period of time as possible.

It is recommended that a control and monitoring system is incorporated at the Webbe Street car park in the event electrical load is a concern or if additional control by the Council over the charging systems are required. If remote monitor and control is not required, the chargers can be programmed individually, and access controlled with RFID cards.

This will need to be considered as part of providing public charging services.

#### 4.4 Electric vehicles as mobile energy storage

Utilising EVs as a mobile energy storage system (Vehicle to Grid (V2G) or Vehicle to Home (V2H)) is a system that aims to maximise the potential of EVs by utilising their energy storage capacity to provide back-up power, demand management capabilities and a revenue source by selling their energy into the grid. To enable this, EVs must be capable of bi-directional energy flow with associated infrastructure allowing the EV to export energy into the electricity system (behind the meter or as an export to the grid).

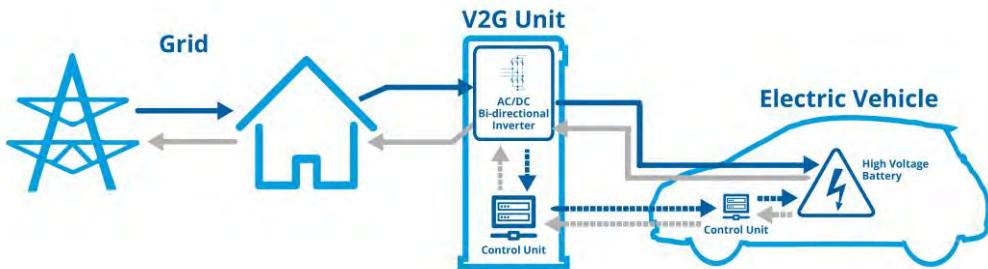


Figure 12: Vehicle to Grid (V2G) Diagram. Source: Cenex

Due to the size of EV battery storage systems typically being larger than home battery systems (e.g. Tesla Model 3 has a 50-75kWh battery compared to the Tesla Powerwall 2 with a 13.5kWh battery) and EV ranges significantly exceeding typical commute distances, utilising the excess energy storage can provide a range of energy management benefits with the following advantages and disadvantages.

##### **Advantages:**

- Decreased grid dependence and demand management capabilities.
- Additional revenue source with arbitrage and peak demand services.
- Removes duplication (stationary energy storage systems may not be required).
- Provides additional revenue opportunities to EV owners e.g. EV owners could be paid to discharge their EVs during peak demand periods while parked at the University.

##### **Disadvantages:**

- Requires EVs, charging stations and software that supports bi-directional energy flows. Currently the Nissan Leaf is the only EV model available with bi-directional capabilities however this is not standard and is not available on the Australian model launched in July 2019.
- Reduces flexibility e.g. the EVs may will have reduced range and will be stationary while being used for energy storage capabilities.
- May reduce battery life by increasing the frequency of charging and discharging unless charging rates are managed and optimised to prolong battery life.
- Increased emissions if the EV is charged from non-renewable energy supplies coupled with energy losses due to round trip efficiencies and conversion losses.
- The full battery capacity would not be available as the user will need sufficient charge to go about daily activities without fully discharging the battery (e.g. minimum discharge rate required).

It is recommended that the Council review V2G technologies over the next 2-3 years as the Council prepares to implement an EV fleet. At this time there are no commercially available vehicles being sold in Australia with V2G capabilities. It should be noted that some EVs sold in Australia do have these capabilities in overseas models however are typically being trialled and are not yet available in Australia.

#### 4.5 Fleet charging locations

Due to the majority of EVs having ranges in excess of the expected daily and weekly driving requirements, it is recommended that the Council implement sufficient charging stations for approximately 25% of the fleet, installed at locations where the vehicles are most frequently parked. This will require a management system to ensure vehicles are not left in charging bays when fully charged or when other vehicles with a lower charge level require the station.

The following locations are recommended which will allow a total of 12 EVs to be charged at various locations. As most of the Council's fleet vehicles are located at the Webbe Street carpark, 5 EV charging points will provide greater than 25% of the Council's total fleet requirements.

Site	AC Level 2/ 3	# of vehicle charge points	DC Level 1	# of vehicle charge points
Webbe Street Carpark	2 x Dual outlet	4	1 x DC 25kW	1
Works Depot	1 x Dual outlet	2	1 x DC 25kW or 3 phase outlet if SEA vehicles procured*	1
Payneham Library & Community Centre	1 x Dual outlet	2	-	0
St Peters Library	1 x Dual outlet	2	-	0
<b>Total</b>	<b>5 x Dual AC</b>	<b>10</b>	<b>2 x Single DC</b>	<b>2</b>

\*To be reviewed as part of the implementation of plant and maintenance vehicle EV transition. Note that a 1 for 1 charger is typically not required due to the faster charging rate however faster DC chargers will be required for larger plant and maintenance vehicles.

#### 4.6 Public charging stations

There are a number of options for the Council to provide charging stations for public use including:

- **Council owned:** Allowing the public to use Council owned charging stations. This could be achieved by restricting access during business hours when the Council's fleet vehicles require access by providing RFID access cards.
- **Commercial arrangements:** Entering into a commercial arrangement where a charging station network operator (e.g. Jolt or Charge Fox) is engaged to install and operate the stations and the Council provides the land at key locations. Detailed specifications should be developed to ensure the charging stations support all EV's and payments methods. It is expected that commercial arrangements will become more prevalent as the uptake of EVs in Australia increases. However, it is expected longer term agreements will be required which may restrict land uses into the future. A range of charging network operators are available including:
  - **Charge Fox**
  - **Jolt**
  - **Evie**
  - **ChargePoint**

It is recommended that the Council explore opportunities to work in collaboration with these companies with the aim of increasing the availability of EV charging in the Council area.

#### 4.7 Charging station costs

There are a range of costs associated with the installation of EV charging stations including:

- Electrical engineering costs associated with infrastructure upgrades.
- Electrical upgrades (switchboards, SA Power Network augmentations, cabling).
- EV charging station costs.
- Monitoring and control systems. It should be noted that any ongoing monitoring and control costs should be offset by the reduced fuel costs compared to charging EVs.

As a result, prices can vary considerably for the installation of EV charging stations and indicative prices are provided below (refer Table 4). The below costs include the physical charging station, monitoring equipment (3G/4G connectivity), installation cost and a small \$300 budget for branding. It is recommended signage and a branding is incorporated to highlight the Council's work to reduce carbon emissions and provide information on the charging stations as a community demonstration opportunity.

Table 4: Charging station costs

Charging station and rate	Approximate cost
AC Level 2 7.4kW Dual outlet	\$4,000-8,000
AC Level 3 22kW Dual outlet	\$6,000-\$12,000
DC 24-25kW Single outlet	\$20,000-\$30,000
DC Level 1 (50kW) Single outlet	\$40,000-\$60,000

Based on the above recommended locations, charging type and numbers of chargers, the below is an indicative budget for the Council to install EV charging stations. Prices have been based on a higher cost estimate and it is expected the Council will be able to achieve lower prices through a competitive tender process for all of the sites.

Table 5: Charging station project costs

Site	AC Level 3	Cost estimate	DC Level 1	Cost Estimate	Total cost
Webbe Street Carpark	2 x Dual outlet	\$20,000	1 x DC 25kW	\$25,000	<b>\$45,000</b>
Works Depot	1 x Dual outlet	\$10,000	1 x DC 25kW	\$25,000	<b>\$35,000</b>
Payneham Library & Community Centre	1 x Dual outlet	\$10,000	-	-	<b>\$10,000</b>
St Peters Library	1 x Dual outlet	\$10,000	-	-	<b>\$10,000</b>
<b>Total</b>		<b>\$50,000</b>		<b>\$50,000</b>	<b>\$100,000</b>

#### 4.7.1 Electrical infrastructure review

It is also recommended that the Council engage an electrical engineer to undertake an assessment of existing electrical infrastructure including mains supply capacity (to determine whether a mains upgrade / SAPN augmentation will be required), switchboard capacity and compliance and cabling sizes to supply the chargers. In particular, it is expected that the Webbe St carpark will need additional electrical works to accommodate EV charging stations as the electrical systems would have been designed for minimal loads (e.g. lighting) and a SAPN supply upgrade may be required depending on the number of stations installed.

An estimated cost for undertaking the review and developing electrical designs to upgrade electrical infrastructure for the implementation of EV chargers is \$25,000-\$30,000.

Appendix A Charging station types
 

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Charge Type	Charge Capacity	Plug Types	Typical Applications
<b>AC Level 1</b>	Up to 2.4kW. Can charge an electric vehicle in 7-17 hours.	Domestic Plug SAE J1772.	Home charging of vehicles, typically occurring overnight. Charging E-Bikes.
<b>AC Level 2</b>	Up to 19.2kW. Can charge an electric vehicle in 1-3 hours dependent upon the vehicle charger capacity.	SAE J1772. IEC 62196 Type 2 “Mennekes”	Charging Stations, typically 7.4kW capacity, offering “Level 2 Charging”. <sup>(1)</sup>
<b>AC Level 3</b>	Greater than 20kW. Can charge an electric vehicle in 1-2 hours.	SAE J1772 IEC 62196 Type 2 “Mennekes”	Charging Stations, typically 22.1kW and 43kW capacity.
<b>DC Level 1</b>	Up to 50kW. Can charge an electric vehicle with a 20kW charge capacity in 22 minutes to 1 hour.	CHAdeMO. SAE CCS.	Charging Stations, typically 43kW or 50kW capacity offering “Level 3 Charging”. <sup>(2)</sup>
<b>DC Level 2</b>	Up to 90kW. Can charge an electric vehicle with a 45kW charge capacity in 10 to 20 minutes.	CHAdeMO. SAE CCS. Tesla Combo.	Charging Stations. This level of fast charging is typically not offered commercially. This type of charging was initially offered by Tesla, but who have subsequently moved to DC Level 3.
<b>DC Level 3</b>	Up to 240kW. Can charge an electric vehicle with a 45kW charge capacity in less than 10 minutes.	CHAdeMO. SAE CCS. Tesla Combo.	Tesla “Supercharger” Charging Stations. Supercharger stations are reserved for Tesla vehicle owners only and are currently rated at 120kW capacity. <sup>(3)</sup>

## Appendix B Electric vehicle charging rates

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The following charge rates apply for existing vehicles in Australia:

Vehicle	Battery Size	AC Charge Capacity <sup>1</sup>	DC Charge Capacity	Charging plug type (AC / DC)	Plug location
Mitsubishi Outlander	13.8 kWh	3.7kW	22kW	J-1772 / CHAdeMO	Rear Right
Nissan Leaf	24kWh	3.3kW to 6.6kW	46kW	J-1772 / CHAdeMO	Front Middle
Holden Volt	16.5kWh	6.6kW	N/A	J-1772 / CHAdeMO	Front Left
Balance of fleet	Various	3.3kW to 7.4kW	Various	Various	Various

The vehicle charge capacity for new <\$60,000 electric vehicles entering the market from 2020 is as follows:

Vehicle	Battery Size	AC Charge Capacity <sup>1</sup>	DC Charge Capacity <sup>1</sup>	Charging Plug Type (AC / DC)	Plug location
Nissan Leaf (second gen)	40kWh	6.6kW	100kW	Type 2 / CHAdeMO	Front Middle
Kia e-Niro	39-64kWh	7.2kW	77kW	Type 2 / CCS	Front Left
Hyundai Ioniq	28kWh	6.6kW	69kW	Type 2 / CCS	Rear Left
Hyundai Kona	64kWh	7.2kW	77kW	Type 2 / CCS	Front Left
MG ZS EV	44.5kWh	6.6kW	76kW	Type 2 / CCS	Front Middle

**Section 2 – Corporate & Finance  
Reports**

## 11.3 MONTHLY FINANCIAL REPORT – FEBRUARY 2021

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**REPORT AUTHOR:** Financial Services Manager  
**GENERAL MANAGER:** General Manager, Corporate Services  
**CONTACT NUMBER:** 8366 4585  
**FILE REFERENCE:** qA64633/A139262  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding its financial performance for the period ended February 2021.

### BACKGROUND

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

### RELEVANT STRATEGIC DIRECTIONS AND POLICIES

Nil

### FINANCIAL AND BUDGET IMPLICATIONS

Financial sustainability is as an ongoing high priority for the Council. Given the COVID-19 pandemic, the Council adopted a Budget which included measures to minimise the impact on ratepayers and support local business. As a result, the Council adopted a Budget which forecasts an Operating Deficit of \$798,455 for the 2020-2021 Financial Year. The Mid Year Budget update reports an Operating Deficit of \$651,547 for the 2020-2021 Financial Year an improvement of \$146,908.

For the period ended February 2021, the Council's Operating Surplus is \$2,396,000 against a budgeted Operating Surplus of \$1,711,000, resulting in a favourable variance of \$685,000.

### EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

### SOCIAL ISSUES

Not Applicable.

### CULTURAL ISSUES

Not Applicable.

### ENVIRONMENTAL ISSUES

Not Applicable.

### RESOURCE ISSUES

Not Applicable.

### RISK MANAGEMENT

Not Applicable.

## **COVID-19 IMPLICATIONS**

As Elected Members are aware, the development of the 2020-2021 Budget, was undertaken during an unprecedented time where the on-going health, social and economic impacts of the COVID-19 Pandemic were relatively unknown and the future impacts of the physical distancing measures introduced to address the health impacts remained uncertain and were changing rapidly.

For the period ended February 2021, the Council has spent \$180,000 on its response to the COVID-19 pandemic. This covers additional cleaning services across all Council facilities and the purchase of materials to ensure that appropriate physical distancing and other protective measures are in place to assure both staff and users of Council Services.

## **CONSULTATION**

- **Elected Members**  
Not Applicable.
- **Community**  
Not Applicable.
- **Staff**  
Responsible Officers and General Managers.
- **Other Agencies**  
Not Applicable.

## **DISCUSSION**

For the period ended February 2021, the Council's Operating Surplus is \$2,396,000 against a budgeted Operating Surplus of \$1,711,000, resulting in a favourable variance of \$685,000.

Employee Expenses are \$213,000 favourable to budget as the end of February 2021. The primary driver behind this variance, is due to the reduction in hours worked compared to the Budget by temporary contract staff at the Depot, which has resulted in a \$120,000 favourable variance. It is planned to utilise this favourable variance in undertaking some project works later in the coming months of the 2020-2021 financial year. Vacant staff positions account for an additional \$40,000. Some of these vacant positions have been recently filled. Residue variance is due to the timing of leave being taken as compared to budget expectations.

Whilst Sundry Expenses are up (\$164,000) there are no individually significant variances, rather a number of smaller timing variances to budget expectations which are expected to resolve in the coming months. These variances include items such as turf renovations, planned building maintenance services and tree pruning services.

Legal expenses are unfavourable to the budget by \$143,000. The primary driver behind the costs related to advices with respect to The Parade Scramble Crossing (\$133,500). This spend is split between the Chapley's and 166 The Parade (Coles) Judicial Review against the Council (\$112,500) and the Council's Judicial Review (\$21,000).

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

## **OPTIONS**

Nil

## **CONCLUSION**

Nil

**COMMENTS**

Nil

**RECOMMENDATION**

That the February 2021 Monthly Financial Report be received and noted.

## **Attachments – Item 11.3**

# **Attachment A**

## **Monthly Financial Report February 2021**

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

Telephone 8366 4555  
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Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
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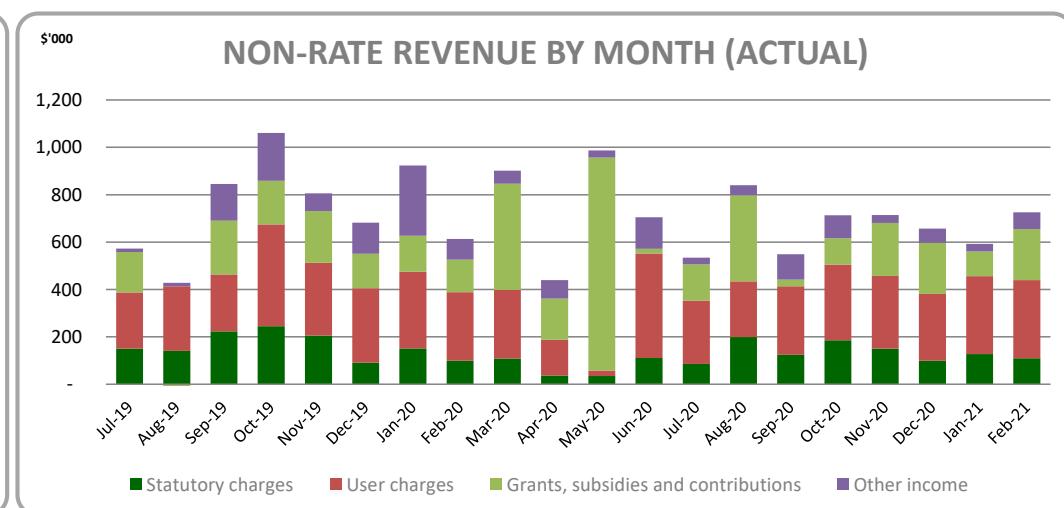
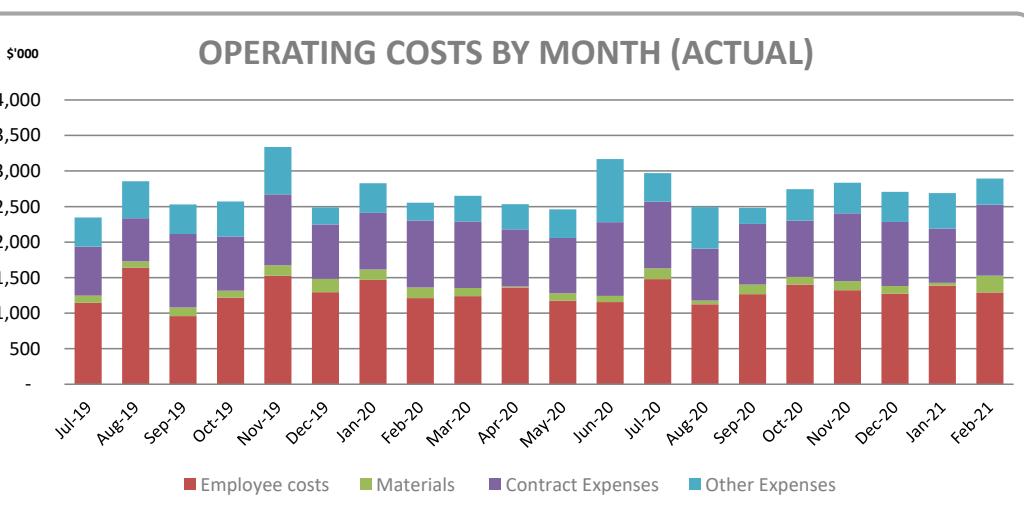
**City of  
Norwood  
Payneham  
& St Peters**

## CITY OF NORWOOD PAYNEHAM &amp; ST PETERS

Financial Performance for the period ended 28 February 2021					
LYTD Actual		YTD Actual	YTD Revised Budget	Var	Var %
\$'000	\$'000	\$'000	\$'000		
Revenue					
24,180	Rates Revenue	24,173	24,186	(12)	(0%)
1,305	Statutory Charges	1,081	1,037	45	4%
2,474	User Charges	2,360	2,415	(56)	(2%)
1,213	Grants, Subsidies and Contributions	1,415	1,413	2	0%
73	Investment Income	14	43	(29)	(68%)
400	Other	457	456	0	0%
443	Reimbursements	117	65	53	81%
<b>30,087</b>	<b>Total Revenue</b>	<b>29,617</b>	<b>29,615</b>	<b>3</b>	<b>0%</b>
Expenses					
10,473	Employee Expenses	10,550	10,763	213	2%
6,452	Contracted Services	6,664	6,693	29	0%
391	Energy	358	399	41	10%
467	Insurance	488	462	(26)	(6%)
151	Legal expense	264	121	(143)	(118%)
370	Materials	236	321	85	27%
535	Parts, Accessories and Consumables	516	638	122	19%
299	Water	156	223	67	30%
2,898	Sundry	2,753	2,917	164	6%
4,750	Depreciation, Amortisation and Impairment	4,867	4,867	-	-
370	Finance Costs	369	500	131	26%
<b>27,154</b>	<b>Total Expenses</b>	<b>27,221</b>	<b>27,904</b>	<b>683</b>	<b>2%</b>
<b>2,932</b>	<b>Operating Surplus/(Deficit)</b>	<b>2,396</b>	<b>1,711</b>	<b>685</b>	<b>40%</b>

Summary of Net Cost of Divisions for the period				
Division	YTD Actual	YTD Budget	Var	Var %
	\$'000	\$'000	\$'000	
Chief Executive Office	(2,528)	(2,681)	154	6%
Corporate Services	(8,497)	(8,352)	(145)	-2%
Governance and Community Affairs	(1,001)	(1,203)	202	17%
Urban Planning and Environment	(1,504)	(1,511)	7	0%
Urban Services	(8,247)	(8,727)	479	5%
<b>Operating Surplus/(Deficit) (before Rate Revenue)</b>	<b>(21,777)</b>	<b>(22,475)</b>	<b>698</b>	<b>3%</b>

Rate Revenue	24,173	24,186	(12)	0%
<b>Operating Surplus/(Deficit)</b>	<b>2,396</b>	<b>1,711</b>	<b>685</b>	<b>40%</b>
<b>Adopted Budget Surplus/(Deficit)</b>			<b>(798)</b>	
- Additional carried forward operating projects not accounted for in the				
- Adopted budget			(59)	
- Reduction in Employee Expenses for unfilled positions			187	
- Tour Down Under Cancelation due to COVID-19			85	
Impact of COVID-19 due to Adopted Budget expectation that Swimming				
Centres, Hire Facilities and Norwood Concert Hall would be unable to open				
due to restrictions until Jan 2021			(127)	
- Other minor adjustments			61	
<b>Revised Budget Surplus/(Deficit) - Mid Year Review</b>			<b>(651)</b>	



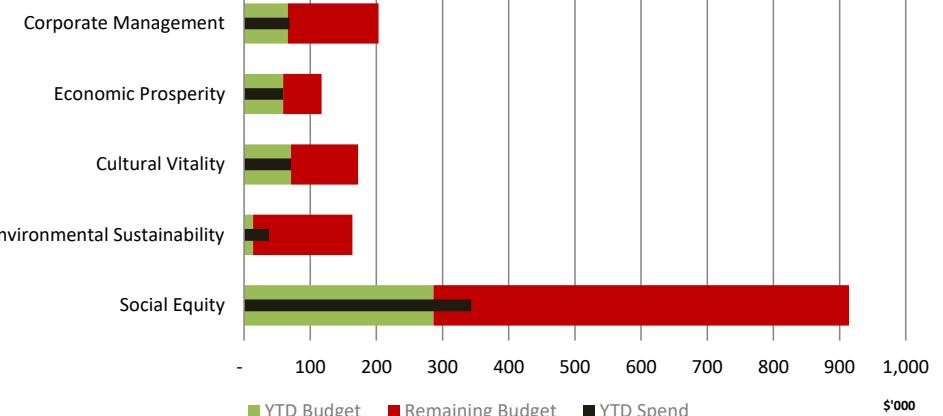
## CITY OF NORWOOD PAYNEHAM & ST PETERS

Project Summary for period ended 28 February 2021

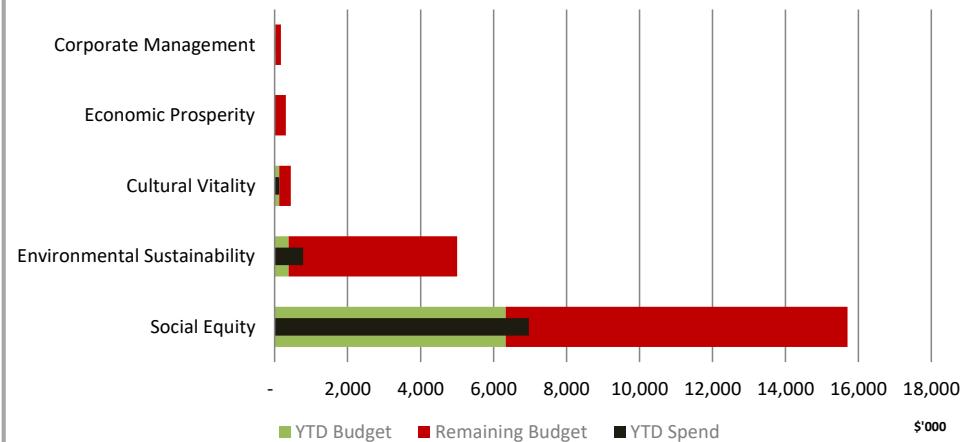
	YTD Actual \$'000	YTD Revised Budget \$'000	Remaining Annual Budget \$'000
<b>Operating Projects</b>			
<b>Income</b>			
Social Equity	161	161	362
Environmental Sustainability	-	-	60
Cultural Vitality	-	0	0
Economic Prosperity	-	-	0
Corporate Management	-	-	0
<b>Total Income</b>	<b>161</b>	<b>161</b>	<b>423</b>
<b>Expenses</b>			
Social Equity	343	286	628
Environmental Sustainability	38	14	150
Cultural Vitality	71	71	102
Economic Prosperity	59	59	58
Corporate Management	69	66	137
<b>Total Expenses</b>	<b>580</b>	<b>496</b>	<b>1,074</b>
<b>Net Cost of Operating Projects</b>	<b>(419)</b>	<b>(335)</b>	<b>(652)</b>
<b>Capital Projects</b>			
<b>Income</b>			
Social Equity	252	26	1,336
Environmental Sustainability	150	-	870
Cultural Vitality	-	-	0
Economic Prosperity	-	-	0
Corporate Management	-	-	0
<b>Total Income</b>	<b>401</b>	<b>26</b>	<b>2,206</b>
<b>Expenses</b>			
Social Equity	6,972	6,336	9,368
Environmental Sustainability	778	381	4,619
Cultural Vitality	123	123	320
Economic Prosperity	7	7	303
Corporate Management	20	20	152
<b>Total Expenses</b>	<b>7,901</b>	<b>6,868</b>	<b>14,761</b>
<b>Net Cost of Capital Projects</b>	<b>(7,500)</b>	<b>(6,842)</b>	<b>(12,555)</b>

Key areas to highlight:

### SERVICE INITIATIVES (inc. Carry Forwards)



### NEW ASSETS & RENEWALS (inc. Carry Forwards)



## CITY OF NORWOOD PAYNEHAM &amp; ST PETERS

Statement of Financial position as at 28 February 2020

**ASSETS****Current Assets**

	Feb-21	Jan-21	Movement	June 2020
	Actual	Actual		
	\$'000	\$'000	\$'000	\$'000
Bank and Cash	6,201	5,874	328	9,021
Accounts receivables	13,918	17,882	(3,964)	3,502
Less : Provision for Bad Debts	(272)	(272)	-	(272)
<b>Total Current Assets</b>	<b>19,847</b>	<b>23,483</b>	<b>(3,637)</b>	<b>12,250</b>

**Non-current Assets**

Financial Assets	45	45	-	45
Investments in Joint Ventures	2,931	2,931	-	2,890
Infrastructure, Property, Plant and Equipment	490,390	489,687	703	487,808
<b>Total Non-current Assets</b>	<b>493,365</b>	<b>492,662</b>	<b>703</b>	<b>490,743</b>

**Total Assets**

<b>Total Assets</b>	<b>513,211</b>	<b>516,146</b>	<b>(2,934)</b>	<b>502,994</b>
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**LIABILITIES****Current Liabilities**

Trade and Other Payables	13,050	16,844	(3,794)	4,361
Borrowings	(1,024)	(885)	(139)	(24)
Provisions	1,887	1,814	72	1,713
<b>Total Current Liabilities</b>	<b>13,912</b>	<b>17,773</b>	<b>(3,861)</b>	<b>6,050</b>

**Non-current Liabilities**

Borrowings	11,888	11,888	-	11,888
Provisions	2,581	2,581	-	2,581
Investments in Joint Ventures	1,308	1,308	-	1,348

**Total Non-current Liabilities**

<b>Total Non-current Liabilities</b>	<b>15,776</b>	<b>15,776</b>	<b>-</b>	<b>15,817</b>
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**Total Liabilities**

<b>NET ASSETS</b>	<b>483,523</b>	<b>482,596</b>	<b>926</b>	<b>481,127</b>
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**EQUITY**

Accumulated Surplus	59,903	58,977	927	57,507
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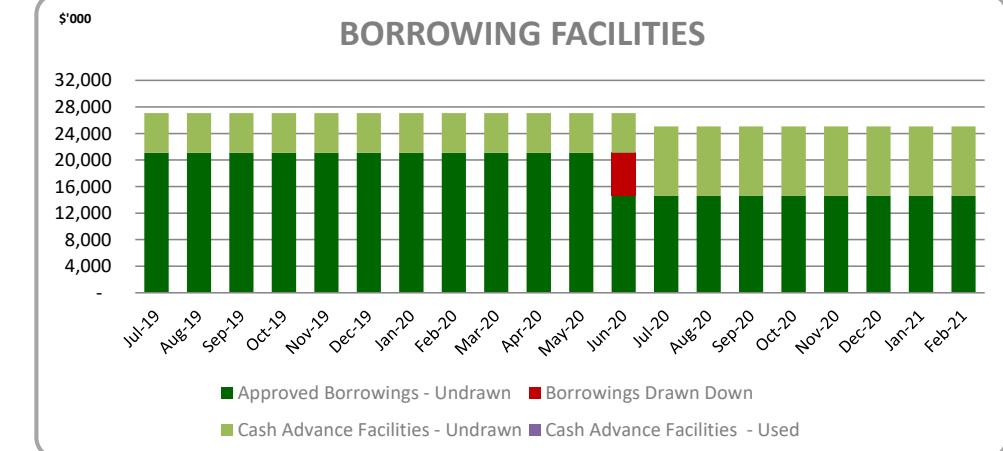
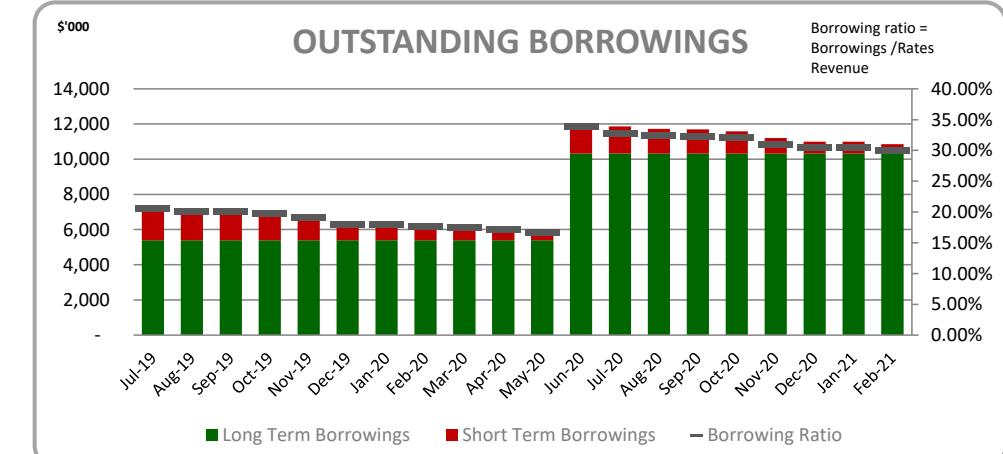
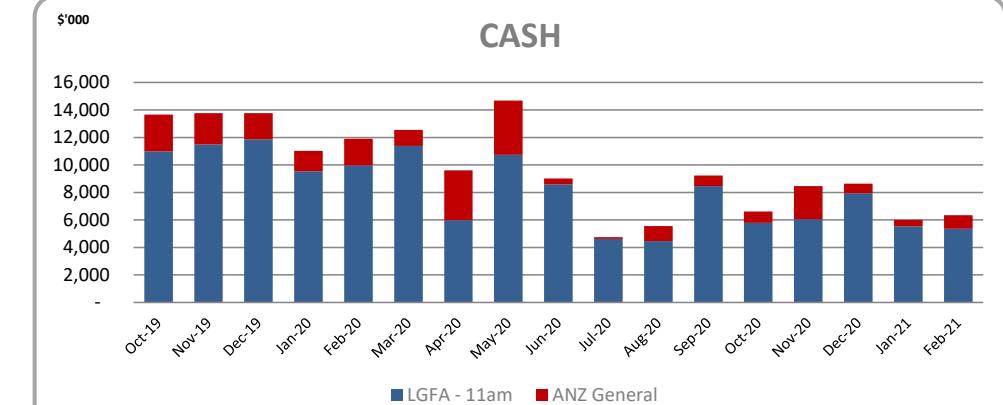
**Asset Revaluation Reserves**

	423,620	423,620	-	423,620
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**TOTAL EQUITY**

<b>483,523</b>	<b>482,596</b>	<b>927</b>	<b>481,127</b>
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Key areas to highlight YTD :



## 11.4 EXTENSION OF THE SEPARATE RATE FOR THE NORWOOD PARADE PRECINCT

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**REPORT AUTHOR:** Economic Development Coordinator  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4616  
**FILE REFERENCE:** qA981  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to present to the Council, an evaluation of the effectiveness of the Separate Rate, which has been applied to the properties within The Parade Precinct and to seek the Council's approval to undertake consultation on the extension of the Separate Rate for a further three (3) year period.

### BACKGROUND

At its meeting held on 17 March 2020, the Norwood Parade Precinct Committee (NPPC) considered a report regarding the extension of the Separate Rate for The Parade Precinct and resolved the following:

1. *That the Committee advises and recommends to the Council that it supports the continuation of the Separate Rate for The Parade for a further three (3) year period.*
2. *That the Committee supports the amount of revenue raised by the Separate Rate on The Parade to be set at \$215,000 for the 2020-2021, 2021-2022 and 2022-2023 financial years.*

At the same meeting, the Committee highlighted the importance of continuing the marketing and promotion of The Parade, particularly given these unprecedented times with the economic impacts of the COVID-19 Pandemic. It should be noted, that at the time that the Committee considered this matter, all businesses were still open and operating, albeit with a reduced number of customers. The Federal Government's Level 1 and Level 2 restrictions in response to the COVID -19 Pandemic, had not yet been implemented. Notwithstanding this, the clear message from the Committee was that post the Pandemic, the business and economic sector and in this case, the businesses within The Parade Precinct, will need significant support to help these sectors rejuvenate and progress to normal conditions.

At its meeting held on 6 April 2020, the Council considered a report regarding the extension of the Separate Rate for The Parade Precinct, which highlighted the importance of continued support for The Parade businesses during and post the COVID-19 Pandemic. The Council resolved the following:

1. *That the Separate Rate for The Parade Precinct, (as shown on the Norwood Parade Precinct Committee Map in Attachment B), be endorsed 'in principle'.*
2. *That consultation and implementation of the Separate Rate for The Parade Precinct be temporarily held in abeyance as result of the financial and community impacts of the COVID-19 Pandemic.*
3. *That the Council notes that a COVID-19 Pandemic Financial Package, which will include the promotion and marketing of The Parade Precinct (and other business precincts in the City) will be considered as part of the Draft 2020-2021 Budget.*

Subsequently, at its meeting held on Monday 6 July 2020, the Council adopted the 2020-2021 Budget and Declaration of Rates, which included the following in respect to The Parade Separate Rate:

*Waiving of The Parade Development Separate Rate for businesses within the Norwood Parade Business Precinct.*

As a result of the Council waiving The Parade Separate Rate for the 2020-2021 financial year, the proposal to extend the Separate Rate for a further three (3) years was not released for consultation with The Parade business community. For the 2020-2021 financial year, the Council allocated \$215,000, which was equivalent to the Separate Rate amount raised in the 2019-2020 financial year and the amount that the Council anticipated that it would collect in the 2020-2021 financial year.

At its meeting held on 16 February 2021, the Norwood Parade Precinct Committee considered a report regarding the extension of the Separate Rate for The Parade Precinct and resolved the following:

1. *That the Committee advises and recommends to the Council that it supports the continuation of the Separate Rate for The Parade for a three (3) year period.*
2. *That the Committee supports the amount of revenue raised by the Separate Rate on The Parade to be set at \$215,000 for the 2021-2022, 2022-2023 and 2023-2024 financial years.*

## **RELEVANT STRATEGIC DIRECTIONS & POLICIES**

The relevant Objectives and Strategies contained in *CityPlan2030 Mid Term Review* are outlined below:

### **Outcome 3: Economic Prosperity**

**A dynamic and thriving centre for business and services.**

- **Objective 3.1 A diverse range of businesses and services.**
  - *Strategy 3.1.1*  
*Support and encourage local small, specialty, independent and family-owned businesses.*
- **Objective 3.2 Cosmopolitan business precincts contributing to the prosperity of the City.**
  - *Strategy 3.2.1*  
*Retain, enhance and promote the unique character of all our City's business precincts.*
  - *Strategy 3.2.3*  
*Promote the City as a tourist destination.*
- **Objective 3.5 A local economy supporting and supported by its community.**
  - *Strategy 3.5.1*  
*Support opportunities for people to collaborate and interact in business precincts.*
  - *Strategy 3.5.2*  
*Retail accessible local shopping and services.*

The relevant Strategies contained in the *2021-2026 Economic Development Strategy* are outlined below:

### **Dynamic & Diverse City**

**Outcome: A City with thriving and resilient business sectors that drive employment and deliver growth.**

**Objective: Support the growth and viability of the City's business sectors based on their competitive strength and strategic priority.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 1.1*  
*Focus on the support and growth of the City's priority sectors*
- *Strategy 1.3*  
*Identify emerging trends and support opportunities for economic growth*
- *Strategy 1.4*  
*Promote opportunity and collaboration across the sectors*
- *Strategy 1.5*  
*Identify and promote local competitive advantage*

### **Destination City**

**Outcome:** A destination with dynamic, cultural, vibrant and attractive precincts.

**Objective:** Increase the number of people who live, work and visit the City and enhance the community well-being of existing residents, workers and visitors.

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 2.1*  
*Showcase and promote the City's attractions and events to facilitate growth in visitation and spending.*
- *Strategy 2.2*  
*Support the City's vibrant mainstreet precincts.*
- *Strategy 2.3*  
*Facilitate the activation of key spaces and precincts in the City.*
- *Strategy 2.4*  
*Work with local business operators to strengthen the viability of precincts and enhance the customer experience.*

### **Innovative City**

**Outcome:** An innovative City that supports business and attracts investment.

**Objective:** Attract and maintain competitive businesses with the capacity for resilience and ongoing sustainability, innovation and growth.

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 3.2*  
*Recognise businesses and business sectors that make a significant contribution to the City.*
- *Strategy 3.3*  
*Facilitate communication, education and networking programs to support businesses.*
- *Strategy 3.5*  
*Encourage sustainable working methods in all aspects of business.*

### **Business Friendly City**

**Outcome:** A City that understands the needs of business.

**Objective:** Remove barriers and make it easy for business owners to start, run and grow a business.

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 4.1*  
*Ensure that Council processes are business friendly and contribute to a well-functioning City.*

### **FINANCIAL AND BUDGET IMPLICATIONS**

Previously, the revenue collected from the Separate Rate on The Parade Precinct was based on raising \$205,000 in its base year (2017-2018), which was then increased in line with the Consumer Price Index (CPI) annually, resulting in total amount of revenue of \$209,715 collected in 2018-2019 and \$215,000 in 2019-2020. As outlined in the Background section of this report, the Council allocated the same amount of \$215,000 in 2020-2021.

To assist the Council, Table 1 below sets out a comparison of the Separate Rate for similar mainstreet precincts within metropolitan Adelaide.

**TABLE 1: COMPARISON OF THE SEPARATE RATE COLLECTED FOR SIMILAR MAINSTREET PRECINCTS IN METROPOLITAN ADELAIDE**

YEAR	MAINSTREET / PRECINCT	SEPARATE RATE REVENUE
2019-2020	Village Heart, Prospect Road	\$19,500
2019-2020	Goodwood Road, Goodwood	\$57,225
2019-2020	Unley Road, Unley	\$113,395
2019-2020	King William Road, Hyde Park	\$147,400
2019-2020	The Parade, Norwood	\$215,000
2019-2020	Jetty Road, Glenelg	\$578,088

The comparison demonstrates that the quantum of rates collected from The Parade Precinct is commensurate within the size of the Precinct and the number of businesses that fall within the Precinct.

Should the Separate Rate be extended for a further three (3) years, it is recommended that the Separate Rate be set at \$215,000 for the 2021-2022, 2022-2023 and 2023-2024 financial years. This proposal would ultimately result in a zero revenue increase for the next three (3) consecutive years, which is a change from the current model, which would reset the base year and then apply a CPI increase over the following two (2) years. Given the economic impacts of the COVID-19 Pandemic and to assist in the recovery efforts for local businesses, this is considered to be an appropriate and reputable approach. The proposed amount will still enable the Committee to deliver The Parade Precinct's Annual Business Plan.

This Separate Rate model for The Parade has been designed to ensure that the Precinct remains viable in metropolitan Adelaide's increasingly competitive market, whilst bearing in mind the additional cost to the property owners and businesses.

Reducing the rate would result in less revenue to implement initiatives and less capacity to market The Parade. In contrast however, increasing the Separate Rate would add additional financial burden to property owners and subsequently business owners, in the instances where the additional levy is passed on. Given a significant number of marketing and promotional initiatives have been delivered with an annual budget of between \$205,000 and \$215,000 over the last four (4) years, it is considered that the proposed total revenue of \$215,000 annually over the next three (3) years is considered sufficient.

On this basis, it is recommended that retaining the Separate Rate at the current level would ensure that the Committee is still able to deliver significant initiatives for the size and diversity of the businesses and properties within the Precinct.

### **EXTERNAL ECONOMIC IMPLICATIONS**

The success of the *2021-2022 Parade Precinct Annual Business Plan* may be impacted by the broader economic environment and worldly events such as the COVID-19 Pandemic. Whilst the Annual Business Plan does not make specific reference to the Pandemic, it will be considered during the development stage of programs and initiatives.

### **SOCIAL ISSUES**

Economic and social issues are invariably intertwined. Business and economic development impacts on both the business sector and the local community, and the future development of key business precincts such as The Parade also impacts on the broader community. The collection of a separate rate that enables a range of incentives to be delivered will not only assist in delivering economic benefits but will also assist in developing social capital and substantially contribute to the ongoing development of a vibrant local community.

The NPPC is working to maintain and enhance The Parade as the leading mainstreet in South Australia, providing a single precinct where residents and visitors can access a variety of services including major banks and credit unions as well as a Centrelink Office. The continued success and viability of The Parade moving forward will be critical from a social perspective. As the country recovers from COVID-19 restrictions, the community will seek to re-engage with the places that they are familiar with and emotionally attached to, in order to re-instate a level of normality.

## **CULTURAL ISSUES**

Many of the initiatives delivered as part of the Annual Business Plan aim to enhance the unique character of The Parade and its sense of place and reinforces its critical significance.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

The full Separate Rate revenue is used to deliver the various initiatives and programs outlined in the Norwood Parade Precinct Annual Business Plan. The Council provides all of the required staffing to meet the needs of the Committee and to deliver various initiatives and programs that the Committee has approved within its funding from the Separate Rate levy of the Norwood Parade businesses. The resourcing provided by the Council includes Economic Development Staff, Communications Staff (including Social Media, Website, and Graphic Design) and Event Management Staff.

## **RISK MANAGEMENT**

Prior to implementing a Separate Rate, the Council must comply with the provisions of the *Local Government Act 1999*, in respect to the consultation requirements regarding a Separate Rate. For this reason it is important that the Council undertakes comprehensive consultation with the business and property owners regarding the extension of the Separate Rate before resolving to extend the application of a Separate Rate. More detail regarding the proposed consultation process is outlined in the Discussion Section of this Report.

## **COVID-19 IMPLICATIONS**

The COVID-19 Pandemic has had a significant impact on the economy at a local, national and international level, which has forced all levels of Government to introduce a range of financial support packages. As Elected Members will recall at its meeting held on 6 April 2020, the Council endorsed an initial financial support package in response to the COVID-19 Pandemic and its economic impacts. This initial package included, The Parade Separate Rate, Outdoor Dining Fees, Outdoor Dining Permit Holders, Council rates and Financial Hardship Provisions.

Subsequently at its meeting held on 4 May 2020, the Council endorsed additional financial support for non-residential property owners.

Prior to the COVID-19 Pandemic, the Council's focus for The Parade Precinct, through the collection of the Separate Rate, was on marketing and promotion to assist the businesses to achieve growth. However, the effects on businesses, and in particular on certain sectors, due to the Pandemic have been substantial, and therefore it has been essential during this Pandemic that the Council take into consideration the economic and social impacts that the Pandemic has caused when making decisions that impact directly on businesses.

Collecting a Separate Rate will enable the Council and the Norwood Parade Precinct Committee to assist The Parade business community in its recovery and rebuild post the COVID-19 Pandemic, acknowledging that many businesses are currently in a mode of survival, rather than growth.

Consumer confidence and the behaviour of consumers choosing to shop in a “brick and mortar” store as opposed to online, is continuing to improve but will take some time to restore. The collection of the Separate Rate will assist in promoting The Parade and will act as mechanism in assisting to change consumer behaviour and ultimately support business recovery.

Notwithstanding this, business survival and resilience will require an ability to adapt to the situation, minimise expenses, take advantage of government packages and have clear and effective communication (with tenants, landlords, employees and the community which includes the Council). The Council will continue to support the business community through and post Pandemic.

## **CONSULTATION**

- **Elected Members**

Mayor Robert Bria and Councillors Sue Whitington, Fay Patterson, John Callisto and Carlo Dottore, are Members of the Norwood Parade Precinct Committee and they are aware of this issue.

- **Business Community**

If the Council resolves to continue to collect a Separate Rate, consultation is required to be undertaken with the key stakeholders (The Parade businesses and property owners) in accordance with the provisions set out in the *Local Government Act 1999*.

To ensure that all affected stakeholders are informed of the Council's intentions, a variety of different platforms will be used to communicate with the key stakeholders, including an advertisement in *the Advertiser*, written information packs sent to all business and commercial property owners located in the affected area, information posted on both The Parade and the Council's websites. In addition, the monthly Electronic Direct Marketing (EDM) newsletter, '*News on Parade*', will also be used to inform The Parade Businesses of the Council's intentions.

It should be noted that in addition to the consultation regarding the Separate Rate, The Parade business and commercial property owners are consulted annually on the development of the Annual Business Plan. The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* will be released for consultation at the same time as the Separate Rate, to demonstrate what the Council proposes to do with the revenue which is collected through the separate rate.

- **Staff**

General Manager, Corporate Services  
Manager, Economic Development & Strategic Projects  
Economic Development & Strategic Projects Officer

- **Other Agencies**

Not Applicable

## **DISCUSSION**

In accordance with the provisions of Section 154 of the *Local Government Act 1999*, the revenue collected by the Council as part of the Separate Rate, is required to be used expressly for the benefit of the area from which it is raised and for the property owners who pay the Separate Rate.

More specifically, the revenue raised through the Separate Rate, is allocated by the Council to the Norwood Parade Precinct Committee, which was established to perform the following functions.

- To develop and recommend to the Council in each financial year, an Annual Business Plan and Budget for The Parade Precinct.
- To develop a budget in conjunction with the Annual Business Plan that meets the objectives set out in the Annual Business Plan, for the Council's approval.
- To oversee the implementation of the Annual Business Plan as approved.
- To oversee the implementation of the approved Marketing and Promotional Plan for The Parade.
- To assist in the development and promotion of a vibrant cultural and leisure tourism destination for businesses, residents and visitors.
- To facilitate and encourage networking and communication between the businesses.

Each financial year, the Norwood Parade Precinct Committee is required to present an Annual Business Plan to the Council for its approval, outlining how the Committee intends to use the Separate Rate revenue to market and promote The Parade Precinct. An overview of the key programmes and initiatives that were delivered by the Norwood Parade Precinct Committee using the Separate Rate, over the past four (4) years, is contained in **Attachment A**.

In general, each of the NPPC Annual Business Plans contain strategies to promote and market The Parade with the overarching objective of attracting more people to The Parade, which will ultimately enhance the prosperity and sustainability of The Parade. This in turn is likely to attract additional business opportunities, which contributes to the diversity of the businesses and services available and has the spinoff effect of increasing local employment opportunities.

Through the establishment of the Norwood Parade Precinct Committee and the revenue collected through the Separate Rate, the Council is ensuring that The Parade continues to maintain its status as Adelaide's Premier Mainstreet as well as enhancing The Parade as "the CBD of Adelaide's east" - which provides a single precinct where residents and visitors can access a variety of services and entertainment options. Achieving a dynamic and thriving commercial centre in turn creates a community hub and a sense of pride for residents.

Over the last four (4) years, the NPPC has implemented a range of initiatives designed to promote the Norwood Parade Precinct and support the diverse range of businesses on The Parade. Whilst the majority of these initiatives are difficult to measure quantitatively, the anecdotal evidence suggests that The Parade is a successful mainstreet both through the low vacancy rates, the feedback which is received as well as the number of visitors to Precinct each day and the overall vibrancy of the Precinct. Obviously, this has fluctuated in the short term in light of the COVID-19 Pandemic and the enforced closure of businesses due to social distancing and gathering requirements.

In considering whether to recommend the extension, the Council must consider why both it and the NPPC, supported the proposal of a Separate Rate for The Parade when it was first proposed. A summary of these reasons is set out below.

- The Parade is constantly facing competition from master planned, off-street shopping centres such as the Westfields (Marion and Tea Tree Plaza), Burnside Village, Unley Shopping Centre and Mitcham Shopping Centre, as well as Rundle Mall. These centres and Rundle Mall enjoy co-ordinated management, which includes a compulsory marketing levy along with maintenance of centre infrastructure and management of retail mix. While the charm and unique character of mainstreets like The Parade act as a significant drawcard, they simply cannot continue to compete in this increasingly competitive retail environment without a more coordinated marketing approach.
- In addition, over the next two (2) years, the proposed major Coles Redevelopment will affect the number of visitors to The Parade, pedestrian activity moving through the 'heart' and in turn place increased pressure on retailers.
- The unique charm, character and '*sense of place*' has been recognised for a long time by Adelaide's other major mainstreet precincts including Unley Road, King William Road, Prospect Road, Jetty Road Glenelg and Rundle Mall, which are considered to be The Parade's principle competitors and are themselves undertaking major marketing, promotion and development programmes in order to stay competitive in metropolitan Adelaide's retail environment.
- Historically, the Council has supported The Parade through funding over a number of years, however it is clear that The Parade must contribute to its own marketing, promotion and development, in order to stay competitive today and into the future, particularly in light of the fact that the Council has an obligation to consider how it can also support other significant business precincts in the City such as Magill Road, Payneham Road and the suburbs of Kent Town, Glynde and Stepney, which have high concentrations of key priority sectors identified in the *Economic Development Strategy 2021-2026*.

## Consultation

Section 151(5) of The *Local Government Act 1999*, requires that the Council consult all stakeholders before declaring a Separate Rate. The consultation program is an important process and must ensure that all commercial property and business owners located within the Precinct are well informed and have ample opportunity to comment.

If the Council proceeds with extending the Separate Rate for The Parade Precinct, it is required to provide details of what the revenue would be used for. At its meeting held on 16 February 2021, the NPPC endorsed a Draft 2021-2022 Annual Business Plan for recommendation to the Council based on a Separate Rate of \$215,000.

If the Council endorses the extension of the Separate Rate for The Parade, it is recommended that consultation commence as soon as practicable to stay in line with the Council's general budget setting process.

It is proposed that consultation will comprise of an advertisement in *the Advertiser* newspapers announcing consultation on the proposed Separate Rate and providing details of the consultation program. It is also proposed that information will be distributed to both The Parade business owners and to each of the business and commercial property owner potentially affected by the proposed Separate Rate, outlining the following information:

- what is a Separate Rate/Trader Levy;
- where the proposed Separate Rate would be applied;
- how much revenue would be raised through the Separate Rate (\$215,000);
- on what basis the Separate Rate would be applied (Capital Value);
- what the revenue raised from the Separate Rate would be used for (enclose *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan*);
- for what period the Separate Rate would apply (three (3) years);
- the likely impact of the Separate Rate on traders (ie. the sample effect figures); and
- details of the consultation program, how to access further information and how to provide written feedback on the proposal (available on the Council website and The Parade website).

In line with the Council's *Consultation Policy* and Section 151(7)(a) of the *Local Government Act 1999*, it is proposed that a consultation period of at least twenty-one (21) days will be applied to ensure, as far as possible, that all stakeholders have the opportunity to participate.

In addition, all business and property owners will be given the opportunity to meet with Council Staff to obtain more information and discuss any concerns.

## **Implementing the Separate Rate**

At the conclusion of the consultation period a report will be prepared for the Council's consideration. If the Council resolves to extend the Separate Rate on The Parade, it will become part of the Council's overall Annual Business Plan and Budget.

It should be noted that the Local Government Act requires details of the Separate Rate to be listed separately on the relevant rates notices, including information about what that rate revenue will be used for.

## **OPTIONS**

The Council has a number of options available to it, including determining that a Separate Rate should no longer be collected. However, given that a Separate Rate has now been applied for three (3), three (3) year periods (i.e. nine (9) years in total) each time following comprehensive consultation with The Parade business community, the option of no longer collecting the Separate Rate is not recommended, particularly given that the previous consultation experiences have been quite positive, with business owners generally appreciating the direct benefit to their business of paying the Separate Rate to fund the initiatives of the NPPC, which focus strongly on promoting the Precinct as a whole.

Eliminating the Separate Rate would be detrimental to the long term survival and sustainability of The Parade particularly given that nearby centres (which contain both retail and office uses) are undergoing, or have recently undergone, major redevelopments and The Parade's mainstreet peers have all implemented a Separate Rate for many years.

Notwithstanding the current economic situation, the Council can resolve to implement the Separate Rate for a period of three (3) years commencing on 1 July 2021. Under this scenario the model that currently exists does not change and the property owners will be charged as per normal through their rates notices in the 2021-2022 financial year.

As such, it is recommended that the Council endorse the extension of the Separate Rate for a further three (3) years and that The Parade business community again be consulted with regard to again declaring a Separate Rate on the Precinct for a further three (3) year period.

## **CONCLUSION**

The Separate Rate enables the Council to raise sufficient revenue to ensure high impact marketing and promotion programmes for The Parade, whilst minimising the impact on individual ratepayers who will experience the benefits of these programmes through increased patronage. A safeguard has been built in with the three (3) year timeframe, at which time the Separate Rate will once again be evaluated for its effectiveness.

## **RECOMMENDATION**

1. That the Separate Rate for The Parade Precinct, (as shown on the Norwood Parade Precinct Committee Map in Attachment B), be endorsed 'in principle' for a further three (3) years commencing on 1 July 2021.
2. That the Separate Rate for The Parade Precinct, based on achieving an annual revenue of \$215,000 for the 2021-2022, 2022-2023 and 2023-2024 financial years, be endorsed 'in principle'.
3. That consultation with business and commercial property owners located within The Parade Precinct be undertaken on the proposal to extend the application of a Separate Rate on The Parade Precinct for a further three (3) years commencing in the 2021-2022 financial year, for a period of twenty-one (21) days.

## **Attachments – Item 11.4**

# **Attachment A**

## **Extension of the Separate Rate for the Norwood Parade Precinct**

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175 The Parade, Norwood SA 5067

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**City of  
Norwood  
Payneham  
& St Peters**

## NORWOOD PARADE PRECINCT COMMITTEE KEY ACHIEVEMENTS

**July 2017 – December 2020**

**July 2017 – June 2018**

### New Initiatives

- Sponsored the *Slowdown* in September 2017.
- Delivered the *Summer Sundaes* campaign.
- Assisted in the delivery of the *Eastside Startup Series*.
- Delivered the *Keep Cup* initiative and distributed Parade branded coffee cups to businesses within the Precinct.
- Installed new Parade branded stickers to the bins located on the footpaths along the street.

### Monthly Activity

- Electronic Direct Mail (EDM) delivered to The Parade business database.
- Funded social media presence.

### Ongoing Annual Activity

- Hosted the *2018 Tour Down Under Street Party* together with the Council.
- Hosted Fashion on Parade event as a part of the *2017 Adelaide Fashion Festival*.
- Sponsored the *Festive Gallery on Osmond Terrace* initiative.
- Installed the '*Christmas on Parade*' decorations suite on The Parade.
- Advertised in a number of publications and online platforms including SA Life, SA Style Magazine, City Brief, City Mag, Clique Mag, The Advertiser and Destination Australia.
- Sponsored *Art on Parade* that took place in April 2018.
- Delivered The Parade's annual competition.
- Delivered four (4) business training growth workshops.

---

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**City of  
Norwood  
Payneham  
& St Peters**

**July 2018 – June 2019**New Initiatives

- Delivered the *Christmas Gift Wrapping Station* in Norwood Place from Monday 17 – Monday 24 December 2018 and raised over \$900, with all of the proceeds contributing to the Salvation Army Christmas Day Lunch.
- Introduced a blog function on the website and engaged a copywriter to deliver three (3) articles per month.
- Designed and introduced a subscriber pop-up function on the website so that customers receive updates on offers and events on The Parade.
- Hosted a networking breakfast in September 2018 for The Parade traders and property owners, with guest speaker and author Richard DeCrespigny.
- Sponsored the Adelaide International Film Festival (AIYFF) in August 2018.

Monthly Activity

- Electronic Direct Mail (EDM) delivered to The Parade business database.
- Funded social media presence.

Ongoing Annual Activity

- Hosted the *2019 Tour Down Under Street Party* together with the Council.
- Hosted Fashion on Parade event as a part of the *2018 Adelaide Fashion Festival*.
- Sponsored the *Festive Gallery on Osmond Terrace* initiative.
- Installed the '*Christmas on Parade*' decorations suite on The Parade.
- Advertised in a number of publications and online platforms including SA Life, SA Style Magazine, City Brief, City Mag, Clique Mag, The Advertiser and Destination Australia.
- Sponsored *Art on Parade* that took place in April 2019.
- Delivered The Parade's annual competition to win a holiday 'Win a Caroma Bathroom'.
- Delivered four (4) business training growth workshops.
- Assisted in the delivery of the *Eastside Startup Series*.

**July 2019 – June 2020**

**New Initiatives**

- Hosted *A Day of Fashion* event in October 2019.
- Installed the final decoration, a 3m x 3m illuminated 3D star as a part of the *Christmas on Parade* decorations suite.
- Launched The Parade as Plastic Free Precinct as a part of the State's *Plastic Free SA* initiative.

**Monthly Activity**

- Electronic Direct Mail (EDM) delivered to The Parade business database.
- Funded social media presence.
- Produced and delivered three (3) articles per month for The Parade blog.

**Annual Activity**

- Delivered The Parade's annual competition '*Summer in Sorrento*'.
- Advertised in a number of publications and online platforms including SA Life, SA Style, City Brief, City Mag, The Adelaide Review and The Advertiser.
- Designed the business training growth workshop series that includes five (5) events with topics including digital marketing, social media and business development.
- Hosted the *2020 Tour Down Under Street Party* together with the Council.
- Hosted *A Day of Fashion* event in October 2020.
- Assisted in the delivery of the *Raising the Bar Adelaide* and *Raising the Bar Entrepreneurship* events in 2019.
- Installed the *Christmas on Parade* decorations suite on The Parade.
- Sponsored the *Festive Gallery on Osmond Terrace* initiative.
- Host the Business Networking & Christmas Drinks in December 2019 for business and property owners.
- Continued to support the *2020 Eastside Business Awards* program.

**July - December 2020**New Initiatives

- Supported the *Eastside Happy Hour Live & Local Sessions*.
- Supported the *Business Podcast Series*.
- Delivered the *Spring Back to The Parade* campaign.
- Supported the *2020 Digital Christmas Advent Calendar*.
- Delivered the *Christmas Augmented Reality Activation* on The Parade.
- Installed *2021 Lunar New Year* footpath decals.

Monthly Activity

- Electronic Direct Mail (EDM) delivered to The Parade business database.
- Funded social media presence.
- Produced and delivered three (3) articles per month for The Parade blog.

Annual Activity

- Delivered The Parade's annual competition *Rediscover the Parade*. The five (5) winners selected vouchers from businesses on The Parade, up to the value of \$5,000, \$3,000, \$2,000, \$1,500 and \$1,000 respectively.
- Advertised in a number of publications and online platforms including SA Life, SA Style, City Brief, City Mag, The Adelaide Review and The Advertiser.
- Designed the business training growth workshop series that includes five (5) events with topics including digital marketing, social media and business development.
- Hosted *A Day of Fashion* event in October 2020.
- Assisted in the delivery of the *Raising the Bar Adelaide* event hosted in October 2020.
- Installed the *Christmas on Parade* decorations suite on The Parade.
- Sponsored the *Festive Gallery on Osmond Terrace* initiative.
- Host the Business Networking & Christmas Drinks in December 2020 for business and property owners.
- Continued to support the *2021 Eastside Business Awards* program.

# **Attachment B**

## **Extension of the Separate Rate for the Norwood Parade Precinct**

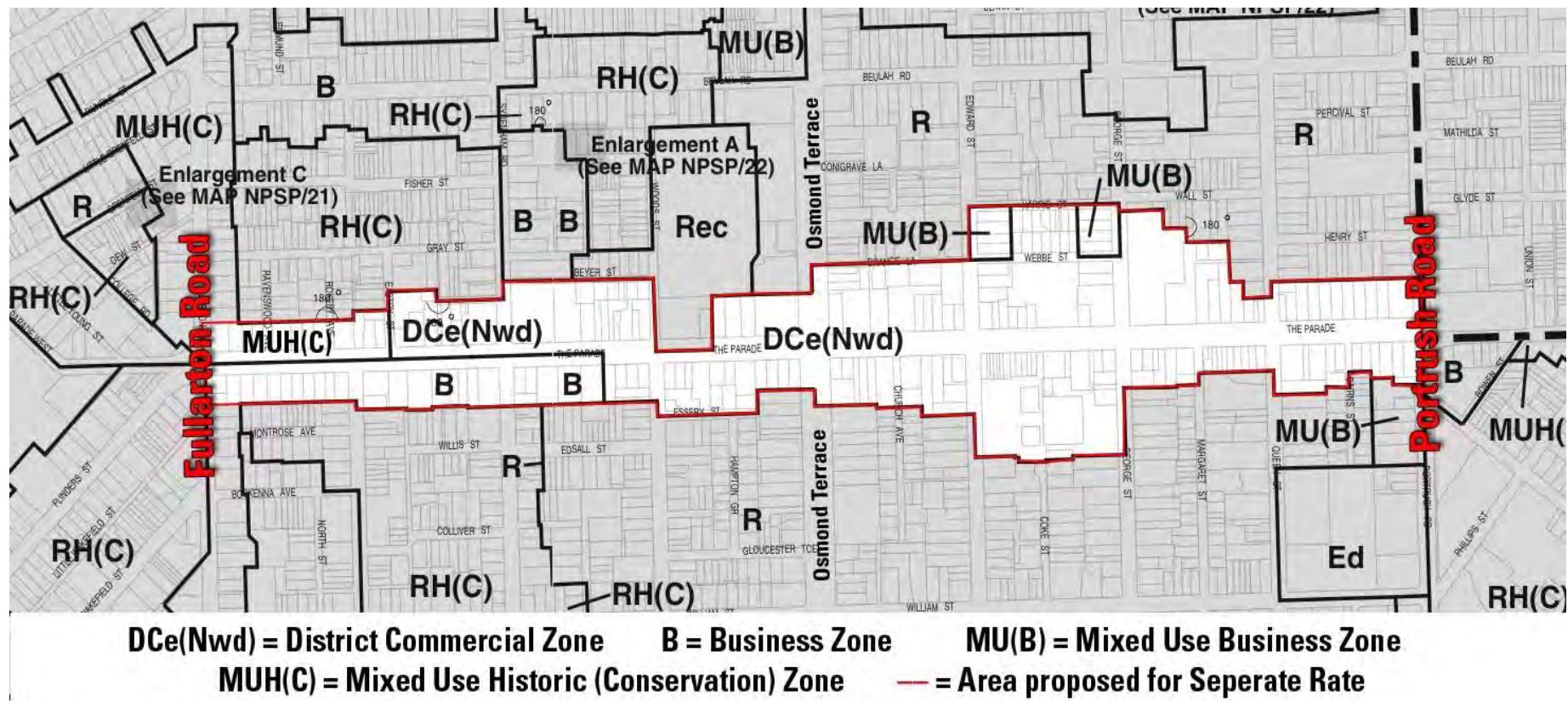
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**City of  
Norwood  
Payneham  
& St Peters**



## 11.5 DRAFT 2021-2022 NORWOOD PARADE PRECINCT ANNUAL BUSINESS PLAN

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**REPORT AUTHOR:** Economic Development Coordinator  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4616  
**FILE REFERENCE:** qA69610  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of this report is to seek endorsement from the Council to release the Norwood Parade Precinct Committee's (NPPC) *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan*, for consultation for a period of twenty-one (21) days.

### BACKGROUND

Pursuant to the Committee's Terms of Reference, which have been set by the Council, The Norwood Parade Precinct Committee is required to prepare an Annual Business Plan prior to each financial year, to guide its programmes and initiatives for the ensuing financial year and to assist in determining the funding requirements for consideration and approval by the Council.

The Draft Plan is based on revenue which the Council collects from The Parade Separate Rate. A copy of the *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* is contained in **Attachment A**.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

The *Draft 2021-2022 Parade Precinct Annual Business Plan* is structured to implement the strategies relevant to The Parade, Norwood, which are contained in the Council's *2021-2026 Economic Development Strategy*, as well as working towards achieving the Vision for the City outlined in the *CityPlan 2030 Mid Term Review* and translated into the four (4) Outcomes of Cultural Vitality, Social Equity, Environmental Sustainability and predominantly Economic Prosperity.

The relevant Objectives and Strategies contained in *CityPlan 2030 Mid Term Review* are outlined below:

#### Outcome 3: Economic Prosperity

##### A dynamic and thriving centre for business and services.

- **Objective 3.1 A diverse range of businesses and services.**
  - *Strategy 3.1.1*  
*Support and encourage local small, specialty, independent and family-owned businesses.*
- **Objective 3.2 Cosmopolitan business precincts contributing to the prosperity of the City.**
  - *Strategy 3.2.1*  
*Retain, enhance and promote the unique character of all our City's business precincts.*
  - *Strategy 3.2.3*  
*Promote the City as a tourist destination.*
- **Objective 3.5 A local economy supporting and supported by its community.**
  - *Strategy 3.5.1*  
*Support opportunities for people to collaborate and interact in business precincts.*
  - *Strategy 3.5.2*  
*Retail accessible local shopping and services.*

The relevant Strategies contained in the *2021-2026 Economic Development Strategy* are outlined below:

### **Dynamic & Diverse City**

**Outcome: A City with thriving and resilient business sectors that drive employment and deliver growth.**

**Objective: Support the growth and viability of the City's business sectors based on their competitive strength and strategic priority.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 1.1 Focus on the support and growth of the City's priority sectors*
- *Strategy 1.3 Identify emerging trends and support opportunities for economic growth*
- *Strategy 1.4 Promote opportunity and collaboration across the sectors*
- *Strategy 1.5 Identify and promote local competitive advantage*

### **Destination City**

**Outcome: A destination with dynamic, cultural, vibrant and attractive precincts.**

**Objective: Increase the number of people who live, work and visit the City and enhance the community well-being of existing residents, workers and visitors.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 2.1 Showcase and promote the City's attractions and events to facilitate growth in visitation and spending.*
- *Strategy 2.2 Support the City's vibrant mainstreet precincts.*
- *Strategy 2.3 Facilitate the activation of key spaces and precincts in the City.*
- *Strategy 2.4 Work with local business operators to strengthen the viability of precincts and enhance the customer experience.*

### **Innovative City**

**Outcome: An innovative City that supports business and attracts investment.**

**Objective: Attract and maintain competitive businesses with the capacity for resilience and ongoing sustainability, innovation and growth.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 3.2 Recognise businesses and business sectors that make a significant contribution to the City.*
- *Strategy 3.3 Facilitate communication, education and networking programs to support businesses.*
- *Strategy 3.5 Encourage sustainable working methods in all aspects of business.*

## **Business Friendly City**

**Outcome: A City that understands the needs of business.**

**Objective: Remove barriers and make it easy for business owners to start, run and grow a business.**

- *Strategy CV Recover and Rebuild the local economy following the impacts of the COVID-10 Pandemic*
- *Strategy 4.1 Ensure that Council processes are business friendly and contribute to a well-functioning City.*

## **FINANCIAL AND BUDGET IMPLICATIONS**

A budget of \$215,000 has been allocated in the Draft 2021-2022 Annual Business Plan. This figure reflects the amount which is proposed to be collected by the Council through The Parade Separate Rate in 2021-2022.

The 2020-2021 Norwood Parade Precinct Committee Annual Business Plan was also based on a budget of \$215,000, which was the amount that the Council intended to collect through The Parade Separate Rate. However, due to the COVID-19 Pandemic, the Council resolved not to collect the Separate Rate in 2020-2021 and instead allocated an equivalent budget to enable the Committee to continue to deliver its initiatives. A separate report regarding the extension of The Parade Separate Rate has been prepared for the Council's consideration as part of this Agenda.

## **EXTERNAL ECONOMIC IMPLICATIONS**

The *Draft 2021-2022 Parade Precinct Annual Business Plan*, includes strategies and initiatives which are intended to improve the economic development of the Norwood Parade Precinct in areas including, but not limited to:

- increasing diversity of businesses and services;
- prosperity and development of The Parade precinct;
- attracting investment and business opportunities to the area;
- increasing local employment opportunities;
- development and support of appropriate industry clusters;
- building community support;
- attracting tourism visitors to The Parade; and
- creating a cohesive brand for The Parade.

The success of the *2021-2022 Parade Precinct Annual Business Plan* may be impacted by the broader economic environment and international events such as the COVID-19 Pandemic. Whilst the Annual Business Plan does not make specific reference to the Pandemic, it will be considered during the development stage of programs and initiatives. The Annual Business Plan is a high level document and to remain flexible and be able to respond to external economic issues as they arise, the budget allocations set out in the document are fluid and funds can be re-allocated at the Committee's discretion.

## **SOCIAL ISSUES**

The future development of key business precincts such as The Parade, Norwood impacts positively on the City. A vibrant local economy contributes significantly to creating a vibrant local community and assists in developing social capital.

## **CULTURAL ISSUES**

Many of the initiatives delivered as part of the Annual Business Plan aim to enhance the unique character of The Parade and its sense of place and reinforces its critical significance.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

The implementation of the *2021-2022 Norwood Parade Precinct Annual Business Plan* will be undertaken by Council staff and managed by the Manager, Economic Development & Strategic Projects. Input and involvement from other Council staff and/or external contractors will be sought as required.

## **COVID-19 IMPLICATIONS**

The COVID-19 Pandemic has had a significant impact on the economy at a local, national and international level, which has forced all levels of Government to introduce a range of financial support packages. As Elected Members will recall at its meeting held on 6 April 2020, the Council endorsed an initial financial support package in response to the COVID-19 Pandemic and its economic impacts. This initial package included, The Parade Separate Rate, Outdoor Dining Fees, Outdoor Dining Permit Holders, Council rates and Financial Hardship Provisions.

Subsequently at its meeting held 4 May 2020, the Council endorsed additional financial support for non-residential property owners.

Prior to the COVID-19 Pandemic, the Council's focus for The Parade Precinct, through the collection of the Separate Rate, was on marketing and promotion to assist the businesses to achieve growth. However, the effects on businesses, and in particular on certain sectors, due to the Pandemic have been substantial, and therefore it has been essential during this Pandemic that the Council take into consideration the economic and social impacts that the Pandemic has caused when making decisions that impact directly on businesses.

Collecting a Separate Rate will enable the Council and the Norwood Parade Precinct Committee to assist The Parade business community in its recovery and rebuild post the COVID-19 Pandemic, acknowledging that many businesses are currently in a mode of survival, rather than growth.

Notwithstanding this, business survival and resilience will require an ability to adapt to the situation, minimise expenses, take advantage of government packages and have clear and effective communication (with tenants, landlords, employees and the community which includes the Council). The Council will continue to support the business community through and post Pandemic.

The Annual Business Plan outlines the Objectives and Strategies for the 2021-2022 financial year and remains flexible to provide the Norwood Parade Precinct Committee with the ability to adapt its response to suit the needs of The Parade Precinct businesses.

## **CONSULTATION**

- Elected Members**

Mayor Robert Bria and Councillors Sue Whitington, Fay Patterson, John Callisto and Carlo Dottore, are Members of the NPPC and are aware of and have had input into the Draft Business Plan.

- Business Community**

If the Council resolves to continue to collect a Separate Rate, consultation is required to be undertaken with the key stakeholders (The Parade businesses and property owners) in accordance with the provisions set out in the *Local Government Act 1999*.

To ensure that all affected stakeholders are informed of the Council's intentions, a variety of different platforms will be used to communicate with the key stakeholders, including an advertisement in *the Advertiser*, written information packs sent to all business and commercial property owners located in the affected area, information posted on both The Parade and the Council's websites. In addition, the monthly Electronic Direct Marketing (EDM) newsletter, '*News on Parade*', will also be used to inform The Parade Businesses of the Council's intentions.

The *Draft 2021-2022 Norwood Parade Precinct Annual Business Plan* will be released for consultation at the same time as the Separate Rate, to demonstrate what the Council proposes to do with the revenue which is collected through the Separate Rate.

Following endorsement by the Council, the *Draft 2021-2022 Parade Precinct Annual Business Plan* will be released for consultation for a period of twenty-one (21) days.

- **Staff**  
Not Applicable.
- **Other Agencies**  
Not Applicable.

## DISCUSSION

The Vision for The Parade in the *Draft 2021-2022 Parade Precinct Annual Business Plan* has been identified as:

*A vibrant meeting place and business precinct where residents and visitors can experience and enjoy a place to eat, meet, shop and do business.*

In addition to the Vision, the Draft Plan has been developed around four (4) clear Objectives:

- Attract new customers.
- Promote the Precinct.
- Build on the Precinct's unique atmosphere, culture and 'sense of place'.
- Strengthen relationships amongst businesses and provide support.

Sitting below the overarching Objectives are five (5) Strategies all of which contain a number of Deliverables detailing the Strategies and more broadly how the Objectives will be achieved.

The five (5) Strategies are listed in the Table below:

**TABLE 1: STRATEGIES CONTAINED IN DRAFT PLAN**

<b>Strategy</b>	<b>Budget</b>
Events & Activations	\$40,000
Marketing & Communication	\$74,000
Identity & Brand	\$93,500
Business Development	\$6,000
Administration	\$1,500
<b>TOTAL</b>	<b>\$215,000</b>

The Council is now required to endorse the *Draft 2021-2022 Parade Precinct Annual Business Plan*, in order for it to be released for consultation with The Parade business community.

## OPTIONS

The Council can choose to either endorse this *Draft 2021-2022 Parade Precinct Annual Business Plan* as presented, and release it for consultation, or alternatively, the Council can amend the contents of the *Draft 2021-2022 Parade Precinct Annual Business Plan*, including the Separate Rate, prior to releasing it for consultation.

## CONCLUSION

Nil

## COMMENTS

Nil

## **RECOMMENDATION**

That the *Draft 2021-2022 Annual Business Plan* as approved by the Norwood Parade Precinct Committee, be endorsed for the purposes of consultation with The Parade business community for a period of twenty-one (21) days.

## **Attachments – Item 11.5**

# **Attachment A**

## **Draft 2021-2022 Norwood Parade Precinct Annual Business Plan**

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**City of  
Norwood  
Payneham  
& St Peters**

# DRAFT 2021-2022 ANNUAL BUSINESS PLAN

NORWOOD PARADE PRECINCT COMMITTEE



TASTE  
STYLE  
SHOP  
LIVE  
PLAY  
VISIT





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## OVERVIEW

The City of Norwood Payneham & St Peters established the Norwood Parade Precinct Committee pursuant to Section 41 of the *Local Government Act 1999*. The Norwood Parade Precinct Committee is governed by Terms of Reference, which were adopted by the Council on the 2 November 2020.

The Norwood Parade Precinct Committee is responsible for delivering exciting initiatives to develop and promote The Parade, Norwood as a vibrant cultural and leisure tourism destination for businesses, residents and visitors.

The Committee consists of the Mayor, four Elected Members and eight independent members who represent the interests of commercial landlords and business owners trading within the Norwood Parade Precinct.

The key role of the Committee is to develop and recommend to the Council an Annual Business Plan and Budget for The Parade Precinct, while overseeing its implementation once approved by the Council.

The Committee also facilitates networking and communication between The Parade business community and the Council.

## PURPOSE

The purpose of the 2021-2022 Annual Business Plan is to promote and capitalise on the current retail and commercial activity generated within The Parade Precinct to ensure future growth and the potential of the Precinct.

This Business Plan focuses on developing marketing and promotional activities to stimulate visitation, activate the area and encourage retail, services, leisure and dining patronage to The Parade.

The Business Plan outlines a series of objectives and strategies that will achieve The Parade's overall vision.



A VIBRANT MEETING  
PLACE AND BUSINESS  
PRECINCT WHERE RESIDENTS  
AND VISITORS CAN  
EXPERIENCE AND ENJOY  
A PLACE TO EAT, MEET,  
SHOP AND DO BUSINESS.

## OBJECTIVES

The objectives of the 2021-2022 Annual Business Plan are to:

- Attract new customers.
- Promote the Precinct.
- Build on the Precinct's unique atmosphere, culture and 'sense of place'.
- Strengthen relationships amongst businesses and provide support.

## BUDGET

The total budget for the 2021-2022 Annual Business Plan is **\$215,000** which is the amount the Council will collect through the Separate Rate.







# ALLOCATED SPEND



ITEM NUMBER	STRATEGY	ALLOCATED FUNDS
1.1	Events & Activations	\$40,000
2.1	Website	\$4,000
2.2	Social Media	\$20,000
2.3	Advertising	\$50,000
3.1	Sponsorship	\$7,500
3.2	Signage & Street Decorations	\$50,000
3.3	Merchandise	\$1,000
3.4	Competitions & Promotions	\$35,000
4.1	Networking	\$3,000
4.2	Business Training	\$3,000
5.1	Catering	\$1,000
5.2	Print, Post & Distribution	\$500
<b>TOTAL</b>		<b>\$215,000</b>



# EVENTS & ACTIVATIONS



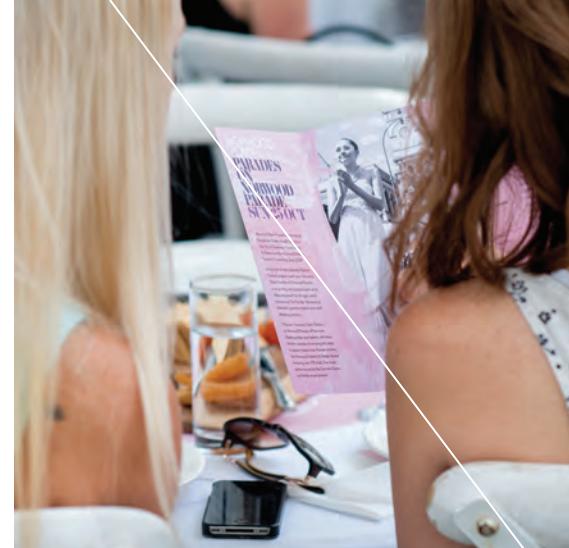
Develop, support and implement events and activations on The Parade to attract customers, provide a unique experience and grow the Precinct's reputation as a leading cultural Precinct.

## 1.1 EVENTS & ACTIVATIONS

Support the Council's current major events held on The Parade including: Tour Down Under, Norwood Christmas Pageant and an annual fashion event and investigate options to host smaller events and activations throughout the year.

BUDGET — \$40,000

# MARKETING & COMMUNICATION



Implement a range of marketing initiatives that communicate and promote the positive strengths of The Parade to all markets.

## 2.1 WEBSITE

Regularly maintain and promote The Parade's website and improve functionality. Ensure that all businesses within the Precinct have a presence on the website and continue to update their information and utilise the 'offers' page to advise customers of any special promotions in store.

**BUDGET — \$4,000**

## 2.3 ADVERTISING

Develop and implement advertising campaigns promoting The Parade across a wide variety of mediums to increase visitation from the wider Adelaide region.

**BUDGET — \$50,000**

## 2.2 SOCIAL MEDIA

Develop a social media strategy to maximise effectiveness of current social media channels, increase engagement with current followers and attract new ones.

**BUDGET — \$20,000**

# IDENTITY & BRAND



03

Further develop The Parade's brand and implement initiatives that define and communicate The Parade's identity and raise the community's appreciation of the Precinct.

## 3.1 SPONSORSHIP

Provide targeted sponsorship to external events and activities aimed at increasing patronage to The Parade for the benefit of all businesses in the Precinct.

**BUDGET — \$7,500**

## 3.2 SIGNAGE & STREET DECORATIONS

Implement signage and street decorations to promote specific campaigns, events and activities associated with the Precinct, in particular during the Christmas period.

**BUDGET — \$50,000**

## 3.4 COMPETITIONS & PROMOTIONS

Coordinate a major competition for The Parade that engages businesses and encourages community participation.

**BUDGET — \$35,000**

## 3.3 MERCHANDISE

Investigate options and purchase appropriate branded merchandise and distribute to businesses.

**BUDGET — \$1,000**

# BUSINESS DEVELOPMENT



Foster improved business presentation, appearance and cooperation and support business capability and sustainability through education, training and networking.

## 4.1 NETWORKING

Host networking forums for Parade businesses and property owners to build and strengthen relationships. Focus on increasing numbers through the use of informative speakers, topics and venues.

**BUDGET — \$3,000**

## 4.2 BUSINESS TRAINING

Develop a business training and workshop program for businesses to educate traders on a range of topics such as marketing, social media and customer service.

**BUDGET — \$3,000**

# ADMINISTRATION



Ensure the ongoing and effective administration of the Committee.

## 5.1 CATERING

Catering for Committee and special meetings.

**TIMELINE — ONGOING**

**BUDGET — \$1,000**

## 5.2 PRINT, POST & DISTRIBUTION

**BUDGET — \$500**



## MEASUREMENT

In order to assess the success of the 2021-2022 Annual Business Plan, the various Strategies need to be measured. Methods of measurement may include:

- Recording attendance numbers at events.
- Analysing data from competition entries.
- Conducting feedback surveys.
- Evaluating the performance of businesses after a major activity or event.
- Website and social media reports.



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## 11.6 SOUTH AUSTRALIAN HOME AND COMMUNITY CARE PROGRAM – CITIZENS AGED UNDER 65 LIVING WITH A DISABILITY

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**REPORT AUTHOR:** Manager Community Services  
**GENERAL MANAGER:** General Manager Governance & Community Affairs  
**CONTACT NUMBER:** 8366 4600  
**FILE REFERENCE:** qA59733  
**ATTACHMENTS:** Nil

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### PURPOSE OF REPORT

The purpose of this report is to present information to the Council regarding the funding arrangements for future home support services for citizens aged under 65 living with a disability.

### BACKGROUND

The Council's *Home Support Services* for citizens aged under 65 years of age and living with a disability, includes services such as Domestic Assistance, Home Modification, Home Maintenance, Transport and Social Programs. The program is funded by the State Department of Human Services through the South Australian Home and Community Care program (HACC SA).

In 2019-2020, the State Department of Human Services undertook a review of the HACC SA program and in particular, the services it will be funding in the future. An outcome of this review is that the State Department of Human Services has developed a new program called *Community Connections*. This program focuses on creating social networks for clients who are socially isolated and will now only provide services such as Domestic Assistance, Home Maintenance or Transport on a short term basis. The clients in receipt of the Council's *Home Support Services* require the services on a long term basis. Meaning that they need the services for an extended period of time possibly years.

The HACC SA funding that the Council's receives will cease as at 30 April 2021.

Whilst some clients have transitioned to other services through either *My Aged Care* or the *National Disability Insurance Scheme*, there will be approximately seventeen (17) citizens from the Council's *Home Support Program* who will not be eligible for either of these programs or the new *Community Connections* program and therefore, are likely to be without services after 30 April 2021 when the funding for these services ceases.

Without this funding there is an unmet need for these seventeen (17) citizens for home support services particularly Domestic Assistance, Transport and Home Maintenance. Whilst the Department of Human Services is considering its position in relation to addressing this gap ,the Council needs to determine its position in relation to the continuation (or otherwise) of these services.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

*Outcome 1 – Social equity*

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

*Strategy 1.1.2 - Maximise access to services, facilities information and activities*

### FINANCIAL AND BUDGET IMPLICATIONS

As part of the 2019-2020 Budget the State Department of Human Services provided the Council with \$40,000 for the period 1 July to 30 April 2021. These funds were for the assessment of clients, co-ordination of services and services such as Social Programs, Domestic Assistance, Home Maintenance and Transport (Escorted Shopping and Shopping List Services) for citizens under 65 living with disability. The majority of funds were allocated to Domestic Assistance Services.

### EXTERNAL ECONOMIC IMPLICATIONS

There are no external economic implications associated with this matter.

## **SOCIAL ISSUE**

Based on the 2016 Australian Bureau of Statistics Census, 5.8% (or 2042 citizens) in the City of Norwood Payneham & St Peters have a disability which requires some kind of support in their home. A significant proportion of this group (52%) are aged over 65 years of age. Approximately 6.7% (or 452 citizens) of this group are aged between 18 to 64 years of age.

Whilst comparatively the figures indicate that there is less of a demand for home support services from citizens aged 18 to 64 years of age, there are some citizens in this age group who require assistance.

The *National Disability Insurance Scheme* (NDIS) provides funding to provide assistance to citizens under 65 years of age, living with a moderate to severe permanent disability. However, not all citizens living with a disability are eligible for the NDIS and therefore, receive assistance from the Council. In this regard, with the State Government's decision to discontinue funding for services to citizens under 65 years of age, there is a risk to these existing citizens of losing their support services. With no other services available they will be unable to maintain their homes which may impact their well-being.

## **CULTURAL ISSUES**

There are no cultural issues associated with this matter.

## **ENVIRONMENTAL ISSUES**

There are no environmental issues associated with this matter.

## **RESOURCE ISSUES**

There are no resource issues associated with this matter.

## **RISK MANAGEMENT**

There are no risk management issues associated with this matter

## **COVID-19 IMPLICATIONS**

There are no Covid-19 implications associated with this issue.

## **CONSULTATION**

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

## DISCUSSION

The Council has been offering home support services to citizens aged under 65 years of age for over 15 years. To date, the services have been funded by the State Department of Human Services through the South Australian Home and Community Care Program (HACC SA).

The State Department of Human Services new *Community Connections* program will focus on reducing social isolation and providing services to assist socially isolated people to form social networks. This program is expected to commence in May 2021.

The demand for the Council's services from citizens aged under 65 years of age, has declined by 25% since the introduction of the NDIS. Since the 1 July 2018, the Council has received five (5) new referrals a year. The withdrawal of State Government funding will therefore mainly impact the Council's existing Home Support clients under the age of 65 years of age, as they will not be able to access services to support them in their homes.

The Department has recommended that existing HACC SA clients be transitioned to other programs such as the *National Disability Insurance Scheme*, *My Aged Care* or *Community Connections*. Some clients who receive Services from the Council who are either eligible for the *National Disability Insurance Scheme* or *My Aged Care* have already transitioned to these new arrangements.

There are however, a small number of clients who will not be eligible for either of these programs. The reason they are not eligible is because they have either not turned 65 years of age which is a requirement of *My Aged Care* or the functional limitation resulting from their disability is not sufficiently severe enough for them to be eligible for the *National Disability Insurance Scheme*.

This means that those citizens living with disability who are ineligible for either the *National Disability Insurance Scheme*, *My Aged Care* or *Community Connections*, will no longer be able to access the services they require to support them in their homes.

The State Department of Human Services has acknowledged that there is likely to be an unmet need of services such as Domestic Assistance, Home Maintenance and Transport across the State as a result of discontinuing the funding and the HACC SA program and are therefore considering how to address the gap. The State Department of Human Services has advised that there is the possibility that the *Community Connections* program could be used by citizens to access Home Maintenance Services. However at this stage the Department have not committed to any actions to deal with the gap in services.

As stated previously, there are currently seventeen (17) clients living within the City of Norwood Payneham & St Peters who receive support from the Council's *Home Support Services* who are likely to be impacted by the loss of funding. These clients are aged between 50 and 64 years of age. Table 1 set below provides summaries of the number of clients who receive services who will be unlikely to transition to another program. The figures in Table 1 do not represent individual clients as some clients have been receiving more than one (1) service.

**TABLE 1: SUMMARY OF THE NUMBER OF EXISTING CLIENTS IN RECEIPT OF SERVICES WHO WILL BE UNABLE TO TRANSITION TO ANOTHER PROGRAM**

Service	Number of Clients
Domestic Assistance	11
Home Maintenance	9
Shopping Services	3

As shown in Table 1 above, most of the clients are either in receipt of Domestic Assistance and/or Home Maintenance Services. Domestic Assistance is seen as an important service for maintaining home hygiene and Home Maintenance, is important for the safety of the client. Shopping is seen as an important service which enables clients to purchase their food and other essential items. Most clients do not have alternative options (i.e. friends or family) or the capacity to undertake the service themselves or afford to pay for services privately. Understandably, these clients are anxious with respect to the future of their services.

To ensure the ongoing well-being of these clients, the Council could continue to fund these services. This would mean that the Council would fund Home Support services for client aged under 65 years of age, if the State Department of Human Services did not offer any alternative services. The funds could support services for new Clients (new referral) and existing clients. This would enable new clients who need services to be able to access services and existing clients to continue to receive services from the Council.

It is estimated that a \$40,000 per annum would be required to continue the program. This funding would allow for services such as Domestic Assistance and Home Maintenance and Shopping services to continue. These are the essential services which are required to ensure these clients can remain in their home.

The issue with this option is that it may commit the Council to funding these services for an indefinite period. One way of managing this is to restrict the services to clients who are already in receipt of *Home Support Services* and not offer services to new clients. As mentioned above, the average number of new referrals is five (5) per year, therefore not offering the services to new clients would not impact many citizens. This would mean that the Council's funding would be focused on supporting existing clients for as long as possible until all or the majority of the existing clients have transitioned to another program such as *My Aged Care*. It is estimated that 70% of clients will transition to *My Aged Care* within the next seven (7) to eight (8) years.

If the Council determines to fund services for existing clients only, it is estimated that a budget of \$35,000 is required for the program. The reduced costs does not includes funds for the assessment and co-ordination of services for new clients. The funding would be limited to funding services for Domestic Assistance, Home Maintenance and Shopping for existing clients. This would mean that the Council would only fund these services for a number of years (i.e. until all existing clients have transitioned to *My Aged Care*). To reduce the financial burden, on the Council it is recommended that funding be allocated initially for a two (2) year period and then reviewed. The review would consider the progress in transitioning clients to *My Aged Care* but also review whether other options are available for these citizens to transition to.

The other option is to not fund services for Home Support clients aged under 65 years. Councils such as the Campbelltown City Council, City of Tea Tree Gully and the City of Charles Sturt, will not be providing funding to continue the delivery of their Home Support Services to citizens aged under 65 years of age living with disability. Their reason for not funding these services is that the number of people requiring services (i.e. approximately 20-25) is not significant enough to warrant the Council adopting this approach.

This argument could be applied to the situation with the Council's remaining clients who receive Home Support services. These clients however, have been in receipt of these services for an extended period of time and have come to rely on these services to support them in their homes. Withdrawing the services will have an impact on their wellbeing, as they are unable to maintain their home in a hygienic or safe manner.

Funding services at the very least for existing clients will enable them to maintain their homes until the majority of them have transitioned to *My Aged Care*. This is the preferred option as it supports the remaining clients will be in need of services until they can transition to *My Aged Care*.

## **OPTIONS**

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

### **Option 1**

The Council can determine to fund Home Support services for existing clients and new clients living with disability under 65 years of age. This will enable existing clients and new clients to access home support services. Services would include Domestic Assistance, Home Maintenance and Shopping Services. This is not the recommended option as it does not have an end date and may commit the Council to funding services for an extensive period.

### **Option 2**

The Council can determine to only fund Home Support services for the Council's existing clients living with disability and who are under 65 years of age. This will enable only existing clients in receipt of Home Support services to continue to receive these services until such time that the majority of the clients have transitioned to *My Aged Care*. Services would include Domestic Assistance, Home Maintenance and Shopping Services. This is the recommended option as it will continue to provide support to the existing clients in receipt of services until such a time that the majority of them have transitioned to *My Aged Care*.

### **Option 3**

The Council can determine not to fund Home Support service for clients living with disability under 65 years of age on the basis that it is not a Local Government responsibility. In short why should the Council take on this responsibility given that it is currently a State Government responsibility and the State Government is not providing the Council with any funding assistance.

## **CONCLUSION**

The State Department of Human Services has been supporting the Council to deliver services to citizens living with disability under 65 years of age through funding provided to the Council as part of the *South Australian Home and Community Care Program* for a number of years. The discontinuation of funding as at April 2021, will create an unmet need in the community. The continuation of these services as recommended will assist existing clients to remain in their homes and their local community.

## **COMMENTS**

Nil

## **RECOMMENDATION**

1. That the Council resolves to allocate funding of up to \$35,000 per annum for the provision of Home Support Services (Domestic Assistance, Home Maintenance and Shopping Services) to existing clients aged under 65 years of age living with a disability.
2. That the services are initially funded for a period of two (2) years.
3. That this option be activated only if the State Government does not provide alternative Home Support Services for clients.
4. That the Council notes a report will be presented to the Council regarding the progress of the program at the end of the two (2) year period.

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

## 11.7 BUSINESS READINESS FOR THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

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**REPORT AUTHOR:** Manager, Development Assessment  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4567  
**FILE REFERENCE:** S/00421  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of the report is to present to the Council for its consideration, amended delegations under the *Planning, Development and Infrastructure Act 2016*.

### BACKGROUND

As Elected Members are aware, the State Government has been implementing the new planning and development system across the state under the *Planning, Development and Infrastructure Act 2016* (PDI Act). The program has been staged with elements of the system being progressively ‘turned on’ since 2016. The final stage of the program, referred to as Phase 3, is the introduction of the new *Planning and Design Code* with the associated development assessment pathways to metropolitan Adelaide. This phase commenced operation on 19 March 2021.

In preparation for the commencement of Phase 3 of the program, at its meeting held on 18 January 2021, the Council made resolutions in respect of each of the following matters:

- Delegations under the *Planning, Development and Infrastructure Act 2016*;
- Policy of Notification – Accredited Professionals;
- Establishment of a new Building Fire Safety Committee
- Revoking of the Building Inspection Policy

On 18 February 2021, the Local Government Association of South Australia released an amended set of template delegations under the *Planning, Development and Infrastructure Act 2016*. The amendments reflect a range of minor corrections and/or unintended omissions, based on advice which the Association received from Norman Waterhouse Lawyers.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

### EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

### SOCIAL ISSUES

Not Applicable.

### CULTURAL ISSUES

Not Applicable.

### ENVIRONMENTAL ISSUES

Not Applicable.

## **RESOURCE ISSUES**

Not Applicable.

## **RISK MANAGEMENT**

The adoption of an appropriate framework of delegations allows for decision making at appropriate levels within the organisation.

## **CONSULTATION**

- **Elected Members**

Not Applicable.

- **Community**

Not Applicable.

- **Staff**

Consultation has taken place with relevant staff in relation to the formulation of the delegations under the *Planning, Development and Infrastructure Act 2016*.

- **Other Agencies**

Not Applicable.

## **DISCUSSION**

The changes which have been made to the delegations, relate to Instrument B, which is the delegation of powers of the Council as a Relevant Authority to the Chief Executive Officer. The changes are summarised below.

Section 119(6)(b) of the PDI Act has been added to the delegations. This is a power to refuse a Development Application if a request for further information is not complied with within the relevant timeframe.

Regulation 38(2) of the PDI General Regulations has been added to the delegations. This is a power to lapse an application.

Regulation 65(1) of the PDI General Regulations has been replaced with Regulation 65(1)(a) in the delegations. This change limits the extent of the delegation to part (a) only (ie. to approve a minor variation), which is actually the only aspect of Regulation 65(1) that involves the execution of a power in any event.

Regulation 99 of the PDI General Regulations has been added to the delegations. This is a power to notify an applicant that, Building Rules Consent cannot be issued until the Construction Industry Training Board (CITB) levy has been paid in situations where it hasn't been paid.

These changes have been prepared by Norman Waterhouse Lawyers on behalf of the LGA. A copy of the updated Instrument of Delegations is contained in **Attachment A**.

## **OPTIONS**

In order to comply with the provisions of the *Planning, Development and Infrastructure Act 2016*, and to ensure that the requirements of the Act are dealt with on a day-to-day basis, it is recommended to the Council that the Council delegates certain powers to the Chief Executive Officer, in accordance with the Act.

## **CONCLUSION**

Council endorsement of amended delegations is sought under the *Planning, Development and Infrastructure Act 2016*, that came into operation for metropolitan Adelaide on 19 March 2021.

## **COMMENTS**

Nil

## RECOMMENDATION

1. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report considered by the Council at its meeting held on 18 January 2021 and entitled *Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority and a Designated Entity*) are hereby delegated this 18th of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
3. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report considered by the Council at its meeting held on 18 January 2021 and entitled *Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority*) are hereby delegated this 18th of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
4. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
5. That Council adopts the Accredited Professionals Notification Policy (annexed to the Report considered by the Council at its meeting held on 18 January 2021 and entitled *Policy of Notification – Accredited Professionals*) effective from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
6. That the City of Norwood Payneham & St Peters Building Fire Safety Committee be established pursuant to Section 157(17) of the *Planning, Development and Infrastructure Act 2016* effective from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
7. That the City of Norwood Payneham & St Peters Building Fire Safety Committee Terms of Reference as contained in Attachment C, be adopted.
8. That the following persons be appointed to the City of Norwood Payneham & St Peters Building Fire Safety Committee for a period of three (3) years, from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*:
  - Mr Troy Olds as a Presiding member of the Committee and a person with expertise in fire safety;
  - Mr Demetrius Poupoulas as a member of the Committee;
  - A primary person nominated by the Chief Officer (CO) of the SAMFS;
  - An alternate person (proxy) nominated by the Chief Officer (CO) of SAMFS; and
  - Mr Mario Hlavati as a person with qualifications in Building Surveying.

9. The Council notes that the *Building Inspection Policy* has been superseded by the State Planning Commission's *Practice Direction 8 - Council Swimming Pool Inspections 2019, and Practice Direction 9 - Council Inspections 2020* and that the *Building Inspection Policy* will be revoked on and from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.

## **Attachments – Item 11.7**

# **Attachment A**

## **Business Readiness for the Planning, Development and Infrastructure Act 2016**

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City of Norwood Payneham & St Peters  
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**City of  
Norwood  
Payneham  
& St Peters**

**INSTRUMENT B**

**INSTRUMENT OF DELEGATION UNDER THE  
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS,  
PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS  
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY**

**NOTES**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Environment and Food Production Areas – Greater Adelaide</b>
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 ( <b>the PDI Act</b> ), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.
1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.
<b>2. Related Provisions</b>
2.1 The power pursuant to Section 99(2)(b)(ii) of the PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.
2.2 The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.
<b>3. Matters Against Which Development Must be Assessed</b>
3.1 The power pursuant to Section 102(1) of the PDI Act to assess a

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development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules ( <b>building consent</b> ).	
3.2	The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.
<b>4. Building Consent</b>	
4.1	The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).
4.2	The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.
4.3	The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:
4.3.1	the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:
4.3.1.1	that:
(a)	the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and
(b)	the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or
4.3.1.2	in a case where the consent is being sought after the development has occurred - that the variance is justifiable

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in the circumstances of the particular case.	
4.4	The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.
4.5	The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.
4.6	The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.
4.7	The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:
4.7.1	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or
4.7.2	such compliance is certified by a building certifier.
4.8	The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification
4.9	The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):

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4.9.1 the variance; and
4.9.2 the grounds on which the decision is being made.
<b>5. Application and Provision of Information</b>
5.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.
5.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:
5.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;
5.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;
5.2.3 to consult with an authority or body prescribed by the regulations;
5.2.4 to comply with any other requirement prescribed by the regulations.
5.3 <u>The power pursuant to Section 119(6)(b) of the PDI Act if a request is made under Section 119(3) of the PDI Act and the request is not complied with within the time specified by the Regulations, subject to Section 119(6)(b)(ii), to refuse the application.</u>
5.35.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.
5.45.5 The power pursuant to Section 119(9) of the PDI Act to:
5.4.15.5.1 permit an applicant:
5.4.1.15.5.1.1 to vary an application;
5.4.1.25.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application,
(provided that the essential nature of the proposed development is not changed);

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<b>5.4.25.5.2</b> permit an applicant to lodge an application without the provision of any information or document required by the regulations;
<b>5.4.35.5.3</b> to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);
<b>5.4.45.5.4</b> if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.
<b>5.55.6</b> The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.
<b>5.65.7</b> The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.
<b>5.75.8</b> The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.
<b>6. Outline Consent</b>
6.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.
6.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:
6.2.1 grant any consent contemplated by the outline consent; and
6.2.2 not impose a requirement that is inconsistent with the outline consent.
<b>7. Referrals to Other Authorities or Agencies</b>
7.1 The power pursuant to Section 122(1) of the PDI Act, where an application for

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consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:	
7.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and	
7.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made	
where the regulations so provide, subject to Section 122 of the PDI Act.	
7.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:	
7.2.1 to refuse the application; or	
7.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)	
where the regulations so provide.	
7.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.	
7.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.	
<b>8. Proposed Development Involving Creation of Fortifications</b>	
8.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).	
8.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:	

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8.2.1	if the proposed development consists only of the creation of fortifications – refuse the application;
8.2.2	in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.
8.3	The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.
8.4	The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal.
<b>9. Determination of Application</b>	
9.1	The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).
9.2	The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.
<b>10. Conditions</b>	
10.1	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.
10.2	The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.

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<b>11. Variation of Authorisation</b>
11.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.
<b>12. Saving Provisions</b>
12.1 The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.
<b>13. Requirement to Up-grade</b>
13.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.
13.2 The power pursuant to Section 134(1) of the PDI Act, if:
13.2.1 an application for a building consent relates to:
13.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or
13.2.1.2 a change of classification of a building; and
13.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,
to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.
13.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.
13.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:
13.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the

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**AND DESIGN CODE AND PRACTICE DIRECTIONS**  
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<p>relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and</p>	
13.4.2	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed
13.5	The power pursuant to Section 134(4) of the PDI Act if:
13.5.1	an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and
13.5.2	the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities,
	to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).
13.6	The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:
13.6.1	subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and
13.6.2	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.
14.	<b>Urgent Building Work</b>
14.1	The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.
15.	<b>Cancellation of Development Authorisation</b>
15.1	The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development

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**INSTRUMENT B**  
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authorisation previously given by the relevant authority.	
15.2	The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.
<b>16. Professional Advice to be Obtained in Relation to Certain Matters</b>	
16.1	The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.
16.2	The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.
<b>17. Continuation of Processes</b>	
17.1	The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:
17.1.1	adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
17.1.2	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
17.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and
17.1.4	deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
17.1.5	take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.

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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)**  
**REGULATIONS 2017**

<b>18. Accredited Professionals</b>
18.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 ( <b>the General Regulations</b> ) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.
<b>19. Verification of Application</b>
19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:
19.1.1 determine the nature of the development; and
19.1.2 if the application is for planning consent - determine:
19.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and
19.1.2.2 the category or categories of development that apply for the purposes of development assessment; and
19.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and
19.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):
19.1.4.1 check that the appropriate documents and information have been lodged with the application; and
19.1.4.2 confirm the fees required to be paid at that point under the

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<i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019; and</i>	
19.1.4.3	provide an appropriate notice via the SA planning portal; and
19.1.5	if the relevant authority is not the correct entity to assess the application (or any part of the application):
19.1.5.1	provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and
19.1.5.2	provide an appropriate notice via the SA planning portal.
<b>20. Amended Applications</b>	
20.1	The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.
20.2	The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.
<b>21. Withdrawing/Lapsing Applications</b>	
21.1	The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:
21.1.1	any agency to which the application has been referred under Division 2 of the General Regulations; and
21.1.2	any person who has made a representation in relation to the application under Division 3 of the General Regulations,

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of the withdrawal.
<p><u>21.2</u> The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.</p>
<p><u>21.221.3</u> The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:</p>
<p style="margin-left: 20px;"><u>21.2.121.3.1</u> take reasonable steps to notify the applicant of the action under consideration; and</p>
<p style="margin-left: 20px;"><u>21.2.221.3.2</u> allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.</p>
<b>22. Court Proceedings</b>
<p>22.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.</p>
<b>23. Additional Information or Amended Plans</b>
<p>23.1 The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.</p>
<b>24. Building Matters</b>
<p>24.1 The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:</p>
<p style="margin-left: 20px;">24.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p>
<p style="margin-left: 20px;">24.1.2 the proposed development is at variance with a performance</p>

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requirement of the Building Code which provides for the intervention of a fire authority; or	
24.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,	
refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.	
24.2	The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.
24.3	The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.
24.4	The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:
24.4.1	recommends against the granting of building consent; or
24.4.2	concurs in the granting of consent on conditions specified in its report,
but the delegate:	
24.4.3	proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or
24.4.4	does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,
to:	
24.4.5	refer the application to the Commission; and
24.4.6	not grant consent unless the Commission concurs in the granting of the consent.
24.5	The power pursuant to Regulation 45(5) of the General Regulations to

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<p>provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.</p>
<p><b>25. Notice of Decision (Section 126(1))</b></p>
<p>25.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>
<p><b>26. Consideration of Other Development Authorisations</b></p>
<p>26.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.</p>
<p><b>27. Certificate of Independent Technical Expert in Certain Cases</b></p>
<p>27.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.</p>
<p><b>28. Urgent Work</b></p>
<p>28.1 The power pursuant to Regulation 63(1) of the General Regulations to,</p>
<p>28.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and</p>
<p>28.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.</p>
<p>28.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.</p>
<p>28.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.</p>

**INSTRUMENT B**  
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**29. Variation of Authorisation (Section 128)**

- 29.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.

**30. Construction Industry Training Fund**

- 30.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993* or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.

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- 30.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.

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**30.31. Plans for Building Work**

- 30.131.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:

30.1.131.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or

30.1.131.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,

to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a

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proper structural standard.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019**

**31.32. Calculation or Assessment of Fees**

**31.432.1** The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (**the Fees Regulations**) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal):

**31.1.132.1.1** to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and

**31.1.232.1.2** to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).

**31.232.2** The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.

**31.332.3** The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.

**32.33. Waiver or Refund of Fee**

**32.133.1** The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:

**32.1.133.1.1** waive the payment of the fee, or the payment of part of the fee; or

**32.1.233.1.2** refund the whole or a part of the fee.

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**SCHEDULE OF CONDITIONS**

**CONDITIONS OR LIMITATIONS  
APPLICABLE TO DELEGATIONS  
CONTAINED IN THIS INSTRUMENT**

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

## 11.8 ESTABLISHMENT OF COMMITTEES – QUADRENNIAL PUBLIC ART ASSESSMENT PANEL

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2714  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of the report is to present the draft Terms of Reference for the *Quadrennial Public Art Assessment Panel* for Council's consideration as part of the process of establishing the *Quadrennial Public Art Assessment Panel*.

### BACKGROUND

Section 41 of the *Local Government Act 1999* (the Act), provides the decision making framework for councils and sets out the requirements in terms of the conduct of Council meetings as part of the decision making process.

Section 41 of the Act also stipulates that councils may also establish committees to assist the council in the performance of its functions.

This report presents the draft Terms of Reference to the Council for consideration to enable the Council to establish the *Quadrennial Public Art Assessment Panel* for the purpose of overseeing the commissioning of the Council's fourth *Quadrennial Public Artwork*.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### DISCUSSION

At its meeting held on 6 November 2006, the Council adopted an on-going program of public art, which included the commissioning of a major piece of public art during the term of each Council. Since that time, three (3) major public artworks have been commissioned. The first Quadrennial Commission, in August 2010, was *Spectrum* which is installed at the intersection of Osmond Terrace and Kensington Road, Norwood, the second Quadrennial Commission was *Fallow*, which was commissioned to commemorate the Centenary of ANZAC in 2015 and is installed at the St Peters Library Complex and the third Quadrennial Commission was *Perpetual Sun* which is installed at the corner of Magill Road and Nelson Street, Stepney.

As part of the process associated with the Council's first Quadrennial Public Art Project, the Council established the *Quadrennial Public Art Assessment Panel* for the purpose of overseeing the process.

This approach is recommended to commence the process associated with the commissioning of the Council's fourth major public artwork, as this will provide for a clear and transparent framework to progress the public art project.

It is therefore proposed that the Council establishes a committee, to be known as the *Quadrennial Public Art Assessment Panel* (the Panel), to oversee the commissioning arrangements associated with this process.

The draft Terms of Reference do not provide for the delegation of any powers, functions and duties of the Council to the Panel. That is, all decisions of the Panel will constitute only recommendations to the Council – who in turn must consider any recommendation(s) from the Panel.

The establishment of a committee (ie Quadrennial Public Art Assessment Panel) which comprises both Elected Members and external representation is considered to be best practise for this type of project as it involves a considerable volume of subjectivity. The inclusion of external arts experts with experience in visual arts and design and the assessment of concepts to proceed for commission in the public realm, has proven to be beneficial in the past and as such, it is recommended that expressions of interest be invited from suitably qualified persons to be involved in the process.

Following the call for Expressions of Interest, the final selection of the Independent Members will be determined by the Chief Executive Officer. Applicants will be required to submit a resume and a statement of interest.

On the basis that the Council is seeking input from professional external arts experts it is recommended that the external arts experts who are appointed to the Panel, receive a sitting fee of \$250 for each meeting they attend.

The Council currently pays a sitting fee to external independent members of the Council Assessment Panel and Audit Committee on the basis that the external members are suitably qualified experts in their relevant fields and have therefore, been appointed to their role on the basis of their skills and knowledge. It is for these reasons that a sitting fee should be applicable to external arts experts appointed to the Panel.

A copy of the draft Terms of Reference for the *Quadrennial Public Art Assessment Panel* is contained within **Attachment A**.

#### **RECOMMENDATION**

1. That pursuant to Section 41 of the *Local Government Act 1999*, the Quadrennial Public Art Assessment Panel be established in accordance with the draft Terms of Reference, as contained within Attachment A.
2. That the following Elected Members be appointed to the Quadrennial Public Art Assessment Panel:  

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; and  

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3. That the Chief Executive Officer be authorised to appoint the two (2) suitably qualified and experienced arts expert to the Panel, following an expression of interest process from suitably qualified arts experts.
4. That a sitting fee for the external arts experts appointed to the Panel be set at \$250 per meeting

## **Attachments – Item 11.8**

# **Attachment A**

## **Establishment of Committees Quadrennial Public Art Assessment Panel**

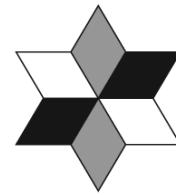
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**City of  
Norwood  
Payneham  
& St Peters**



# **QUADRENNIAL PUBLIC ART ASSESSMENT PANEL**

## **TERMS OF REFERENCE**

**City of  
Norwood  
Payneham  
& St Peters**

### **1. ESTABLISHMENT**

- 1.1 The Council has established the Quadrennial Public Art Assessment Panel (referred to in these Terms of Reference as "the Committee") pursuant to Section 41 of the *Local Government Act* 1999 (the Act).
- 1.2 The Committee will be known as the Quadrennial Public Art Assessment Panel.
- 1.3 The Committee may be wound up at any time by resolution of the Council.
- 1.4 These Terms of Reference were adopted by the Council on 2021.

### **2. OBJECTIVES**

- 2.1 The Committee is established to oversee the contractual processes of the Council's Quadrennial Public Art Commission including:
  - short listing of Expressions of Interest;
  - selecting an Artist's Concept for development for recommendation to the Council; and
  - recommending approval of the developed Concept to the Council.

### **3. MEMBERSHIP**

- 3.1 The Committee will comprise five (5) members.
- 3.2 Membership of the Committee will comprise:
  - \_\_\_\_\_;
  - \_\_\_\_\_;
  - \_\_\_\_\_;
  - Two (2) external arts experts as determined by the Chief Executive Officer.
- 3.3 Subject to Clause 1.3 of these Terms of Reference, membership of the Committee continues for the term of the Committee *unless* a member resigns or is otherwise incapable of continuing as a member or is removed by the Council.
- 3.4 The Committee must report to the Council where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.

#### **4. PRESIDING MEMBER**

- 4.1 The Presiding Member of the Committee will be determined by the Committee at the first meeting of the Committee.
- 4.2 If the Presiding Member of the Committee is absent from a meeting then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member is present.

#### **5. TERMS OF REFERENCE – OPERATIONAL MATTERS**

- 5.1. The Committee shall act at all times in strict accordance with the *Local Government Act 1999*, and Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013*.
- 5.2. The Committee shall meet at the Norwood Town Hall, 175 The Parade, Norwood, in accordance with the responsibilities imposed upon it at Clause 2 of these Terms of Reference and otherwise on such dates and at such times as the Presiding Member of the Committee or the Committee by resolution may determine.
- 5.3. A quorum for a meeting of the Committee is four (4) members of the Committee.
- 5.4. Insofar as the *Local Government Act 1999* and Regulations and these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.

#### **6. REPORTING**

- 6.1 Pursuant to Section 44 of the *Local Government Act 1999*, the Quadrennial Public Art Assessment Panel of the Council does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute only recommendations to the Council.
- 6.2 The reporting of the decisions of the Committee in this manner, in accordance with Clause 1.2 of these Terms of Reference, will satisfy the requirements of Section 41(8).

#### **7. NOTICE OF MEETINGS**

- 7.1 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:
  - 7.1.1 to members of the Committee by email or as otherwise agreed by Committee members at least three clear days before the date of the meeting;
  - 7.1.2 to the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed on the Council's website; and
  - 7.1.3 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

#### **8. WINDING UP OF COMMITTEE**

- 8.1 The Committee will be wound up without further action by the Council upon the finalisation and delivery of the objectives as required by Clause 2.1 of these Terms of Reference.

## **11.9 NOMINATIONS TO EXTERNAL BODIES - APPOINTMENT OF COUNCIL REPRESENTATIVE TO MARDEN SENIOR COLLEGE GOVERNING COUNCIL**

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

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### **PURPOSE OF REPORT**

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

### **BACKGROUND**

Nil

### **DISCUSSION**

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

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

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

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

### **RELEVANT POLICIES & STRATEGIC DIRECTIONS**

Not Applicable.

### **RECOMMENDATION**

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

## **11.10 STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL 2020 – NEW BEHAVIOURAL FRAMEWORK**

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**REPORT AUTHOR:** General Manager Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** S/0022  
**ATTACHMENTS:** A - C

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### **PURPOSE OF REPORT**

The purpose of this report is to advise the Council of the status of the *Statutes Amendment (Local Government Review) Bill 2020* and to advise the Council of the invitation from the Local Government Association of South Australia to provide comments regarding the new Behavioural Management Framework.

### **BACKGROUND**

The *Statutes Amendment (Local Government Review) Bill 2020* (the Bill), was introduced into State Parliament on 17 June 2020. The Bill has been prepared in response to the State Government's reform program which focused on amendments to the *Local Government Act 1999* (the Act), and the *Local Government (Elections Act) 1999* (the Elections Act), in the following areas:

- strong Council Member capacity and better conduct;
- efficient Local Government representation;
- cost savings and financial accountability; and
- simpler regulation.

A copy of the *Statutes Amendment (Local Government Review) Bill 2020* is contained within **Attachment A**.

The Local Government Association of South Australia (LGA) has advised Councils that it anticipates that the Bill will be passed by the South Australian Parliament in April 2021. As such the LGA has commenced working on the implementation of the Bill and is inviting comments from Councils regarding the Bill's new behavioural management framework for Council Members.

The LGA has prepared a discussion paper, *Behavioural Management Framework Discussion Paper February 2021* (the Discussion Paper), and is inviting comments from Councils to assist the LGA in its advocacy regarding any new Regulations associated with the Bill and with the development of model policies, resources etc to support Councils with the implementation of the new framework.

A copy of the *Behavioural Management Framework Discussion Paper February 2021* is contained within **Attachment B**.

### **RELEVANT STRATEGIC DIRECTIONS & POLICIES**

Not Applicable.

### **FINANCIAL AND BUDGET IMPLICATIONS**

Not Applicable.

### **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

### **SOCIAL ISSUES**

Not Applicable.

## CULTURAL ISSUES

Not Applicable.

## ENVIRONMENTAL ISSUES

Not Applicable.

## RESOURCE ISSUES

Not Applicable.

## RISK MANAGEMENT

Not Applicable.

## COVID-19 IMPLICATIONS

Not Applicable.

## CONSULTATION

- **Elected Members**

Elected Members have previously considered a number of the proposed reforms at the Council meetings held on 3 June 2019, 8 October 2019 and 3 August 2020.

- **Community**

Not Applicable.

- **Staff**

Not Applicable.

- **Other Agencies**

Not Applicable.

## DISCUSSION

The *Statutes Amendment (Local Government Review) Bill 2020*, has been prepared in response to the State Government's reform program which focuses on amendments to the *Local Government Act 1999* (the Act), and the *Local Government (Elections Act) 1999*, (the Elections Act), in the following areas:

- Reform Area 1: Stronger Council Member Capacity and Better Conduct;
- Reform Area 2: Lower Costs and Enhanced Financial Accountability;
- Reform Area 3: Efficient and Transparent Local Government Representation; and
- Reform Area 4: Simpler Regulation.

As stated previously, the Bill is expected to be passed by the SA Parliament later in April 2021.

The LGA has prepared a discussion paper, *Behavioural Management Framework Discussion Paper February 2021* (the Discussion Paper), which poses a number of questions for consideration by the Council.

The Bill focuses on *behavioural* and *integrity* matters.

Behavioural matters are those matters which will relate to the new *Behavioural Standards* which have been developed by the Minister and supporting *Behavioural Support Policies* which will be required to be prepared by Councils. Alleged breaches of the *Behavioural Standards* or a Council's *Behavioural Support Policies*, will be managed by Councils in accordance with their *Behavioural Management Policy*. A new *Behavioural Standards Panel* will be established to deal with serious or repeated misbehaviour.

Provisions relating to the general duties of Elected Members, Register of Interests, Gifts and Benefits, and Conflicts of Interest, are classified as Integrity matters and alleged breaches will continue to be referred to the South Australian Ombudsman and the Independent Commissioner Against Corruption (ICAC).

The Bill also includes provisions for the suspension of Elected Members when Elected Members fail to submit a return of their Register of Interests, meet mandatory training standards, where the Elected Member is subject to an intervention order, or as determined by the Behavioural Standards Panel, South Australian Ombudsman, or South Australian Civil and Administrative Tribunal.

The Discussion Paper poses a number of questions for the Council's consideration and response as set out below.

#### Behavioural Standards and Behavioural Support Policies

- 1) What values and behaviours should a Council Member display?
  - a) What are the minimum core standards of behaviour expected of council members?
  - b) What would you consider additional behaviours that councils might include in Behavioural Support Policies?
- 2) What do you like and dislike about South Australia's current Code of Conduct for Council Members?
- 3) What level of prescription should be in the Standards of Behaviour? For example, should high-level statements be supported by descriptions and/or examples?
- 4) Is the level of consistency across the sector important versus the freedom for councils to choose the behaviours they expect from their council members?

The *Behavioural Standards*, made by the Minister, in consultation with the LGA, will reflect high-level standards of behaviour that must be observed by all Elected Members. The *Behavioural Standards* will be supplemented by Council *Behavioural Support Policies*.

The adoption of *Behavioural Support Policies* will be optional, however Councils will be required to consider whether they should adopt a *Behavioural Support Policy* (or Policies) within six (6) months of each periodic election.

The LGA is seeking comments from Councils on what standards of behaviour should be expected of all Elected Members which should then be prescribed in the *Behavioural Standards*, which will be mandatory.

#### Behavioural Management Policies

- 5) Should the Governance Panel continue providing their services under the new behavioural management framework?
- 6) What in the current Complaints Handling Procedure under the Council Members' Code of Conduct works well and what does not? a) What additional provisions should be included?

Councils will be required to adopt a *Behavioural Management Policy* that sets out the process associated with dealing with complaints against an Elected Member/s alleging a failure to comply with the *Behavioural Standards* or the Council's *Behavioural Support Policies*. The Behavioural Management Policy will be similar in to the Council's *Code of Conduct for Council Members - Complaint Handling Procedure*.

The Act however will provide a range of actions, similar to those in the current *Code of Conduct for Council Members*, that Councils will be able to take, following an investigation in accordance with their Behavioural Management Policy, including:

- (a) pass a censure motion;
- (b) require the Elected Member(s) to issue a public apology;
- (c) require the Elected Member(s) to undertake specified training;
- (d) remove or suspend the Elected Member from one or more offices held by the Elected Member(s).

The LGA intends to prepare a model *Behavioural Management Policy* in consultation with Councils and the Office of Local Government. Therefore, the LGA is seeking comments from Councils regarding their current complaints handling procedure in accordance with the *Code of Conduct for Council Members* and if there any additional provisions that should be included.

### Integrity Provisions

- 7) Do you agree with the integrity provisions the Office of Local Government is proposing to prescribe in regulations? Why or why not?
- 8) Should misuse of presiding member powers under section 86(6b) be considered as an integrity provision or as a behavioural matter?
- 9) What additional integrity provisions, if any, should be prescribed?

The Bill amends Chapter 5, Part 4, Division 1 to include *Member integrity and behaviour* which relates to Elected Member integrity, maladministration, misconduct, and corruption and includes provisions relating to general duties of Elected Members, Register of Interests, Gifts and Benefits, and Conflicts of Interest.

The Bill also provides the SA Ombudsman with additional powers which includes the ability to require the Council to suspend an Elected Member/s for a period not exceeding three (3) months.

In addition, the South Australian Civil and Administrative Tribunal (SACAT), will be able to impose suspensions for up to six (6) months or disqualify an Elected Member from office.

A new section 62(4e) allows additional integrity provisions to be prescribed by regulations.

### Suspension of Members

- 10) What is the appropriate length of suspension for:

- a) a failure to submit a primary or ordinary return;
- b) a failure to comply with mandatory training requirements under section 80A; and
- c) a relevant final intervention order where the person protected is a council member or council employee.

In addition to the powers of the SA Ombudsman and the SACAT, the Bill includes additional situations where an Elected Member can be suspended from the Council.

A new Schedule 9 outlines the conditions that apply to an Elected Member while suspended, which includes the following:

- the suspension extends to all offices held in the Elected Member's capacity as a Member of the Council;
- the Elected Member must not use or retain a facility or service provided by the Council;
- the Elected Member must not carry out any function or duty of a member of the Council; and
- the Elected Member must not be given access by the Council to information, documents, or materials related to the performance or discharge of the functions or duties of members of the Council.

Suspension periods which have been set out in the Bill include the following:

- **Section 262W - Behavioural Standards Panel**  
The *Behavioural Standard Panel*, after inquiring into a complaint, may determine to suspend an Elected Member for a period not exceeding three (3) months. The Panel may also determine that the suspension is served with or without the Elected Member allowance.
- **Section 263B – Ombudsman**  
The SA Ombudsman may make a recommendation to the Council to suspend an Elected Member for a period not exceeding three (3) months, following the completion of an investigation. The SA Ombudsman may determine that the suspension is served with or without the Elected Member allowance.
- **Section 267 – SACAT**  
The SACAT, if satisfied a ground on which a complaint was lodged exists and that there is proper cause for taking action against the Elected Member to whom the complaint relates, may suspend the Elected Member for a period not exceeding six (6) months.

Other suspension periods will be prescribed by Regulations, which includes the following:

- *Part 4, Division 1, Subdivision 2 – Register of Interests*

An Elected Member who fails to submit their Primary or Ordinary Return within one (1) month from the end of the period allowed, will be suspended from the Council. In addition, the Elected Member will not be entitled to the Elected Member Allowance during the period of suspension. The suspension will be revoked when the Elected Member submits the Return.

If an Elected Member remains suspended for longer than the prescribed period (ie does not submit the Return within the suspension period), the Council must apply to SACAT for an order disqualifying the Elected Member from office.

- *Section 80A – Training and development*

Councils will be required to adopt a training and development policy for Elected Members which must incorporate the prescribed mandatory requirements which will be set out in regulations.

If an Elected Member does not complete the mandatory training requirements, the Council must suspend the Elected Member (unless they are satisfied that there was good reason for the failure).

The Elected Member will not be entitled to the Elected Member Allowance during the period of suspension. The suspension will be revoked when the Elected Member has completed all mandatory training requirements.

If the Elected Member does not comply with the mandatory training requirements within the suspension period the Council must apply to SACAT for an order disqualifying the Elected Member from office.

- *Section 80B – Suspension – member of council subject to intervention order*

Section 80B provides that if an Elected Member is subject to a relevant *interim intervention order* where the person protected by the order is another Elected Member, a council may suspend that Elected Member from office if they consider it appropriate to do so. If the person protected by the interim intervention order is an employee of the council, the Chief Executive Officer may suspend the Elected Member if they consider it appropriate to do so.

The suspension will be revoked if the relevant interim intervention order is revoked.

Section 80B provides that if an Elected Member is subject to a *final intervention order*, where the person protected by the order is an Elected Member or employee of the council, the Elected Member will be suspended from office.

The Elected Member suspended in relation to a final intervention order will not be entitled to receive the Elected Member Allowance during the period of suspension.

The suspension will be revoked if the relevant final intervention order is revoked. If an Elected Member suspended in relation to a relevant final intervention order, remains suspended for longer than the prescribed period, the Council must apply to SACAT for an order disqualifying the member from office.

#### Conflict of Interest

- 11) Are the current exemptions to declaring a conflict of interest prescribed in the *Local Government (General) Regulations 2013* sufficient?
- 12) Are there any exemptions that should not be included in future regulations?
- 13) Are there any additional exemptions that should be prescribed?

The Bill replaces the current categories of conflict of interest (material, actual and perceived) with two (2) categories (material and general) which will also apply to Committees and Members of Committees and Subsidiaries and Board Members of Subsidiaries.

An Elected Member will be said to have a **general conflict of interest** in a matter to be considered by the Council, if an impartial, fair-minded person might consider that the Elected Member's private interests might result in them acting in a manner that is contrary to their public duty.

An Elected Member will be said to have a **material conflict of interest** in a matter to be discussed at a Council meeting, if any of the persons listed in Section 75 of the Act, (as set out below), would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting.

Section 75 sets out the following:

#### *75—Material conflicts of interest*

*Subject to section 75A, for the purposes of this Subdivision, a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if any of the following persons would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:*

- (a) the member;
- (b) a relative of the member;
- (c) a body corporate of which the member is a director or a member of the governing body;
- (d) a proprietary company in which the member is a shareholder;
- (e) a family company of the member (within the meaning of 5 Schedule 3);
- (f) a family trust of the member (within the meaning of Schedule 3);
- (g) a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee;
- (h) a partner of the member;
- (i) the employer or an employee of the member;
- (j) a person with whom the member has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering process in connection with entering into, an agreement for the provision of professional or other services for which the member would be entitled to receive a fee, commission or other reward;
- (k) a person or body from whom the member has received a designated gift;
- (l) a person of a prescribed class.

Section 75A allows interests that arise in relation to prescribed matters or in prescribed circumstances to be exempt.

As Elected Members will recall, in its submission to the LGA regarding the *Local Government Reform Discussion Paper* in 2019, this Council advised the LGA that the current conflict of interest provisions are too complicated and the 2016 changes have resulted in making the process more complex and confusing. The Council suggested at that time that the provisions need to be simplified – a Member either has a Conflict of Interest or they don’t!

#### Summary

The *Statutes Amendment (Local Government Review) Bill 2020* (the Bill) has been passed by the House of Assembly and is now sitting with the Legislative Council for consideration and debate. It is expected that the Bill will be passed later in April 2021.

As stated previously, the LGA is intending to work with the Office of Local Government regarding any new Regulations associated with the Bill and with the development of model policies, resources etc to support Councils with the implementation of the new framework, and has therefore requested comments from Council's which will assist with this process.

A draft submission has been prepared which sets out responses based on the Council's previous submissions regarding the Local Government Reform program.

A copy of the draft submission to the Discussion Paper is contained within **Attachment C**.

The Local Government Association of South Australia requires submissions from Councils by 9 April 2021.

## **OPTIONS**

The Council can resolve to either provide comments to the Local Government Association of South Australia in respect to the new Behavioural Management Framework set out in the *Statutes Amendment (Local Government Review) Bill 2020* or decline the opportunity.

It is however recommended that the Council does respond to the Local Government Association of South Australia in respect to these provisions, to ensure the Council's position is considered by the Local Government Association of South Australia as part of the planning process associated with the implementation of the Bill.

## **CONCLUSION**

It is acknowledged that reform of governance has been an ongoing issue of concern for the State Government, the LGA and councils for some time, however, this Council, and indeed many councils, strive to achieve excellence in governance to ensure the integrity and accountability of Local Government.

## **COMMENTS**

Nil.

## **RECOMMENDATION**

That the *Behavioural Management Framework Discussion Paper February 2021 Submission*, as contained within Attachment C to this report, be submitted to the Local Government Association of South Australia in response to the request for submissions from councils regarding the new Behavioural Management provisions set out in the *Statutes Amendment (Local Government Review) Bill 2020*.

## **Attachments – Item 11.10**

# **Attachment A**

## **Statutes Amendment (Local Government Review) Bill 2020 New Behavioural Framework**

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**City of  
Norwood  
Payneham  
& St Peters**

**House of Assembly—No 67**

As laid on the table and read a first time, 17 June 2020

South Australia

**Statutes Amendment (Local Government Review)  
Bill 2020**

A BILL FOR

An Act to amend the *Local Government Act 1999*, the *Local Government (Elections) Act 1999*, the *City of Adelaide Act 1998* and to amend various other Acts related to the review of the system of local government in South Australia.

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**Statutes Amendment (Local Government Review) Bill 2020**  
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- 181 Amendment of section 84—Amendment of return
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- 183 Amendment of section 87—Public inspection of returns
- 184 Amendment of section 89—Requirement to keep proper records
- 185 Amendment of section 91A—Conduct of council during election period
- 186 Amendment of section 93—Regulations

#### **Part 4—Amendment of *City of Adelaide Act 1998***

- 187 Amendment of section 4—Interpretation
- 188 Amendment of section 20—Constitution of Council
- 189 Amendment of section 21—Lord Mayor
- 190 Amendment of section 22—Members
- 191 Amendment of Schedule 1—Special provisions for elections and polls

#### **Part 5—Amendment of *Crown Land Management Act 2009***

- 192 Insertion of section 20A
  - 20A Revocation of dedicated land classified as community land

#### **Part 6—Amendment of *Equal Opportunity Act 1984***

- 193 Amendment of section 87—Sexual harassment

#### **Part 7—Amendment of *Planning, Development and Infrastructure Act 2016***

- 194 Amendment of section 83—Panels established by joint planning boards or councils
- 195 Amendment of section 84—Panels established by Minister

#### **Part 8—Amendment of *Public Finance and Audit Act 1987***

- 196 Amendment of section 4—Interpretation
- 197 Amendment of section 30—Obligation to assist Auditor-General
- 198 Amendment of section 32—Audit etc of publicly funded bodies and projects and local government indemnity schemes
- 199 Amendment of section 34—Powers of Auditor-General to obtain information

#### **Part 9—Amendment of *South Australian Local Government Grants Commission Act 1992***

- 200 Amendment of section 19—Information to be supplied to Commission
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**The Parliament of South Australia enacts as follows:**

### **Part 1—Preliminary**

#### **1—Short title**

This Act may be cited as the *Statutes Amendment (Local Government Review) Act 2020*.

## 2—Commencement

- (1) This Act comes into operation on a day to be fixed by proclamation.
- (2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to this Act.

## 3—Amendment provisions

5 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Local Government Act 1999*

### 4—Amendment of section 3—Objects

Section 3(f)—after "communities" insert:

10 and to provide for appropriate financial contributions by ratepayers to those services and facilities

### 5—Amendment of section 4—Interpretation

- (1) Section 4(1)—after the definition of *authorised person* insert:

*behavioural management policy*—see section 262B(1);

15 *behavioural standards* means the standards of behaviour to be observed by members of councils published under Chapter 5 Part 4 Division 2;

*Behavioural Standards Panel or Panel* means the Behavioural Standards Panel established under Chapter 13 Part A1 Division 2;

*behavioural support policy*—see section 75F(1);

- (2) Section 4(1), definition of *Commission*—delete the definition and substitute:

*Commission or South Australian Local Government Boundaries*

*Commission* means the South Australian Local Government Grants Commission established under the *South Australian Local Government Grants Commission Act 1992*;

- (3) Section 4(1)—after the definition of *Commission* insert:

*community engagement charter*—see Chapter 4 Part 5;

*community engagement policy*—see Chapter 4 Part 5;

- (4) Section 4(1)—after the definition of *day therapy centre* insert:

*designated authority*—see section 123;

- (5) Section 4(1)—after the definition of *independent living units* insert:

*integrity provision* means—

- (a) in relation to members of councils—a provision of Chapter 5 Part 4 Division 1; or
- (b) in relation to employees of councils—a provision of Chapter 7 Part 4 Division 1;

- (6) Section 4(1), definition of *public consultation policies*—delete the definition

**Statutes Amendment (Local Government Review) Bill 2020**  
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(7) Section 4(1), definition of *relative*—delete the definition and substitute:

*relative* of a person means—

- (a) the spouse or domestic partner; or
- (b) a parent, step parent or remoter lineal ancestor; or
- (c) a child, step child or remoter descendant; or
- (d) a sibling or step sibling; or
- (e) any member of the person's family who resides in the person's household;

(8) Section 4(1)—after the definition of *relative* insert:

*relevant audit and risk committee* means—

- (a) in relation to a council that has, with 1 or more other councils, established a regional audit and risk committee—the regional audit and risk committee; or
- (b) in relation to any other council—the council audit and risk committee;

(9) Section 4(1), definition of *site value*—delete the definition

(10) Section 4—before subsection (1aa) insert:

(1aaa) For the purposes of this Act, *public consultation* is undertaken if consultation is conducted in accordance with the relevant provisions of the community engagement charter and community engagement policy (if applicable).

(11) Section 4(1aa)(a)(ii)(B)—delete "; and" and substitute:

; or

(12) Section 4(1aa)(b)—delete paragraph (b) and substitute:

- (b) if the community engagement charter provides for the giving of public notice under this Act—notice is published in accordance with the community engagement charter.

## **6—Amendment of section 6—Principal role of council**

Section 6(b)—delete paragraph (b) and substitute:

- (b) to make decisions about the provision of various public services and facilities that will benefit the community in the context of the capacity and willingness of ratepayers to pay for those services and facilities; and

## **7—Amendment of section 7—Functions of council**

(1) Section 7(b)—delete "(including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities)"

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 Part 2—Amendment of *Local Government Act 1999*

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(2) Section 7—after paragraph (b) insert:

- (ba) to determine the appropriate financial contribution to be made by ratepayers to the resources of the council;

**8—Amendment of section 8—Principles to be observed by council**

5 (1) Section 8(ea)—delete "and form partnerships" and substitute:

, form partnerships and share resources

(2) Section 8(h)—after "efficiently" insert:

and council services, facilities and programs are provided effectively and efficiently

10 (3) Section 8—after paragraph (i) insert:

- (ia) seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers;

**9—Insertion of section 11A**

15 Before section 12 insert:

**11A—Number of members**

(1) Despite any other provision of this Chapter, a council must not be comprised of more than 12 members.

(2) Subsection (1) applies to a council from—

20 (a) in the case of a council that commences a representation review in accordance with section 12 after the commencement of subsection (1) and completes the review before 1 January 2022—polling day for the periodic election next due to be held after the commencement of subsection (1); or

(b) in any other case—polling day for the second periodic election due to be held after the commencement of subsection (1).

25 (3) A reference to completing a review under subsection (2)(a) includes (if relevant) publishing any notice or notices in the Gazette under section 12(15)(b) in relation to the review.

**10—Amendment of section 12—Composition and wards**

(1) Section 12(5) to (10)—delete subsections (5) to (10) (inclusive) and substitute:

30 (5) A council must, in order to commence a review, initiate the preparation of a report (**a representation report**) by a person who, in the opinion of the council, is qualified to address the representation and governance issues that may arise with respect to the matters under review.

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- (6) The representation report must—
- (a) examine the advantages and disadvantages of various options that are available to the council under subsection (1) (insofar as the various features of the composition and structure of the council are under review) and, in particular (to the extent that may be relevant)—
    - (i) examine the question of whether the number of members should be reduced; and
    - (ii) if the area of the council is divided into wards, examine the question of whether the division of the area into wards should be abolished; and
  - (b) set out any proposal that the council considers should be carried into effect under this section; and
  - (c) in respect of any such proposal—include an analysis of how the proposal relates to the principles under section 26(1)(c) and the matters referred to in section 33 (to the extent that may be relevant); and
  - (d) examine such other relevant issues as the council or the person preparing the report thinks fit.
- (7) The council must undertake public consultation on the representation report.
- (2) Section 12(11a) to (11d)—delete subsections (11a) to (11d) (inclusive)
  - (3) Section 12(12)—delete ", taking into account the operation of the preceding subsection,"
  - (4) Section 12(12a)—delete subsection (12a) and substitute:
    - (12a) The report must, if written submissions are received as part of public consultation undertaken under subsection (7), include copies of any written submissions that relate to the subject-matter of the proposal.
  - (5) Section 12(17)—delete "subsections (9) and (10)" and substitute:
    - subsection (7)
  - (6) Section 12(18a)—delete subsection (18a)

**11—Amendment of section 13—Status of council or change of various names**

Section 13(2)(ba)—delete paragraph (ba)

**12—Amendment of section 26—Principles**

35 Section 26(1)—before "Commission" insert:

South Australian Local Government Boundaries

### **13—Amendment of section 44—Delegations**

- (1) Section 44(2)—after paragraph (b) insert:
  - (ba) to a joint planning board established under a planning agreement to which the council is a party; or
- 5 (2) Section 44(7) and (8)—delete subsections (7) and (8)

### **14—Amendment of section 45—Principal office**

Section 45(3)—delete "consult with its local community in accordance with its public consultation policy" and substitute:  
 undertake public consultation

### **10 15—Amendment of section 48—Prudential requirements for certain activities**

- (1) Section 48(5)—delete subsection (5)
- (2) Section 48(6)—delete "However, a council may take steps to prevent the disclosure of specific information" and substitute:  
 A council may take steps to prevent the disclosure of specific information in a report under subsection (1)

### **16—Amendment of section 49—Contracts and tenders policies**

Section 49(4) and (5)—delete subsections (4) and (5)

### **17—Substitution of Chapter 4 Part 5**

Chapter 4 Part 5—delete the Part and substitute:

## **20 Part 5—Community engagement**

### **50—Community engagement charter**

- (1) The Minister may, by notice published in the Gazette and on a website determined by the Minister, establish a community engagement charter for the purposes of this Act.
- 25 (2) The following principles must be taken into account in relation to the charter:
  - (a) members of the community should have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposed decisions, activities and processes of councils and to participate in relevant processes;
  - (b) information about issues should be in plain language, readily accessible and in a form that facilitates community participation;
  - 30 (c) participation methods should seek to foster and encourage constructive dialogue, discussion and debate in relation to proposed decisions, activities and processes of councils;

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(d) participation methods should be appropriate having regard to the significance and likely impact of proposed decisions, activities and processes;

(e) insofar as is reasonable, communities should be provided with information about how community views have been taken into account and reasons for decisions or actions of councils.

5 (3) The charter—

(a) will relate to—

10 (i) community consultation and participation with respect to any decision, activity or process where compliance with the charter is contemplated by this Act; and

15 (ii) any other circumstance where compliance with the charter is contemplated by this Act; and

(b) may relate to any other circumstances, or provide for any other matter, determined by the Minister.

20 (4) The charter may—

(a) establish categories of statutory processes to which various parts of the charter will apply; and

(b) in relation to each category established under paragraph (a)—

(i) specify mandatory requirements; and

25 (ii) set out principles and performance outcomes that are to apply to the extent that mandatory requirements are not imposed; and

(c) in relation to performance outcomes under paragraph (b)(ii)—

30 (i) provide guidance on specific measures or techniques by which the outcomes may be achieved; and

(ii) set out measures to help evaluate whether, and to what degree, the outcomes have been achieved.

35 (5) The charter may—

(a) be of general or limited application; and

(b) vary in operation according to factors stated in the charter; and

40 (c) provide for, or for the granting by the Minister of, exemptions (conditional or unconditional) from specified provisions of the charter.

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- (6) The Minister may, by further notice published in the Gazette and on the website referred to in subsection (1), vary or substitute the charter.
- (7) The Minister must, before establishing, varying or substituting the charter—
- consult with the LGA; and
  - undertake such other consultation as the Minister thinks fit, on the charter, variation or substitute charter (as the case may be).
- (8) An entity to which the charter applies must—
- comply with any mandatory requirement that applies in a relevant case; and
  - to the extent that paragraph (a) does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.
- (9) A notice published under subsection (1) or (6) may come into operation on the day on which it is published or on a later day or days specified in the notice.
- (10) Sections 10 (other than subsection (1)) and 10A of the *Subordinate Legislation Act 1978* apply to a notice published under subsection (1) or (6) (and a reference in those provisions to a regulation will be taken to be a reference to a notice published under subsection (1) or (6) (as the case requires)).

**50A—Council community engagement policy**

- (1) A council must prepare and adopt a policy relating to community engagement for the purposes of this Act (a ***community engagement policy***).
- (2) The policy may—
- in relation to any decision, activity or process in respect of which the community engagement charter prescribes requirements, principles or performance outcomes applying to community consultation and participation (relating to the decision, activity or process), make additional provision (not inconsistent with the charter) specifying how the council will—
    - comply with the requirements in a relevant case; or
    - seek to achieve the principles or performance outcomes in a relevant case; and
  - in relation to any other decision, activity or process of the council, provide for community consultation and participation in relation to the decision, activity or process.
- (3) The policy must be consistent with, and comply with any requirements specified by, the community engagement charter.

- 5

(4) The policy may—

  - (a) be of general or limited application; and
  - (b) vary in operation according to factors stated in the policy; and
  - (c) provide for, or for the granting by the council of, exemptions (conditional or unconditional) from specified provisions of the policy.

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(5) A council may from time to time alter a community engagement policy, or substitute a new policy.

(6) Before a council—

  - (a) adopts a community engagement policy; or
  - (b) alters, or substitutes, a community engagement policy,

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the council must undertake public consultation on the community engagement policy, alteration or substituted policy (as the case may be).

## **18—Amendment of section 51—Principal member of council**

- 20 (1) Section 51(1) and (2)—delete subsections (1) and (2) and substitute:

(1) A council must be constituted on the basis that the principal member  
is to be appointed<sup>1</sup> or elected as a representative of the area as a  
whole (in which case the principal member is to be called a mayor).

(2) Section 51(3)—delete subsection (3) and substitute:

(3) If the council so resolves, there may also be a deputy mayor.

(4) Section 51(4)—delete "or deputy chairperson"

(5) Section 51(5)—delete "chairperson, deputy mayor or deputy chairperson" and  
substitute:  
deputy mayor

25 (6) In the absence of the mayor, a deputy mayor may act in the office of  
mayor.

(7) If the mayor is absent from official duties and there is no deputy  
mayor, or the deputy mayor is not available to act in the office of  
mayor, a member chosen by the council may act in the office of  
mayor during the relevant period.

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## **19—Amendment of section 54—Casual vacancies**

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- (3) Section 54(2a)(b)(ii)—delete subparagraph (ii) and substitute:
- (ii) the conclusion of the election falls within 12 months before polling day for—
    - (A) a periodic election; or
    - (B) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy.

- 5 (4) Section 54(4)—delete "Division 2 of Part 4 of this Chapter or"

**20—Amendment of section 55—Specific requirements if member disqualified**

- 10 (1) Section 55(a)—delete "62 or"
- (2) Section 55(b)—delete "62" and substitute:  
68, 80A, 80B
- (3) Section 55, penalty provision—delete "\$5 000" and substitute:  
\$15 000

**15 21—Insertion of section 55A**

After section 55 insert:

**55A—Leave of absence—council member contesting election**

- 20 (1) If a person holding office as a member of a council stands as a candidate for election as a member of the Parliament of the State, the member will be taken to have been granted leave of absence from the office of member of the council from the date on which nominations for the election close until the result of the election is publicly declared.
- 25 (2) Leave of absence under subsection (1) extends to all other offices held in the person's capacity as a member of the council or by virtue of being a member of the council.
- (3) Subsection (1) does not apply if the nomination of a member of a council as a candidate for election is revoked (as a result of the member's withdrawal of their consent to stand as a candidate).
- 30 (4) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council who is taken to have been granted leave of absence in accordance with this section is not entitled to receive any allowance in respect of the member's office for the period of leave.

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(5) A person who is taken to have been granted leave of absence from the office of member of a council under this section must not, during the period of leave—

- 5 (a) use a facility or service provided by the council (not being a facility or service generally provided to members of the public by the council) for any purpose related to the election or to the member's functions or duties as a member of the council; or
- 10 (b) carry out any function or duty of the office of member of the council.

Maximum penalty: \$15 000.

(6) The following provisions apply during the period of the leave of absence of a member of a council to whom this clause applies:

- 15 (a) the member is not required—
  - (i) to submit a return for the purposes of the Register of Interests in accordance with Chapter 5 Part 4 Division 1 Subdivision 2; or
  - (ii) if relevant, to notify the chief executive officer of a change or variation of a kind referred to in section 67(1),
- 20 provided that, on the cessation of the suspension, the member—
  - (iii) submits any return for the purposes of the Register of Interests that the member would, but for the suspension, have been required to submit in accordance with Chapter 5 Part 4 Division 1 Subdivision 2 during the period of suspension; and
  - (iv) notifies the chief executive officer of a change or variation of a kind referred to in section 67(1) of which the member would, but for the suspension, have been required to notify the chief executive officer under section 67(1) during the period of suspension;
- 25 (b) to avoid doubt, section 54(1)(d) does not apply to the member.
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- 35

## **22—Amendment of section 58—Specific roles of principal member**

(1) Section 58(1)—delete subsection (1) and substitute:

- 40 (1) The role of the principal member of a council as leader of the council is—
  - (a) to provide leadership and guidance to the council; and
  - (b) to lead the promotion of positive and constructive working relationships among members of the council; and

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- (c) to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and
- (d) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and
- (e) to preside at meetings of the council; and
- (f) if requested, to provide advice to the chief executive officer between council meetings on the implementation of a decision of the council; and
- (g) to act as the principal spokesperson of the council; and
- (h) to exercise other functions of the council as the council determines; and
- (i) to carry out the civic and ceremonial duties of the office of principal member.

5 (2) Section 58(2)—delete "Subsection (1)(c)" and substitute:

10 Subsection (1)(g)

### **23—Amendment of section 59—Roles of members of councils**

15 (1) Section 59(1)(a)—delete paragraph (a) and substitute:

- (a) as a member of the governing body of the council—
  - (i) to act with integrity; and
  - (ii) to ensure positive and constructive working relationships within the council; and
  - (iii) to recognise and support the role of the principal member under the Act; and
  - (iv) to develop skills relevant to the role of a member of the council and the functions of the council as a body; and
  - (v) to participate in the deliberations and activities of the council; and
  - (vi) to keep the council's objectives and policies under review to ensure that they are appropriate and effective; and
  - (vii) to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review; and
  - (viii) to ensure, as far as is practicable, that the principles set out in section 8 are observed; and
  - (ix) to participate in setting and assessing performance standards to be met under the council's contract with the chief executive officer; and
  - (x) to serve the overall public interest of the council; and

- (2) Section 59(1)(b)—after "ratepayers" insert:  
 of the council

#### **24—Substitution of heading to Chapter 5 Part 4**

Heading to Chapter 5 Part 4—delete the heading and substitute:

5                   **Part 4—Member integrity and behaviour**

#### **25—Substitution of heading to Chapter 5 Part 4 Division 1**

Heading to Chapter 5 Part 4 Division 1—delete the heading and substitute:

**Division 1—Member integrity**

#### **26—Insertion of Subdivision heading**

10                  Before section 62 insert:

**Subdivision 1—General**

#### **27—Amendment of section 62—General duties**

- (1) Section 62(3), penalty provision—delete the penalty provision  
 (2) Section 62(4), penalty provision—delete the penalty provision  
 15                  (3) Section 62(4a)—delete subsection (4a) and substitute:  
                        (4a) A member or former member of a council must not disclose  
                        information or a document—  
                        (a) in relation to which there is an order of a council or council  
                        committee in effect under section 90 requiring the  
                        information or document to be treated confidentially; or  
                        (b) that the member or former member knows, or ought  
                        reasonably to know, is information or a document that is  
                        otherwise required to be treated confidentially.  
 20                  (4) Section 62—after subsection (4b) insert:  
                        (4c) A member of a council must not direct or seek to influence an  
                        employee of the council in the exercise or performance of a power or  
                        function delegated to the employee.  
                        (4d) Without limiting subsection (4c), a member of a council must not  
                        request an employee of a council—  
                        (a) to provide information or a document; or  
                        (b) to take action or perform work,  
                        except in accordance with the requirements of the chief executive  
                        officer of the council.  
                        (4e) A member of a council must comply with any requirements  
                        prescribed by the regulations relating to the conduct of members that  
                        are expressed to be integrity provisions.  
 30                  (5) Section 62(5) and (6)—delete subsections (5) and (6)

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(6) Section 62(7)—delete "The" and substitute:

Subject to the regulations, the

**28—Repeal of section 63**

Section 63—delete the section

**5 29—Substitution of heading to Chapter 5 Part 4 Division 2**

Heading to Chapter 5 Part 4 Division 2—delete the heading and substitute:

**Subdivision 2—Register of Interests**

**30—Amendment of Chapter 5 Part 4 Division 2**

Chapter 5 Part 4 Division 2—delete "this Division" wherever occurring and substitute  
 10 in each case:

this Subdivision

**31—Amendment of section 64—Interpretation**

Section 64, definition of *return period*—delete the definition

**32—Amendment of section 67—Form and content of returns**

(1) Section 67(1)—delete "person related to the member" and substitute:

designated person or entity in relation to the member

(2) Section 67(1), penalty provision—delete the penalty provision

(3) Section 67(2)—delete "a defence to a prosecution for an offence against subsection (1) to prove" and substitute:

not a breach of subsection (1) if a member proves

**33—Amendment of section 68—Register of Interests**

(1) Section 68—after subsection (1) insert:

(1a) If a member of a council fails to submit a return to the chief executive officer before the expiration of 1 month from the end of the period allowed under this Subdivision for the submission of the return, the member is suspended from the office of member of the council.

(1b) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council suspended under subsection (1a) is not entitled to an allowance under section 76 during the period of suspension.

(2) Section 68(2)—delete "Division 1 of Part 2 of this Chapter" and substitute:

subsection (1a)

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(3) Section 68—after subsection (3) insert:

- (3a) If a member of a council suspended under subsection (1a) for a failure to submit a return submits (after the commencement of the suspension) to the chief executive officer of the council the return that was required to be submitted and the chief executive officer is satisfied that the return complies with the requirements of this Subdivision (other than the requirement as to the period allowed for the submission of the return)—
  - (a) the chief executive officer must immediately publish a notice on a website determined by the chief executive officer specifying the date on which the member submitted the return; and
  - (b) the suspension is taken to be revoked on the date of publication of the notice.
- (3b) If a member of a council is suspended under subsection (1a) for a continuous period of more than the prescribed period, the chief executive officer may apply to SACAT for an order disqualifying the member of the council from the office of member under this Act.
- (3c) If a member is disqualified under subsection (3b), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.

#### **34—Amendment of section 69—Provision of false information**

Section 69, penalty provision—delete the penalty provision

#### **35—Amendment of section 70—Publication of Register**

- (1) Section 70(a1)—delete subsection (a1) and substitute:
  - (a1) The chief executive officer must publish the Register on a website determined by the chief executive officer.
  - (a2) However, the chief executive officer must ensure that the following details are not published under subsection (a1):
    - (a) a person's residential address;
    - (b) any other address suppressed from the Register under section 68(4)(a).
- (2) Section 70(1) and (2)—delete subsections (1) and (2)

#### **36—Amendment of section 71—Restrictions on publication**

Section 71(2), penalty provision—delete "\$10 000" and substitute:

\$15 000

### **37—Insertion of Chapter 5 Part 4 Division 1 Subdivision 3**

Chapter 5 Part 4—after section 72 insert:

#### **Subdivision 3—Gifts and benefits**

##### **72A—Register of gifts and benefits**

- 5                   (1) A member of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation to a person on the part of the member or influence the member in the performance or discharge of their functions or duties.
- 10                  (2) If a member of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice in the Gazette, the member must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.
- 15                  (3) The Minister must consult with the LGA before publishing a notice under subsection (2).
- 20                  (4) The chief executive officer of a council must maintain a register of gifts and benefits received by members of the council and must ensure that the details of each gift and benefit provided under this section are included in the register.
- 25                  (5) For the purposes of this section, a gift or benefit received by a designated person or entity in relation to a member of a council will be treated as a gift or benefit (as the case requires) received by the member.
- 30                  (6) For the purposes of this section—
  - (a) 2 or more separate gifts or benefits received by a member or a designated person or entity in relation to the member from the same person during a financial year are to be treated as 1 gift or benefit (as the case requires) received by the member; and
  - (b) 2 or more separate transactions to which a member or a designated person or entity in relation to the member is a party with the same person during a financial year under which the member or the designated person has had the use of property of the other person (whether or not being the same property) during a financial year are to be treated as 1 transaction under which the member has had the use of property of the other person during the financial year.
- 35                  (7) Unless the contrary intention appears, terms and expressions used in this section and in Schedule 3 have the same respective meanings in this section as they have in that Schedule.

## 38—Substitution of Chapter 5 Part 4 Division 3

Chapter 5 Part 4 Division 3—delete Division 3 and substitute:

### Subdivision 4—Conflicts of interest

#### 73—Preliminary

5

In this Subdivision—

*agency or instrumentality of the Crown* includes—

- (a) an administrative unit of the Public Service; and
- (b) a body corporate comprised of or including, or having a governing body comprised of or including, a Minister or Ministers of the Crown or a person or persons appointed by the Governor or a Minister or other agency or instrumentality of the Crown;

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*conflict of interest* means—

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- (a) a general conflict of interest; or
- (b) a material conflict of interest;

*general conflict of interest*—see section 74;

*material conflict of interest*—see section 75.

#### 74—General conflicts of interest

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- (1) Subject to section 75A, for the purposes of this Subdivision, a member of a council has a *general conflict of interest* in a matter to be discussed at a meeting of the council if an impartial, fair-minded person would consider that the member's private interests could result in the member acting in a manner that is contrary to their public duty.

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- (2) For the purposes of subsection (1)—

*private interests* means any direct or indirect interest of a member that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;

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*public duty* means the responsibilities and obligations that a member has to members of the public in their role as a member.

#### 75—Material conflicts of interest

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Subject to section 75A, for the purposes of this Subdivision, a member of a council has a *material conflict of interest* in a matter to be discussed at a meeting of the council if any of the following persons would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:

- (a) the member;
- (b) a relative of the member;

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- (c) a body corporate of which the member is a director or a member of the governing body;
- (d) a proprietary company in which the member is a shareholder;
- 5 (e) a family company of the member (within the meaning of Schedule 3);
- (f) a family trust of the member (within the meaning of Schedule 3);
- (g) a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee;
- 10 (h) a partner of the member;
- (i) the employer or an employee of the member;
- (j) a person with whom the member has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering process in connection with entering into, an agreement for the provision of professional or other services for which the member would be entitled to receive a fee, commission or other reward;
- 15 (k) a person or body from whom the member has received a gift of a kind required to be disclosed in a return under Part 14 of the *Local Government (Elections) Act 1999* relating to the last election at which the member was elected;
- (l) a person of a prescribed class.

**75A—Exemptions and other matters**

- (1) A member of a council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the council—
  - (a) if the interest is held in common with a substantial proportion of the ratepayers, electors or residents of the council area and does not exceed the interest held by the other ratepayers, electors or residents; or
  - (b) if the interest in the matter is that of an employer or employee of the member, and the member does not know, and could not reasonably be expected to know, of that interest; or
  - 30 (c) if the interest in the matter is that of a relative of the member, other than the member's spouse or domestic partner, and the member does not know, and could not reasonably be expected to know, of that interest; or
  - (d) if—
    - (i) the interest arises in relation to a prescribed matter or in prescribed circumstances; and

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- (ii) the member complies with the requirements of the regulations (if any) relating to dealing with the matter.
- (2) Without limiting subsection (1), a member of a council will not be regarded as having a general conflict of interest in a matter to be discussed at a meeting of the council by reason only of—
- (a) an engagement with a community group, sporting club or similar organisation undertaken by the member in their capacity as a member; or
  - (b) membership of a political party; or
  - (c) membership of a community group, sporting club or similar organisation (if the member is not an office holder for the group, club or organisation); or
  - (d) the member having been a student of a particular school or their involvement with a school as parent of a student at the school; or
  - (e) a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a council.
- (3) A member of a council who is a member, officer or employee of an agency or instrumentality of the Crown, will be regarded as having a conflict of interest in a matter before the council if the matter directly concerns that agency or instrumentality but otherwise will not be regarded as having an interest in a matter by virtue of being a member, officer or employee of the agency or instrumentality.
- (4) Regulations under subsection (1)(d)—
- (a) may be limited to material conflicts of interest or general conflicts of interest, or may relate to conflicts of interest generally; and
  - (b) may make different provision according to the matter or circumstances to which they are expressed to apply.

### **75B—Dealing with general conflicts of interest**

- (1) If a member of a council has a general conflict of interest in relation to a matter to be discussed at a meeting of the council, the member must deal with the interest in a transparent and accountable way and, in particular, must inform the meeting of—
- (a) the member's interest in the matter; and
  - (b) whether or not the member proposes to participate in the meeting in relation to the matter; and
  - (c) if the member proposes to participate in the meeting in relation to the matter—

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- 5 (i) how the member intends to deal with the general conflict of interest, including whether the member intends to abstain from voting on the matter; and

- (ii) the member's reasons for participating (and, if relevant, voting) in relation to the matter.

- 10 (2) If a quorum at a meeting cannot be formed because a member of a council proposes to exclude themself from the meeting in order to comply with subsection (1), the member will not be taken to have contravened subsection (1) by participating (including by voting, for example) in the meeting in relation to the matter if the attendance of the member, together with any other required number of members, forms a quorum for the meeting.
- 15 (3) If a member of a council discloses a general conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting:
- 20 (a) the member's name;
- (b) the nature of the interest, as described by the member;
- (c) the manner in which the member dealt with the general conflict of interest;
- (d) if the member voted on the matter, the manner in which the member voted;
- (e) the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter.
- 25 (4) To avoid doubt, it is declared that non-participation in a meeting of a council is not the only way in which a member of the council may appropriately deal in a transparent and accountable way with a general conflict of interest of the member in a matter to be discussed at the meeting.

**75C—Dealing with material conflicts of interest**

- 30 (1) If a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must—
- (a) inform the meeting of the member's material conflict of interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting, and stay out of the meeting room while the matter is being discussed and voted on.
- 35 (2) However, a member of the council does not contravene subsection (1) by taking part in the meeting if the member—
- (a) has been granted an approval under subsection (3); and
- (b) complies with the conditions of the approval.

- (3) The Minister may grant an approval in writing to a member of the council to take part in the meeting if—
- (a) because of the number of members subject to the obligation under this section, conduct of the meeting would be obstructed if the approval were not given; and
  - (b) it appears to the Minister to be in the interests of the council's community and area.
- (4) The Minister may grant an approval under subsection (3) subject to any conditions determined by the Minister.
- (5) If a member of a council discloses a material conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting:
- (a) the member's name;
  - (b) the nature of the interest, as described by the member;
  - (c) if the member took part in the meeting under an approval under subsection (3), the fact that the member took part in the meeting.

#### **75D—Application of Subdivision to members and meetings of committees and subsidiaries**

- (1) The provisions of this Subdivision extend to committees and to members of committees established by councils as if—
- (a) a committee were a council; and
  - (b) a member of a committee were a member of a council.
- (2) The provisions of this Subdivision extend to subsidiaries and to board members of subsidiaries as if—
- (a) a subsidiary were a council; and
  - (b) a board member of a subsidiary were a member of a council.
- (3) However—
- (a) a member of a council committee, or a board member of a council subsidiary, who is also a member or employee of the council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the committee or subsidiary (as the case requires) by reason only of the fact that the member is a member or employee of the council or constituent council; or
  - (b) a board member of a regional subsidiary who is also a member or employee of a constituent council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the regional subsidiary if the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the constituent councils.

### **39—Insertion of Chapter 5 Part 4 Division 2**

Chapter 5—before Part 5 insert:

#### **Division 2—Member behaviour**

##### **75E—Behavioural standards**

- 5                   (1) The Minister may, by notice published in the Gazette and on a website determined by the Minister, establish standards (the *behavioural standards*) that—
  - (a) specify standards of behaviour to be observed by members of councils; and
  - (b) provide for any other matter relating to behaviour of members of councils.
- 10                  (2) The behavioural standards may also specify requirements applying to behavioural support policies and behavioural management policies of councils.
- 15                  (3) A member of a council must comply with the behavioural standards.
- (4) The Minister may, by further notice published in the Gazette and on the website referred to in subsection (1), vary or substitute the behavioural standards.
- 20                  (5) The Minister must, before establishing, varying or substituting the behavioural standards—
  - (a) consult with the LGA; and
  - (b) undertake such other consultation as the Minister thinks fit, on the behavioural standards, variation or substitute behavioural standards (as the case may be).
- 25                  (6) A notice published under subsection (1) or (4) may come into operation on the day on which it is published in the Gazette or on a later day or days specified in the notice.
- (7) Sections 10 (other than subsection (1)) and 10A of the *Subordinate Legislation Act 1978* apply to a notice published under subsection (1) or (4) (and a reference in those provisions to a regulation will be taken to be a reference to a notice published under subsection (1) or (4) (as the case requires)).

##### **75F—Council behavioural support policies**

- 35                  (1) A council may prepare and adopt policies designed to support appropriate behaviour by members of the council (*behavioural support policies*).
- (2) A behavioural support policy may—
  - (a) specify directions relating to behaviour that must be observed by members of the council; and

- 5

(b) set out guidelines relating to compliance by members with the behavioural standards and directions under paragraph (a); and

(c) include any other matter relating to behaviour of members considered appropriate by the council.

(3) A behavioural support policy—

(a) must not be inconsistent with the behavioural standards; and

(b) must comply with any requirement specified by the behavioural standards.

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(4) A member of a council must comply with the council's behavioural support policies.

(5) A council may from time to time alter a behavioural support policy, or substitute a new policy.

(6) Before a council—

(a) adopts a behavioural support policy; or

(b) alters, or substitutes, a behavioural support policy, the council must undertake public consultation on the behavioural support policy, alteration or substituted policy (as the case may be).

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(7) A council must, within 6 months after the conclusion of each periodic election—

(a) in the case of a council that has 1 or more behavioural support policies in effect under this section—review the operation of the behavioural support policies and consider whether it should adopt additional behavioural support policies; or

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(b) in any other case—consider whether it should adopt behavioural support policies.

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## **Division 3—Health and safety duties**

## **75G—Health and safety duties**

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- (2) For the purposes of subsection (1)(b), the ***responsible person*** is—
- (a) if the person whose health and safety may be adversely affected is an employee of the council—the chief executive officer of the council; or
  - (b) if the person whose health and safety may be adversely affected is the principal member of the council—the deputy or another member chosen by the council; or
  - (c) if the person whose health and safety may be adversely affected is another member or the chief executive officer of the council—
    - (i) unless subparagraph (ii) applies, the principal member of the council; or
    - (ii) if the relevant acts or omissions are those of the principal member of the council—the deputy or another member chosen by the council.
- (3) Without limiting subsection (1)(b), a reasonable direction may include a direction that a member of a council not attend a meeting of the council or a council committee (and a member the subject of such a direction will be taken to have been granted leave of absence from attending council meetings for the duration of the direction).
- (4) This section is in addition to and does not limit the operation of the *Work Health and Safety Act 2012*.
- (5) In this section—
- health*** has the same meaning as in the *Work Health and Safety Act 2012*.

**40—Amendment of section 76—Allowances**

- (1) Section 76(1)—delete "section" first occurring and substitute:
- Act
- (2) Section 76(9)—delete "under a scheme prescribed by the regulations"
- (3) Section 76(13)—delete "under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal"

**41—Amendment of section 77—Reimbursement of expenses**

Section 77(3) and (4)—delete subsections (3) and (4)

**42—Amendment of section 79—Register of allowances and benefits**

Section 79(3) and (4)—delete subsections (3) and (4)

### **43—Amendment of section 80A—Training and development**

- (1) Section 80A—delete subsection (2) and substitute:
- (2) The policy—
- (a) must be aimed at assisting members in the performance and discharge of their functions and duties; and
- (b) must incorporate the prescribed mandatory requirements and comply with any other requirements prescribed by the regulations; and
- (c) may specify other requirements relating to the conduct and completion of training and development by members.
- (2a) A training and development policy of a council may make different provision according to different members of the council.
- (2b) If a member of a council fails to comply with the prescribed mandatory requirements, the chief executive officer of the council must suspend the member from the office of member of the council, unless the member satisfies the chief executive officer that there were good reasons for the failure to comply.
- (2c) If a chief executive officer of a council suspends a member of the council under subsection (2b), the chief executive officer must give public notice of the suspension as soon as practicable after determining to suspend the member.
- (2d) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council suspended under subsection (2b) is not entitled to an allowance under section 76 during the period of suspension.
- (2e) If a member of a council who is suspended under subsection (2b) as a result of failing to comply with the prescribed mandatory requirements satisfies the chief executive officer that the member has complied with the prescribed mandatory requirements, the chief executive officer must revoke the suspension and give public notice of the revocation.
- (2f) If a member of a council is suspended under subsection (2b) for a continuous period of more than the prescribed period, the chief executive officer of the council may apply to SACAT for an order disqualifying the member from the office of member of the council under this Act.
- (2g) If a member is disqualified under subsection (2f), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.
- (2h) The chief executive officer must maintain a register relating to training and development in accordance with the regulations.

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- (2i) A member of a council must, at the request of the chief executive officer, provide to the chief executive officer, within a period specified in the request, specified information, or information of a specified kind, relating to training and development by the member.

(2j) A member of a council must not contravene, or fail to comply with, a request under subsection (2i).

(2k) In this section—

***prescribed mandatory requirements*** means the requirements prescribed by the regulations relating to training and development that must be completed by members of councils, which may include timeframes for the completion of such training and development.

**44—Insertion of Chapter 5 Part 7**

## After Chapter 5 Part 6 insert:

## Part 7—Other matters

## **80B—Suspension—member of council subject to intervention order**

- (1) If a member of a council is subject to a relevant interim intervention order, the chief executive officer of the council may, if the chief executive officer considers it appropriate to do so, suspend the member from the office of member of the council.
  - (2) A member of a council suspended under subsection (1) is entitled to an allowance under section 76 during the period of suspension.
  - (3) The chief executive officer of a council—
    - (a) must revoke a suspension under subsection (1) if the relevant interim intervention order is revoked; and
    - (b) may revoke a suspension under subsection (1) if the chief executive officer considers it appropriate to do so.
  - (4) If a member of a council is subject to a relevant final intervention order, the member is suspended from the office of member of the council.
  - (5) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council suspended under subsection (4) is not entitled to an allowance under section 76 during the period of suspension.
  - (6) The chief executive officer of a council must, as soon as is reasonably practicable after becoming aware that a member of the council is subject to a relevant final intervention order, notify the member of the suspension under subsection (4).
  - (7) If a relevant final intervention order is revoked, the suspension under subsection (4) relating to the relevant final intervention order is revoked.

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- (8) If a member of a council is suspended under subsection (4) for a continuous period of more than the prescribed period, the chief executive officer of the council may apply to SACAT for an order disqualifying the member from the office of member of the council under this Act.
- (9) If a member is disqualified under subsection (8), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.
- (10) In this section—
  - final intervention order** means a final intervention order (within the meaning of section 3(1) of the *Intervention Orders (Prevention of Abuse) Act 2009*) or a domestic violence order (other than an interim DVO) that is a recognised DVO under Part 3A of that Act;
  - interim intervention order** means an interim intervention order (within the meaning of section 3(1) of the *Intervention Orders (Prevention of Abuse) Act 2009*) or an interim DVO that is a recognised DVO under Part 3A of that Act;
  - relevant final intervention order**—a final intervention order to which a member of a council is subject is a **relevant final intervention order** if a person protected by the order is another member, or an employee, of the council;
  - relevant interim intervention order**—an interim intervention order to which a member of a council is subject is a **relevant interim intervention order** if a person protected by the order is another member, or an employee, of the council.

#### **45—Amendment of section 83—Notice of ordinary or special meetings**

- (1) Section 83(6)(d)—delete "(eg facsimile transmission)"
- (2) Section 83(8)—delete subsection (8)

#### **46—Amendment of section 84—Public notice of council meetings**

- (1) Section 84(1a)—delete subsection (1a) and substitute:
  - (1a) The chief executive officer must publicly display the notice required under subsection (1) at the principal office of the council and publish the notice and agenda for the meeting in accordance with section 132(1)(a).
- (2) Section 84(3) and (4)—delete subsections (3) and (4) and substitute:
  - (3) The notice required under subsection (1) must be kept on public display and continue to be published in accordance with section 132(1)(a) until the completion of the relevant meeting.
- (3) Section 84(5)(a)—delete "at the principal office of the council" and substitute:
  - on a website determined by the chief executive officer

## 47—Amendment of section 85—Quorum

Section 85—after subsection (1) insert:

- (2) For the purposes of the definition of **prescribed number**—
  - (a) a member of a council who is suspended from the office of member of the council; and
  - (b) a member of a council who is taken to have been granted leave of absence from the office of member of the council under section 55A,

is not to be counted in the total number of members of the council.

## 10 48—Amendment of section 86—Procedure at meetings

(1) Section 86—after subsection (6) insert:

- (6a) A member of a council must not, while at a meeting—
  - (a) behave in an improper or disorderly manner; or
  - (b) cause an interruption or interrupt another member who is speaking.
- (6b) If a member contravenes or fails to comply with subsection (6a), the presiding member may, in accordance with the regulations, direct that the member be excluded from the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion at the meeting, and remain out of the meeting room for a period (not exceeding 15 minutes) determined by the presiding member.
- (6c) A member excluded from a meeting under subsection (6b) must comply with the direction and any requirements of the regulations in relation to the exclusion.
- (6d) A matter must not be put to a vote at a meeting of a council while a member is excluded under subsection (6b).
- (6e) Nothing in subsections (6a) to (6d) prevents the regulations from prescribing procedures authorising a council to resolve to censure a member of the council or exclude or suspend a member from a meeting in accordance with the regulations.

(2) Section 86(7)—delete subsection (7)

## 49—Amendment of section 87—Calling and timing of committee meetings

Section 87(11)(d)—delete "(eg facsimile transmission)"

## 35 50—Amendment of section 88—Public notice of committee meetings

(1) Section 88(1a)—delete subsection (1a) and substitute:

- (1a) The chief executive officer must publicly display the notice required under subsection (1) at the principal office of the council and publish the notice and agenda for the meeting in accordance with section 132(1)(a).

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- (2) Section 88(3) and (4)—delete subsections (3) and (4) and substitute:
- (3) The notice required under subsection (1) must be kept on public display and continue to be published in accordance with section 132(1)(a) until the completion of the relevant meeting.
- 5 (3) Section 88(5)—delete "at the principal office of the council" and substitute:  
 on a website determined by the chief executive officer

**51—Amendment of section 90—Meetings to be held in public except in special circumstances**

- (1) Section 90(1)—after "section" insert:  
 10 and section 90A
- (2) Section 90(3)—after paragraph (n) insert:
- (o) information relating to a proposed award recipient before the presentation of the award.
- (3) Section 90(8) to (8e)—delete subsections (8) to (8e) (inclusive)

**15 52—Insertion of section 90A—Information or briefing sessions**

After section 90 insert:

**90A—Information or briefing sessions**

- (1) A council, or the chief executive officer of a council, may hold or arrange for the holding of a session (not being a formal meeting of a council or council committee required to be held under this Chapter) to which 1 or more members of the council or a council committee are invited to attend or be involved in for the purposes of providing information or a briefing to attendees (an *information or briefing session*).
- 20 (2) A matter must not be dealt with at a council information or briefing session in such a way as to obtain, or effectively obtain, a decision on the matter outside a formal meeting of the council or a council committee.
- (3) A council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the council or a council committee is discussed at the session.
- 25 (4) However, the council or chief executive officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the council or chief executive officer (as the case requires) considers it to be necessary and appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after taking into account any relevant consideration under that subsection).
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- (5) If an order is made under subsection (4), the council or chief executive officer (as the case requires) must, as soon as reasonably practicable after the making of the order, make a record of—
- (a) the grounds on which the order was made; and
  - (b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
  - (c) if relevant, the reasons that receipt, consideration or discussion of the information or matter publicly at the information or briefing session would be contrary to the public interest.
- (6) If an information or briefing session is organised or held by a council or chief executive officer of a council, the following provisions apply:
- (a) sections 90(5), (6) and (7a) apply to the information or briefing session as if it were a meeting of the council or council committee;
  - (b) a prescribed matter cannot be dealt with at an information or briefing session;
  - (c) a reference to a meeting or meetings in sections 94 and 95 includes a reference to an information or briefing session or sessions.
- (7) A council or the chief executive officer of a council must comply with any requirements of the regulations relating to the following:
- (a) the publication of prescribed information as soon as practicable after resolving or determining to hold an information or briefing session;
  - (b) the publication of prescribed information as soon as practicable after the holding of an information or briefing session.

**53—Amendment of section 91—Minutes and release of documents**

- (1) Section 91(4) to (6)—delete subsections (4) to (6) (inclusive)
- (2) Section 91(7)—delete "However, subsections (4), (5) and (6) do" and substitute:  
Section 132(1) does

**35 54—Amendment of section 92—Access to meetings and documents—code of practice**

Section 92(5) to (7)—delete subsections (5) to (7) (inclusive) and substitute:

- (5) Before a council adopts, alters or substitutes a code of practice under this section it must undertake public consultation on the proposed code, alterations or substitute code (as the case may be).

## **55—Amendment of section 93—Meetings of electors**

- (1) Section 93(2)—delete ", by advertisement in a newspaper circulating in the area, give notice" and substitute:
  - give public notice
- 5 (2) Section 93(6)(a)—delete "or deputy chairperson"

## **56—Repeal of section 94A**

Section 94A—delete the section

## **57—Amendment of section 97—Vacancy in office**

- (1) Section 97—after subsection (3) insert:
  - 10 (3a) Before terminating the appointment of a chief executive officer on a ground referred to in subsection (1)(a)(iv) or (v) or (1)(b), a council must have regard to advice from a qualified independent person.
- (2) Section 97—after subsection (5) insert:
  - 15 (6) In this section—
    - qualified independent person*** means a person—
      - (a) who is not a member or employee of the council; and
      - (b) who is—
        - (i) a legal practitioner; or
        - (ii) determined by the council to have appropriate qualifications or experience in human resource management.

## **58—Amendment of section 98—Appointment procedures**

- (1) Section 98(3)—delete "in a newspaper circulating throughout the State" and substitute:
  - 25 on a website determined by the council
- (2) Section 98—after subsection (4) insert:
  - 30 (4a) The council must ensure that either or both of the following applies to the process for appointing a chief executive officer under this section:
    - (a) the council appoints at least 1 person who is not a member or employee of the council to the selection panel;
    - (b) before making the appointment to the office of chief executive officer, the council obtains and considers independent advice on the assessment of applications and recommendations on the appointment under subsection (4) (and that advice may include recommendations to the council on the appointment).

## **59—Amendment of section 99—Role of chief executive officer**

Section 99(1)—after paragraph (i) insert:

- 5 (ia) to ensure that effective policies, systems and procedures are established and maintained for the identification, assessment, monitoring, management and annual review of strategic, financial and operational risks;
- (ib) to report annually to the relevant audit and risk committee on the council's internal audit processes;

## **60—Insertion of section 99A**

10 After section 99 insert:

### **99A—Remuneration of chief executive officer**

- 15 (1) Subject to this section, the remuneration of the chief executive officer of a council will be determined by the council.
- (2) The Remuneration Tribunal will determine (from time to time) the minimum and maximum remuneration that may be paid or provided to chief executive officers of councils.
- (3) In making a determination under subsection (2), the Remuneration Tribunal must have regard to any matter prescribed by the regulations.
- 20 (4) A determination under subsection (2)—
  - (a) may differ based on any factor including, for example, the geographical location of a council or group of councils (such that different minimum and maximum remuneration may be paid or provided to chief executive officers from different councils); and
  - (b) may provide for minimum and maximum remuneration that may be paid or provided to chief executive officers to be indexed in accordance with the determination.
- 25 (5) The regulations—
  - (a) may make further provision in relation to a determination of the Remuneration Tribunal for the purposes of this section; and
  - (b) may modify the application of section 10 of the *Remuneration Act 1990* in relation to a determination under this section.
- 30 (6) Sections 17 and 19 of the *Remuneration Act 1990* do not apply in relation to a determination under this section.
- (7) A reference in the *Remuneration Act 1990* to determining remuneration payable in respect of an office will, for the purposes of this section, be taken to include a reference to determining the minimum and maximum remuneration payable in respect of the office.

- (8) Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement determined by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.
  - (9) A council must ensure that the remuneration of its chief executive officer is within the relevant minimum and maximum remuneration determined by the Remuneration Tribunal for the purposes of this section.

## **10      61—Insertion of section 102A**

After section 102 insert:

## **102A—Chief executive officer—performance review**

- (1) A council must review the performance of its chief executive officer—
    - (a) at least once in each year that the chief executive officer holds office as chief executive officer; and
    - (b) if relevant, before reappointment of the chief executive officer.
  - (2) The council must obtain and consider the advice of a qualified independent person on a review under subsection (1).
  - (3) In this section—

***qualified independent person*** means a person who is—
    - (a) not a member or employee of the council; and
    - (b) determined by the council to have appropriate qualifications or experience in human resource management.

## **62—Amendment of section 105—Register of remuneration, salaries and benefits**

Section 105(3) and (4)—delete subsections (3) and (4)

## **63—Substitution of heading to Chapter 7 Part 4**

## 30 Heading to Chapter 7 Part 4—delete the heading and substitute:

## **Part 4—Employee integrity and behaviour**

## **64—Substitution of heading to Chapter 7 Part 4 Division 1**

Heading to Chapter 7 Part 4 Division 1—delete the heading and substitute:

## **Division 1—Employee integrity**

## **35      65—Insertion of Subdivision heading**

Before section 108 insert:

## **Subdivision 1—General**

## **66—Amendment of section 108—Interpretation**

Section 108—delete "Division" and substitute:

Subdivision

## **67—Amendment of section 109—General duty and compliance**

5 Section 109—after subsection (2) insert:

- (3) An employee of a council must comply with the integrity provisions relating to employees.
- (4) Contravention of, or failure to comply with, an integrity provision by an employee of a council constitutes a ground for suspending, dismissing or taking other disciplinary action against the employee.

10

## **68—Repeal of section 110**

Section 110—delete the section

## **69—Amendment of section 110A—Duty to protect confidential information**

Section 110A(1)—delete subsection (1) and substitute:

- (1) An employee or former employee of a council must not disclose information or a document—
  - (a) in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially; or
  - (b) that the employee or former employee knows, or ought reasonably to know, is information or a document that is otherwise required to be treated confidentially.

20

Maximum penalty: \$15 000 or 2 years imprisonment.

## **70—Substitution of heading to Chapter 7 Part 4 Division 2**

25 Heading to Chapter 7 Part 4 Division 2—delete the heading and substitute:

**Subdivision 2—Register of Interests**

## **71—Amendment of Chapter 7 Part 4 Division 2**

Chapter 7 Part 4 Division 2—delete "Division" wherever occurring and substitute in each case:

30

Subdivision

## **72—Amendment of section 117—Provision of false information**

Section 117, penalty provision—delete "\$10 000" and substitute:

\$15 000

## **73—Amendment of section 119—Restrictions on disclosure**

35 Section 119(1), penalty provision—delete "\$10 000" and substitute:

\$15 000

## **74—Insertion of Chapter 7 Part 4 Division 1 Subdivision 2A**

Chapter 5 Part 4—after section 119 insert:

### **Subdivision 2A—Gifts and benefits**

#### **119A—Register of gifts and benefits**

- 5                   (1) An employee of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation to a person on the part of the employee or influence the employee in the performance or discharge of the employee's functions or duties.
- 10                  (2) If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice in the Gazette, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.
- 15                  (3) The Minister must consult with the LGA before publishing a notice under subsection (2).
- 20                  (4) The chief executive officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided under this section are included in the register.
- 25                  (5) A register maintained under this section—
  - (a) need not include information available in another register published by, or available for inspection at, the council or otherwise available under the Act; and
  - (b) may include information by reference to another register or document, provided the register or document is published by, or available for inspection at, the council and the register maintained under this clause identifies that other register or document.
- 30                  (6) For the purposes of this section, a gift or benefit received by a designated person or entity in relation to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- 35                  (7) For the purposes of this section—
  - (a) 2 or more separate gifts or benefits received by an employee or a designated person or entity in relation to the employee from the same person during a financial year are to be treated as 1 gift or benefit (as the case requires) received by the employee; and

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- 5 (b) 2 or more separate transactions to which an employee or a designated person or entity in relation to the employee is a party with the same person during a financial year under which the employee or the designated person has had the use of property of the other person (whether or not being the same property) during a financial year are to be treated as 1 transaction under which the employee has had the use of property of the other person during the financial year.

- 10 (8) Unless the contrary intention appears, terms and expressions used in this section and in Schedule 3 have the same respective meanings in this section as they have in that Schedule, provided that a reference in Schedule 3 to a member will be taken, for the purposes of this clause, to be a reference to an employee.

**75—Substitution of heading to Chapter 7 Part 4 Division 3**

15 Heading to Chapter 7 Part 4 Division 3—delete the heading and substitute:

**Subdivision 3—Conflict of interest****76—Amendment of section 120—Conflict of interest**

- (1) Section 120(1), penalty provision—delete "\$5 000" and substitute:

\$15 000

- 20 (2) Section 120(2), penalty provision—delete "\$5 000" and substitute:

\$15 000

- (3) Section 120(4), penalty provision—delete "\$5 000" and substitute:

\$15 000

- (4) Section 120(6)—after paragraph (b) insert:

25 (ba) a family company of the employee (within the meaning of Schedule 3); or

(bb) a family trust of the employee (within the meaning of Schedule 3); or

- (5) Section 120(6)(f)—delete paragraph (f) and substitute:

30 (f) if that person is a person with whom the employee has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering process in connection with entering into, an agreement for the provision of professional or other services for which the employee would be entitled to receive a fee, commission or other reward; or

## 77—Insertion of Chapter 7 Part 4 Division 2

Chapter 7 Part 4—after section 120 insert:

### **Division 2—Employee behaviour**

#### **120A—Behavioural standards**

- 5                   (1) A council may prepare and adopt standards (the *employee behavioural standards*) that—
  - (a) specify standards of behaviour to be observed by employees of councils; and
  - (b) provide for any other matter relating to behaviour of employees of councils.
- 10                  (2) An employee of a council must comply with the council's employee behavioural standards.
- 15                  (3) Contravention of, or failure to comply with, the council's employee behavioural standards constitutes a ground for suspending, dismissing or taking other disciplinary action against the employee.
- 20                  (4) A council may from time to time alter its employee behavioural standards, or substitute new employee behavioural standards.
- 25                  (5) Before a council—
  - (a) adopts employee behavioural standards; or
  - (b) alters, or substitutes, its employee behavioural standards, the council must consult with any registered industrial association that represents the interests of employees of councils on the employee behavioural standards, alteration or substituted standards (as the case may be).
- 30                  (6) A council must, within 6 months after the conclusion of each periodic election—
  - (a) in the case of a council that has employee behavioural standards in effect under this section—review the operation of the employee behavioural standards; or
  - (b) in any other case—consider whether it should adopt employee behavioural standards.

## 78—Amendment of section 122—Strategic management plans

- (1) Section 122(1a)(a)—delete "for a period of at least 10 years; and" and substitute: that relates to a period of at least 10 years and includes a funding plan that—
  - (i) outlines the council's approach to funding services and infrastructure of the council; and
  - (ii) sets out the council's projected total revenue for the period to which the long-term financial plan relates; and

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- (iii) outlines the intended sources of that total revenue (such as revenue from rates, grants and other fees and charges); and

(2) Section 122—after subsection (3) insert:

- (3a) The regulations may prescribe additional requirements with respect to strategic management plans.

(3) Section 122(4)(a)—delete "as soon as practicable after adopting the council's annual business plan for a particular financial year" and substitute:

on an annual basis

(4) Section 122—after subsection (4a) insert:

- (4b) A report from a chief executive officer under subsection (4a) must—

- (a) address any matters required by the Minister; and
- (b) be published in a manner and form, and in accordance with any other requirements, determined by the Minister.

(5) Section 122(6)—delete "adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in" and substitute:

undertake public consultation in relation to

(6) Section 122(7)—delete subsection (7)

**79—Amendment of section 123—Annual business plans and budgets**

(1) Section 123(2)—after paragraph (e) insert:

(ea) include—

- (i) a statement on the change in total revenue from general rates for the financial year compared to the previous financial year and, if an annual business plan sets out a growth component in relation to general rates, it may only relate to growth in the number of rateable properties (and must not relate to growth in the value of rateable properties); and
- (ii) an explanation of how the change is consistent with the council's long-term financial plan; and
- (iii) a summary of any other reasons for the change; and
- (iv) details of the impact of the change on average rates for each land use category (if relevant); and
- (v) the advice received from the designated authority under subsection (3a); and
- (vi) the council's response to the advice, which must set out whether the change in total revenue from general rates is consistent with the advice and, if not, the reasons for the inconsistency; and

(2) Section 123(3)(b)—delete paragraph (b) and substitute:

(b) undertake public consultation.

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(3) Section 123—after subsection (3) insert:

- (3a) In preparing a draft annual business plan (and before finalising the draft plan and undertaking public consultation on it), the council must provide the following information to the designated authority (in the manner and form determined by the designated authority) by no later than 31 December in the financial year preceding the financial year to which the draft annual business plan relates (the *preceding financial year*):
    - (a) the proposed change in total revenue from general rates for the financial year compared to the previous financial year and the reasons for the proposed change;
    - (b) the council's view of the impact of the proposed change on ratepayers;
    - (c) information as to whether consideration has been given to alternatives to the proposed change in total revenue from general rates, such as alternative expenditure measures or funding proposals;
    - (d) information as to how the proposal is consistent with the council's long-term financial plan and infrastructure and asset management plan;
    - (e) any other matter—
      - (i) prescribed by the regulations; or
      - (ii) requested by the designated authority.
  - (3b) The designated authority must provide advice to the council on the appropriateness of the proposed change in total revenue from general rates for the financial year compared to the previous financial year by no later than 31 March in the preceding financial year.
  - (3c) In providing advice under subsection (3b), the designated authority must have regard to—
    - (a) the information provided by the council under subsection (3a); and
    - (b) any matter the Minister directs the designated authority to have regard to; and
    - (c) any other matter considered relevant by the designated authority.
  - (3d) The designated authority must publish a copy of a direction of the Minister under subsection (3c)(b) as soon as is reasonably practicable after it is given to the designated authority.
  - (3e) If the designated authority considers that a council has failed to respond appropriately to advice from the designated authority under this section, the designated authority may provide a report to the Minister on the matter.
- (4) Section 123(4) to (5a)—delete subsections (4) to (5a) (inclusive)

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(5) Section 123—after subsection (6) insert:

- (6a) However, if a council proposes to adopt an annual business plan with amendments, the council must include in the adopted business plan a statement—
- (a) setting out any significant amendments from the draft annual business plan; and
- (b) providing reasons for those amendments.

(6) Section 123—after subsection (7) insert:

- (7a) A budget of a council may authorise the entry into borrowings and other forms of financial accommodation for a financial year of up to an amount specified in the budget.

(7) Section 123(8)—delete "31 August" and substitute:

15 August

(8) Section 123(9)(b) and (c)—delete paragraphs (b) and (c)

(9) Section 123—after subsection (10) insert:

- (10a) Without limiting subsection (10), regulations under that subsection relating to an annual business plan may—

- (a) relate to the manner in which matters included in the plan are to be presented (such as, for example, by prescribing the location, style and level of emphasis that must be given to specified matters); and
- (b) prescribe requirements relating to the description or explanation of matters included in the plan.

(10) Section 123—after subsection (14) insert:

- (15) The designated authority may, by written notice, require a council to give the designated authority, within a time and in a manner stated in the notice (which must be reasonable), information in the council's possession that the designated authority reasonably requires for the performance of the designated authority's functions under this Act.

- (16) The designated authority may recover from a council (as a debt due from the council) the costs reasonably incurred by the designated authority in performing its functions under this section in relation to the council.

- (17) In this section—

**designated authority** means a person or body prescribed by the regulations for the purposes of this definition.

- (18) The Minister must consult with the LGA before regulations are made prescribing a person or body as the designated authority.

## **80—Amendment of heading to Chapter 8 Part 3 Division 2**

Heading to Chapter 8 Part 3 Division 2—delete "and audit committee" and substitute:  
, audit and risk committee etc

## **81—Amendment of section 125—Internal control policies**

5           Section 125—after its present contents (now to be designated as subsection (1)) insert:

- (2) A council must ensure that the policies, practices and procedures of internal control under subsection (1) comply with any standards or other document relating to internal control prescribed by the regulations.
- 10         (3) A council must ensure that appropriate policies, systems and procedures relating to risk management are implemented and maintained in order to assist the council to carry out its activities in an efficient and orderly manner to achieve its objectives, inform appropriate decision making, facilitate appropriate prioritisation of finite resources and promote appropriate mitigation of strategic, financial and operational risks relevant to the council.

## **82—Insertion of section 125A**

After section 125 insert:

### **125A—Internal audit functions**

- 20         (1) The chief executive officer of a council that has an internal audit function must, before appointing a person to be primarily responsible for the internal audit function, or assigning such responsibility to an employee of the council, consult with the relevant audit and risk committee on the appointment or assignment of responsibility.
- 25         (2) Despite any other law or instrument to the contrary, the person primarily responsible for the internal audit function—
  - (a) must ensure that any reports they prepare relating to the internal audit function are provided directly to the audit and risk committee; and
  - (b) may report any matters relating to the internal audit function directly to the audit and risk committee.

## **83—Amendment of section 126—Audit and risk committee**

- (1) Section 126—before subsection (1) insert:

- (a1) This section applies to a council that has not established a regional audit and risk committee under section 126A.

- (2) Section 126(1)—after "council" insert:

to which this section applies

- (3) Section 126(1)—after "audit" insert:

and risk

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(4) Section 126—after subsection (1) insert:

- 5 (1a) The purpose of an audit and risk committee established by a council is to provide independent assurance and advice to the council on accounting, financial management, internal controls, risk management and governance matters.

(5) Section 126(2)—delete subsection (2) and substitute:

- 10 (2) The following provisions apply to the membership of a council audit and risk committee:

- 15 (a) the majority of the members of the committee must be persons who are not members of any council;
- (b) the members of the committee (when considered as a whole) must have skills, knowledge and experience relevant to the functions of the committee, including in financial management, risk management, governance and any other prescribed matter;
- (c) the membership of the committee—
- 20 (i) may not include an employee of the council (although an employee may attend a meeting of the committee if appropriate); and
- (ii) may include, or be comprised of, members of another council audit and risk committee or a regional audit and risk committee; and
- (iii) must otherwise be determined in accordance with the requirements of the regulations.

(6) Section 126(4)—delete subsection (4) and substitute:

- 25 (4) The functions of a council audit and risk committee include—
- 30 (a) reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
- (b) proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and
- 35 (c) monitoring the responsiveness of the council to recommendations for improvement based on previous audits and risk assessments, including those raised by a council's auditor; and
- (d) proposing, and reviewing, the exercise of powers under section 130A; and
- (e) liaising with the council's auditor in accordance with any requirements prescribed by the regulations; and
- 40 (f) reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis; and

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- (g) —
- (i) if the council has an internal audit function—
    - (A) providing oversight of planning and scoping of the internal audit work plan; and
    - (B) reviewing and commenting on reports provided by the person primarily responsible for the internal audit function at least on a quarterly basis; or
  - (ii) if the council does not have an internal audit function, reviewing and commenting on an annual report provided by the chief executive officer in relation to the policies and processes adopted by the council to evaluate and improve the effectiveness of its internal control practices and procedures; and
- (h) 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; and
- (i) reviewing any report obtained by the council under section 48(1); and
  - (j) performing any other function determined by the council or prescribed by the regulations.
- (5) There must be at least 1 meeting of a council audit and risk committee in each quarter.
- (6) Subject to this Act, the procedure to be observed at a meeting of a council audit and risk committee will be—
- (a) as prescribed by regulation; or
  - (b) insofar as the procedure is not prescribed by regulation—as determined by the committee.
- (7) Without limiting subsection (6)(a), regulations under that subsection may provide for circumstances in which the public may be excluded from attendance at a meeting of a council audit and risk committee.
- (8) A council audit and risk committee must—
- (a) 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; and
  - (b) provide an annual report to the council on the work of the committee during the period to which the report relates.
- (9) A council must ensure that the annual report of its audit and risk committee is included in its annual report.

## 84—Insertion of section 126A

After section 126 insert:

### 126A—Regional audit and risk committee

- (1) Two or more councils may establish a regional audit and risk committee.
- (2) The purpose of a regional audit and risk committee established by 2 or more councils is to provide independent assurance and advice to those councils on accounting, financial management, internal controls, risk management and governance matters.
- (3) The following provisions apply to the membership of a regional audit and risk committee:
  - (a) the majority of the members of the committee must be persons who are not members of any council;
  - (b) the members of the committee (when considered as a whole) must have skills, knowledge and experience relevant to the functions of the committee, including in financial management, risk management, governance and any other prescribed matter;
  - (c) the membership of the committee—
    - (i) may not include an employee of the constituent councils (although an employee may attend a meeting of the committee if appropriate); and
    - (ii) may include, or be comprised of, members of a council audit and risk committee or another regional audit and risk committee; and
    - (iii) must otherwise be determined in accordance with the requirements of the regulations.
- (4) The functions of regional audit and risk committee include—
  - (a) reviewing annual financial statements to ensure that they present fairly the state of affairs of the constituent councils; and
  - (b) proposing, and providing information relevant to, a review of the constituent councils' strategic management plans or annual business plans; and
  - (c) monitoring the responsiveness of the constituent councils to recommendations for improvement based on previous audits and risk assessments, including those raised by a constituent council's auditor; and
  - (d) proposing, and reviewing, the exercise of powers under section 130A; and
  - (e) liaising with the constituent councils' auditors in accordance with any requirements prescribed by the regulations; and

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- (f) reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the constituent councils on a regular basis; and
- (g) —
  - 5 (i) in relation to a constituent council that has an internal audit function—
    - (A) providing oversight of planning and scoping of the internal audit work plan; and
    - (B) reviewing and commenting on reports provided by the person primarily responsible for the internal audit function at least on a quarterly basis; or
  - (ii) in relation to a constituent council that does not have an internal audit function, reviewing and commenting on an annual report provided by the chief executive officer in relation to the policies and processes adopted by the council to evaluate and improve the effectiveness of its internal control practices and procedures; and
- 10 (h) 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; and
- 15 (i) reviewing any report obtained by a constituent council under section 48(1); and
- (j) performing any other function determined by the constituent councils or prescribed by the regulations.
- 20 (5) There must be at least 1 meeting of a regional audit and risk committee in each quarter.
- 25 (6) Subject to this Act, the procedure to be observed at a meeting of a regional audit and risk committee will be—
  - (a) as prescribed by regulation; or
  - (b) insofar as the procedure is not prescribed by regulation—as determined by the committee.
- 30 (7) Without limiting subsection (6)(a), regulations under that subsection may provide for circumstances in which the public may be excluded from attendance at a meeting of a regional audit and risk committee.
- 35 (8) A regional audit and risk committee must—
  - (a) provide a report to the constituent councils after each meeting summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting; and

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- (b) provide an annual report to the constituent councils on the work of the committee during the period to which the report relates.

(9) Each constituent council of a regional audit and risk committee must ensure that the annual report of the committee is included in its annual report.

## **85—Amendment of section 127—Financial statements**

Section 127(5) and (6)—delete subsections (5) and (6)

## **86—Amendment of section 128—Auditor**

- 10 (1) Section 128(2)—delete "council's audit committee" and substitute:  
relevant audit and risk committee

(2) Section 128(2a)—delete "audit committee" and substitute:  
relevant audit and risk committee

(3) Section 128(6)—delete subsection (6) and substitute:

15 (6) If a firm comprising at least 1 registered company auditor has held  
office as auditor of a council for 5 successive financial years (the  
*first firm*), the council—

20 (a) must ensure another auditor is appointed as auditor of the  
council (being a registered company auditor (who is not part  
of a firm) or another firm comprising at least 1 registered  
company auditor); and

(b) must not appoint the first firm as its auditor until at least  
5 years have passed since the first firm last held the office.

## **87—Amendment of section 129—Conduct of audit**

- 25 (1) Section 129(1)—delete "The" and substitute:  
Subject to subsection (1a), the

(2) Section 129—after subsection (1) insert:

30 (1a) If the Auditor-General undertakes an audit under the *Public Finance and Audit Act 1987* of financial statements or controls (or both) of a council referred to in subsection (1) for a financial year—

35 (a) the auditor of the council is not required to undertake an audit of, provide an opinion or advice on, or report to the Minister on, those statements or controls (or both) (as the case requires) under this section; and

(b) the Auditor-General may recover reasonable costs incurred in relation to undertaking the audit as a debt due from the council.

(3) Section 129(5a)(b)—delete "council's audit committee" and substitute:  
relevant audit and risk committee

## **88—Amendment of section 130A—Other investigations**

Section 130A(5)(b)—delete "council's audit committee" and substitute:  
 relevant audit and risk committee

## **89—Amendment of section 131—Annual report to be prepared and adopted**

5           Section 131(8)—delete subsection (8)

## **90—Insertion of section 131A**

After section 131 insert:

### **131A—Provision of information to Minister**

- (1) A council must provide to the Minister, at the time or times, and in the manner and form, determined by the Minister—
  - (a) the material (including the specific reports on the matters) specified in Schedule 4 (as amended from time to time by regulation); and
  - (b) any other information, or class of information, specified by the Minister.
- (2) The Minister may publish information provided by a council under this section.

## **91—Amendment of section 132—Access to documents**

- (1) Section 132(1) to (3)—delete subsections (1) to (3) (inclusive) and substitute:
  - (1) Subject to the regulations, a council must—
    - (a) publish a document referred to in Schedule 5 on a website determined by the chief executive officer; and
    - (b) on request, provide a person with a printed copy of a document referred to in Schedule 5 (on payment of a fee (if any) fixed by the council).
  - (2) Section 132(3a)—delete "make the document or part of the document (as the case requires) available for inspection on the website referred to in subsection (3) within a reasonable time after it is available for inspection under section 91(5) at the principal office of the council" and substitute:
    - ensure that the document or part of the document (as the case requires) is published on the website determined by the chief executive officer (in accordance with subsection (1)(a))
  - (3) Section 132(4a)—delete subsection (4a)

## **92—Amendment of section 147—Rateability of land**

35           Section 147(7)—delete subsection (7)

## **93—Amendment of section 151—Basis of rating**

- (1) Section 151(3)—delete "or site value"

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- (2) Section 151(5)(e)—delete paragraph (e) and substitute:
  - (e) undertake public consultation.
- (3) Section 151(7) and (8)—delete subsections (7) and (8)
- (4) Section 151(8a)(b)—delete paragraph (b)

5    **94—Amendment of section 153—Declaration of general rate (including differential general rates)**

Section 153(5)(b)—delete "31 August" and substitute:

15 August

**95—Amendment of section 156—Basis of differential rates**

- 10    (1) Section 156(14a)(b)—delete paragraph (b) and substitute:
  - (b) undertake public consultation.
- (2) Section 156(14d) and (14e)—delete subsections (14d) and (14e)
- (3) Section 156(14ea)(b)—delete paragraph (b)

**96—Substitution of section 170**

15    Section 170—delete the section and substitute:

**170—Notice of declaration of rates**

A council must give public notice of the declaration of a rate or service charge within 21 days after the date of the declaration.

**97—Amendment of section 181—Payment of rates—general principles**

- 20    Section 181(3)—delete "31 August" and substitute:
  - 15 August

**98—Amendment of section 184—Sale of land for non-payment of rates**

Section 184(4)(c)—delete paragraph (c) and substitute:
 

- (c) giving public notice of the notice; and

25    **99—Amendment of section 188—Fees and charges**

- (1) Section 188(6)—delete subsection (6)
- (2) Section 188(7)—delete "up-date the list referred to in subsection (6) and"

**100—Amendment of section 193—Classification**

- 30    (1) Section 193(2)—delete "follow the relevant steps set out in its public consultation policy" and substitute:
  - undertake public consultation
- (2) Section 193(6)—delete "notice in the Gazette" and substitute:
  - public notice

## 101—Amendment of section 194—Revocation of classification of land as community land etc

- (1) Section 194(1) to (3)—delete subsections (1) to (3) (inclusive) and substitute:
- (1) Subject to subsection (2), a council may revoke the classification of land as community land in accordance with this section.
  - (2) The classification of—
    - (a) the Adelaide Park Lands as community land cannot be revoked unless the revocation is by force of a provision of another Act; and
    - (b) land as community land cannot be revoked if the land is required to be held for the benefit of the community under Schedule 8, under a special Act of Parliament relating to the land, or under an instrument of trust; and
    - (c) land as community land cannot be revoked if the power to revoke the classification of that land is excluded by regulation; and
    - (d) other land as community land cannot be revoked unless—
      - (i) —
        - (A) if section 194A applies to the proposal to revoke the classification—the council complies with section 194A; or
        - (B) in any other case—the council complies with section 194B; and
      - (ii) if the land is under the care, control and management of the council but is not owned by the council—
        - (A) in a case where the council cannot, after making reasonable inquiries, ascertain the name and address of the owner of the land—the council has given notice of the proposed revocation in accordance with the community engagement charter; or
        - (B) in any other case—the owner of the land approves revocation of the classification.
    - (3) The Governor may amend Schedule 8 from time to time by regulation.
      - (3a) The Governor cannot make a regulation under subsection (3) revoking the classification of land referred to in Schedule 8 as community land.
      - (3b) The Governor must not make a regulation under subsection (3) except on the recommendation of the Minister.

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- (3c) The Minister may only make a recommendation under subsection (3b) if the Minister is satisfied that the regulation does not amend Schedule 8 so as to effect a change to—

- (a) the primary use of the land; or
- (b) the primary purpose for which the land is to be maintained for the benefit of the community.

- 5 (2) Section 194(4)—delete "subsection (1)" and substitute:

subsection (2)(c)

- 10 (3) Section 194(5)—delete "subsection (1)(a)" and substitute:

subsection (2)(a)

## **102—Insertion of sections 194A and 194B**

After section 194 insert:

### **194A—Revocation of community land classification requiring Ministerial approval—process**

- 15 (1) The following provisions apply to a proposal to revoke the classification of land as community land to which this section applies:
- (a) the classification cannot be revoked unless the Minister approves revocation;
  - (b) before revoking the classification, the council must prepare and make publicly available a report on the proposal containing—
    - (i) a summary of the reasons for the proposal; and
    - (ii) a statement of any dedication, reservation or trust to which the land is subject; and
    - (iii) a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and
    - (iv) an assessment of how implementation of the proposal would affect the area and the local community; and
    - (v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification;
  - (c) the council must undertake public consultation on the proposal;

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- (d) if the revocation of the classification is proposed with a view to the sale or disposal of the land (whether or not the land is of a kind referred to in subsection (6)(d)), the council must also comply with the prescribed requirements;
  - 5 (e) the council must then submit to the Minister the proposal with a report on all submissions made on it as part of the public consultation process and, if paragraph (d) applies, evidence of its compliance with the prescribed requirements;
  - 10 (f) if the Minister approves the proposal—the council may make a resolution revoking the classification of the land as community land.
- (2) If the Minister grants an approval under subsection (1)—
- (a) the Minister must give written notice of the approval to the council; and
  - 15 (b) the Minister may impose conditions on the approval.
- (3) The Minister may vary or revoke an approval or a condition of an approval by further written notice to the council.
- (4) The Minister may recover from a council (as a debt due from the council) the costs reasonably incurred by the Minister in considering a proposal submitted by the council under this section.
- 20 (5) A council must not breach, or fail to comply with, a condition of an approval under this section.
- (6) This section applies to a proposal to revoke the classification of land as community land if—
- 25 (a) the land is owned by the Crown or an agency or instrumentality of the Crown; or
  - (b) the land adjoins land referred to in paragraph (a) or is related to such land in circumstances prescribed by the regulations; or
  - 30 (c) the council knows, or ought reasonably to know, that State government financial assistance was given to the council to acquire, or for the purposes of, the land or improvements on the land; or
  - (d) the land is used—
    - 35 (i) for a public purpose (including an educational, sporting or recreational purpose); or
    - (ii) as community open space,
- and the revocation of the classification is proposed with a view to sale or disposal of the land; or
- 40 (e) the proposal is declared by the regulations to be a proposal to which this section applies.

**194B—Revocation of community land classification of other land—process**

The following provisions apply to a proposal to revoke the classification of land as community land (other than a proposal to which section 194A applies):

- 5 (a) before revoking the classification, the council must prepare and make publicly available a report on the proposal containing—
  - (i) a summary of the reasons for the proposal; and
  - (ii) a statement of any dedication, reservation or trust to which the land is subject; and
  - (iii) a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and
  - (iv) an assessment of how implementation of the proposal would affect the area and the local community; and
  - (v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification;
- 10 (b) the council must undertake public consultation on the proposal;
- 15 (c) after considering submissions made as part of public consultation on the proposal, the council may make a resolution revoking the classification of the land as community land.
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- 25
- 30

**103—Amendment of section 196—Management plans**

Section 196(1)(a)—delete "section 194(1)(b) or (c)" and substitute:

section 194(2)(b) or (c)

**104—Amendment of section 197—Public consultation on proposed management plan**

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- (1) Section 197(1)—delete subsection (1) and substitute:
  - (1) Before a council adopts a management plan for community land it must undertake public consultation.
- (2) Section 197(2)—delete subsection (2)

## **105—Amendment of section 202—Alienation of community land by lease or licence**

- (1) Section 202(2)—delete "follow the relevant steps set out in its public consultation policy" and substitute:  
undertake public consultation
  - (2) Section 202(3)(b)—delete "compliance with a public consultation policy" and substitute:  
undertaking public consultation

## **106—Amendment of section 207—Register**

10 Section 207(3) and (4)—delete subsections (3) and (4)

**107—Amendment of section 219—Power to assign name, or change name, of road or public place**

**Section 219(7)—delete subsection (7) and substitute:**

- (7) A council must give public notice of the adopting or altering of a policy under this section.

## **108—Amendment of section 221—Alteration of road**

- 20 (1) Section 221(7)(a)—delete paragraph (a)

(2) Section 221(7)(b)—after "with" insert:

the chief executive officer of

(3) Section 221—after subsection (7) insert:

(7a) The chief executive officer of a council consulted under subsection (7)(b) may provide comments on the matter to the relevant authority within the period prescribed by the regulations and, if comments are not provided within that time, it will be conclusively presumed that the council does not intend to comment on the matter.

(7b) However, comments provided by the chief executive officer may only relate to the proposed alteration to the public road (including works within the public road) and must not relate to any building of a dwelling on land adjoining the public road.

30 (4) Section 221(8)—delete "does not extend to an assessment panel appointed by the council." and substitute:

—

(a) does not extend to an assessment panel appointed by the council; and

(b) does not apply to an alteration that complies with any relevant design standard under the *Planning, Development and Infrastructure Act 2016*

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## **109—Amendment of section 222—Permits for business purposes**

- (1) Section 222(1a)—delete subsection (1a)

- (2) Section 222(6a) to (6c)—delete subsections (6a) to (6c) (inclusive)

## **110—Amendment of section 223—Public consultation**

Section 223(1)—delete "follow the relevant steps set out in its public consultation policy" and substitute:

- 5                   undertake public consultation

## **111—Amendment of section 224—Conditions of authorisation or permit**

- (1) Section 224(1)—delete "A" and substitute:

Subject to subsection (2), a

- (2) Section 224(2) to (4)—delete subsections (2) to (4) (inclusive) and substitute:

- 10                   (2) A condition under subsection (1) must comply with any requirements prescribed by the regulations.

## **112—Repeal of section 224A**

Section 224A—delete the section

## **113—Amendment of section 225—Cancellation of authorisation or permit**

- 15                   (1) Section 225(1)—delete subsection (1) and substitute:

- (1) A council may, by notice in writing to the holder of an authorisation or permit, cancel the authorisation or permit for breach of a condition.

- (2) Section 225(4)—delete subsection (4)

## **114—Repeal of section 225A**

Section 225A—delete the section

## **115—Amendment of section 225B—Review of granting of authorisations and permits**

- (1) Section 225B(1)—delete subsection (1) and substitute:

- 25                   (1) If a business in a council area is unreasonably affected by—

- (a) activities conducted under 1 or more authorisations or permits granted by the council under this Division; or  
 (b) the refusal of the council to grant an authorisation or permit under this Division,

- 30                   the operator of the business may apply to the Small Business Commissioner for a review of the matter by the Small Business Commissioner (who is conferred with the function of conducting such a review), unless the operator is entitled to apply to the Environment, Resources and Development Court for a review of the matter under section 234AA(2).

- 35                   (2) Section 225B(5)—delete "recommend to the relevant council that the council amend its location rules" and substitute:

provide a report to the Minister on the matter

(3) Section 225B—after subsection (5) insert:

- (5a) A report under subsection (5) may include recommendations to the relevant council in relation to—
  - (a) the granting or refusal of authorisations or permits by the council (including in relation to any authorisations or permits that the Small Business Commissioner considers have been unreasonably granted or refused); and
  - (b) policies, practices or procedures of the council relating to authorisations or permits under this Division.

10 (4) Section 225B(6)—delete subsection (6)

### **116—Amendment of section 231—Register**

Section 231(3) and (4)—delete subsections (3) and (4)

### **117—Amendment of section 232—Trees**

Section 232(b)—delete "follow the relevant steps set out in its public consultation policy" and substitute:

undertake public consultation

### **118—Amendment of section 234AA—Interaction with processes associated with development authorisations**

Section 234AA(2)—delete "or 222(6a)"

20 **119—Amendment of section 234A—Prohibition of traffic or closure of streets or roads**

Section 234A(6)—delete subsection (6) and substitute:

- (6) A resolution passed under this section cannot take effect before the council has given public notice of the resolution.

25 **120—Amendment of section 237—Removal of vehicles**

Section 237(4)(b)—delete "published in a newspaper circulating generally in the State" and substitute:

given

### **121—Amendment of section 246—Power to make by-laws**

30 (1) Section 246(3)(g)—delete "\$750" and substitute:

\$1 250

(2) Section 246(4)—delete "notice of that alteration is published by the council in the Gazette and in a newspaper circulating in the area of the council" and substitute:

the council gives public notice of that alteration

35 (3) Section 246(4a)—delete "ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the council" and substitute:

give public notice of the determination

## **122—Amendment of section 249—Passing by-laws**

(1) Section 249(1)—delete subsection (1) and substitute:

- (1) If it is proposed that a council make a by-law, the council must, at least 21 days before resolving to make the by-law, ensure that copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) are made available to the public in accordance with section 132(1).

(2) Section 249(7)—delete subsection (7) and substitute:

- (7) A council must give public notice of the making of a by-law under this section.

## **123—Amendment of section 250—Model by-laws**

Section 250(7)—delete subsection (7) and substitute:

- (7) A council must give public notice of the adoption of a model by-law or alteration under this section.

## **124—Amendment of section 252—Register of by-laws and certified copies**

Section 252(3) and (4)—delete subsections (3) and (4)

## **125—Amendment of section 259—Councils to develop policies**

(1) Section 259(2)(b)—delete paragraph (b) and substitute:

- (b) undertake public consultation.

(2) Section 259(3)—delete "in response to an invitation" and substitute:

- during the public consultation

(3) Section 259(6) and (7)—delete subsections (6) and (7)

## **126—Insertion of Chapter 13 Part A1**

Chapter 13—before Part 1 insert:

### **Part A1—Member behaviour**

#### **Division 1—Council to deal with member behaviour**

##### **262A—Complaints**

- (1) A person may make a complaint under this Division alleging that a member of a council has contravened or failed to comply with Chapter 5 Part 4 Division 2.
- (2) A complaint to a council under this Division must be made in accordance with, and contain any information required by, the council's behavioural management policy.

- (3) Subject to this Division, a council must deal with a complaint under this Division in accordance with the council's behavioural management policy (and a reference to dealing with a complaint includes a reference to refusing to deal with a complaint or determining to take no further action on a complaint).

## **262B—Behavioural management policy**

- (1) A council must prepare and adopt a policy relating to the management of behaviour of members of the council (a ***behavioural management policy***).
  - (2) Subject to this Division, a behavioural management policy must include the following provisions relating to complaints under this Division:
    - (a) provisions requiring that, on receipt, a complaint will be provided to the presiding member, chief executive officer or a delegate of the presiding member or chief executive officer authorised to receive complaints (as appropriate);
    - (b) provisions authorising the council to deal with complaints as the council considers appropriate, including by—
      - (i) refusing to deal with a complaint; or
      - (ii) determining to take no further action on a complaint (having commenced dealing with a complaint); or
      - (iii) arranging for mediation, conciliation, arbitration or other dispute or conflict resolution in relation to a complaint;

### Note—

Provisions of a behavioural management policy setting out the grounds authorising a council to refuse to deal with a complaint or determine to take no further action on a complaint may include grounds such as—

- (a) the ground that the subject matter of the complaint is trivial; or
  - (b) the ground that the complaint is frivolous or vexatious or is not made in good faith; or
  - (c) the ground that the complainant or the person on whose behalf the complaint was made does not have a sufficient personal interest in the matter raised in the complaint; or
  - (d) the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint; or
  - (e) the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or

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- (f) the ground that the council has dealt with the complaint adequately.

- (c) provisions authorising the council to inquire into a complaint in such manner as the council considers appropriate (subject to the principles of procedural fairness);

**Note—**

Provisions of a behavioural management policy relating to inquiring into a complaint appropriately may include procedures such as 1 or more of the following:

- (a) provisions relating to parties to the process providing submissions (oral or written);
- (b) provisions relating to the conduct of interviews;
- (c) provisions relating to the undertaking of investigations (formal or informal).

- (d) provisions authorising the council to conduct an inquiry itself or delegate the conduct of an inquiry to any person or body (with the agreement of the person or body) the council considers appropriate in the circumstances;

**Note—**

Examples of the kind of person to whom a council may delegate the conduct of an inquiry include—

- (a) the principal member of the council; or
- (b) the chief executive officer of the council; or
- (c) a delegate of the principal member or the chief executive officer; or
- (d) a committee of the council (such as a committee established in relation to governance matters); or
- (e) a person who is not a member or employee of the council.

- (e) provisions authorising the council to take action to resolve a complaint in such manner as the council considers appropriate, including by—

- (i) requiring the member to undertake training, instruction, counselling, mentoring or coaching; or
- (ii) taking action under this Division.

- (3) Without limiting subsection (2), a behavioural management policy may contain other provisions relating to the processes and procedures for receiving and dealing with complaints under this Division and may—

- (a) specify directions relating to behaviour that must be observed by members of the council; and
- (b) set out guidelines relating to compliance by members with Chapter 5 Part 4 Division 2 and directions under paragraph (a); and

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- (c) include any other matter relating to behaviour of members considered appropriate by the council.
- (4) A behavioural management policy—
  - (a) must not be inconsistent with the behavioural standards; and
  - (b) must comply with any requirement specified by the behavioural standards.
- (5) A member of a council must comply with the council's behavioural management policy.
- (6) A council may from time to time alter a behavioural management policy, or substitute a new policy.
- (7) A council must, within 12 months after the conclusion of each periodic election, review the operation of its behavioural management policy.

### **262C—Action**

- (1) A council may, after inquiring into a complaint under this Division, do 1 or more of the following:
  - (a) pass a censure motion in respect of the member;
  - (b) require the member to issue a public apology (in a manner determined by the council);
  - (c) require the member to undertake a specified course of training or instruction;
  - (d) remove or suspend the member from 1 or more offices held in the member's capacity as a member of the council or by virtue of being a member of the council (other than the office of member of the council).
- (2) If action is taken in respect of a member of a council under this section, a report on the matter must be considered in public at an ordinary meeting of the council.
- (3) In the exercise or performance of a power or function under this Division, a council (including any person acting on behalf of, or as a delegate of, the council)—
  - (a) must proceed with as little formality and technicality and with as much expedition as the requirements of this or any other Act and a proper consideration of the matter permit; and
  - (b) is not bound by rules of evidence but may inform itself of any matter in any manner that the council considers appropriate.

### **262D—Reasons**

- 40 If a council—
  - (a) refuses to deal with a complaint under this Division; or

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- (b) determines to take no further action in relation to a complaint under this Division (whether or not an inquiry has been commenced or completed on the complaint),

the council must provide the complainant with written reasons for the refusal or determination.

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**Division 2—Behavioural standards panel****Subdivision 1—Preliminary****262E—Preliminary**

In this Division—

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***misbehaviour*** means—

- (a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or
- (b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
- (c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;

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***presiding member*** means the member of the Panel appointed to be the presiding member of the Panel under section 262F, or a person from time to time acting as the presiding member;

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***repeated misbehaviour*** means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;

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***serious misbehaviour*** means a failure by a member of a council to comply with section 75G.

**Subdivision 2—Behavioural standards panel****262F—Establishment and constitution**

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(1) The Behavioural Standards Panel is established.

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(2) The Panel—

- (a) is a body corporate; and
- (b) has perpetual succession and a common seal; and
- (c) is capable of suing and being sued in its corporate name; and
- (d) has all the powers of a natural person that are capable of being exercised by a body corporate and, in particular, has all the powers necessary or expedient for, or incidental to, the performance of its functions.

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- (3) The Panel consists of the following members appointed by the Governor—
- (a) a member nominated jointly by the Minister and the LGA to be the presiding member of the Panel; and
  - (b) a member nominated by the Minister; and
  - (c) a member nominated by the LGA.
- (4) A member or employee of a council cannot be appointed as a member of the Panel.
- (5) The Minister and the LGA must, when nominating persons for appointment as members of the Panel, seek to ensure that, as far as is practicable, the members of the Panel collectively have qualifications, knowledge, expertise and experience in the following areas:
- (a) local government or public administration;
  - (b) law;
  - (c) administrative or disciplinary investigation;
  - (d) dispute resolution, conflict management, human resource management or organisational psychology.

### **262G—Conditions of membership**

- (1) A member of the Panel will be appointed on such conditions and for such term, not exceeding 5 years, as the Governor may determine and on the expiration of a term of office will be eligible for reappointment.
- (2) The Governor may remove a member of the Panel from office—
- (a) for breach of, or failure to comply with, a condition of appointment; or
  - (b) for failure or incapacity to carry out official duties satisfactorily; or
  - (c) for misconduct; or
  - (d) on the recommendation of the Minister.
- (3) The Minister cannot make a recommendation under subsection (2)(d) unless the LGA consents to the making of the recommendation.
- (4) The office of a member of the Panel becomes vacant if the member—
- (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice addressed to the Minister; or
  - (d) is convicted of an indictable offence or sentenced to imprisonment for an offence; or
  - (e) becomes a member of an Australian Parliament; or

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- (f) becomes a member or employee of a council; or
- (g) is removed from office by the Governor under subsection (2).

5                   (5) On the office of a member of the Panel becoming vacant, a person must be appointed in accordance with this Act to the vacant office.

### **262H—Acting member**

(1) If—

- (a) a member is unable to perform official functions or duties; or
- (b) the office of a member is vacant,

10                  the Governor may appoint a person to act in the office of the member for a period of up to 6 months on conditions determined by the Governor.

- (2) If a member is unable to act in relation to a particular matter, the Minister may appoint a person to act in the office of the member in relation to that matter on conditions determined by the Minister.
- (3) Section 262G(2) to (5) (inclusive) apply to an acting member as if they were appointed under section 262F.

### **262I—Meetings of Panel**

20                  (1) Subject to this Part—

- (a) a meeting of the Panel will be presided over by the presiding member and, in the absence of that member, a member chosen by those present will preside; and
- (b) 2 members constitute a quorum of the Panel and no business may be transacted at a meeting of the Panel unless a quorum is present; and
- (c) each member present at a meeting of the Panel is entitled to 1 vote on a matter arising for decision at the meeting and the person presiding at the meeting has, in the event of an equality of votes, a second or casting vote; and
- (d) a decision carried by a majority of the votes cast by the members present at a meeting of the Panel is a decision of the Panel; and
- (e) the Panel may otherwise determine its own procedures.

25                  (2) A conference by telephone or other electronic means between the member of the Panel will, for the purposes of this section, be taken to be a meeting of the Panel at which the participating members are present if—

- (a) notice of the conference is given to all members in the manner determined by the Panel for the purpose; and

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- (b) each participating member is capable of communicating with every other participating member during the conference.
  - (3) A proposed resolution of the Panel becomes a valid decision of the Panel despite the fact that it is not voted on at a meeting of the Panel if—
    - (a) notice of the proposed resolution is given to all members in accordance with procedures determined by the Panel; and
    - (b) a majority of the members express concurrence in the proposed resolution by email or other written communication setting out the terms of the resolution.
  - (4) The Panel must cause minutes to be kept of its meetings.

## **262J—Remuneration and expenses**

The members of the Panel are entitled to such fees, allowances and expenses as the Governor may approve.

## **262K—Staff**

- (1) The Panel will have such staff (comprised of persons employed in the Public Service of the State) as is necessary for the purposes of the performance of the Panel's functions under this and any other Act.
  - (2) The Panel may, by arrangement with the appropriate authority, make use of the services, facilities or employees of a government department, agency or instrumentality.

## **262L—Validity of acts of Panel**

An act or proceeding of the Panel is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

262M—Costs

- (1) The costs of establishing the Panel, and the ongoing administrative and operational costs of the Panel, are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA.
  - (2) The Panel may recover reasonable costs incurred in relation to a complaint against a member of a council referred to the Panel under Subdivision 3 as a debt due from the relevant council.

262N—Functions

- (1) The primary function of the Panel is to assess and deal with complaints referred to the Panel under Subdivision 3.

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- (2) In addition, the Panel may—

  - (a) publish guidelines for councils, members of councils and the community relating to the behavioural standards, behavioural management policies, behavioural support policies and other matters relating to behaviour of members; and
  - (b) publish model behavioural management policies and behavioural support policies; and
  - (c) publish practice directions relating to practices and procedures in respect of matters before the Panel; and
  - (d) perform other functions conferred on the Panel by or under this or any other Act.

## **262O—Delegation**

- (1) Subject to subsection (2), the Panel may delegate a function or power conferred on the Panel, other than a function or power under Subdivision 3 or a prescribed function or power—
    - (a) to a specified person or body; or
    - (b) to a person occupying or acting in a specified office or position.
  - (2) A delegation—
    - (a) may be made subject to conditions or limitations specified in the instrument of delegation; and
    - (b) may, if the instrument of delegation so provides, be further delegated; and
    - (c) is revocable at will and does not prevent the Panel from acting in a matter.

## **262P—Annual report**

- (1) The Panel must, on or before 30 September in each year, submit a report to the Minister on the activities of the Panel during the previous financial year.
  - (2) The Minister must, within 12 sitting days after receipt of a report under subsection (1), cause copies of that report to be laid before each House of Parliament.

### **Subdivision 3—Inquiries and action on complaints referred to Panel**

## **262Q—Referral**

- (1) A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of a council may be referred to the Panel by—

(a) resolution of the council; or

- (b) the principal member of the council; or
  - (c) at least 3 members of the council; or
  - (d) the Minister.

(2) A person who is dissatisfied with a council's decision in relation to a complaint made by the person under Division 1 (including a decision of the council to refuse to deal with, or to take no further action in relation to, the complaint) may refer the subject matter of the complaint to the Panel.

## **262R—Proceedings of Panel**

- 10 (1) One or more functions or powers of the Panel under section 262S, 262T, 262U or 262V may be exercised by the presiding member on behalf of the Panel.

15 (2) The Panel (or the presiding member acting on its behalf) may appoint an investigator to conduct an inquiry under section 262T into a complaint referred to the Panel under this Subdivision.

20 (3) Any questions of law or procedure arising before the Panel will be determined by the presiding member and any other questions arising before the Panel sitting as a whole will be determined by unanimous or majority decision of the members (unless there is an equal division of opinion, in which case, the decision of the presiding member will be the decision of the Panel).

25 (4) If a member of the Panel as constituted under this section (other than the presiding member) dies, or is for any other reason unable to continue with the proceedings before the Panel, the Panel constituted of the remaining members may, if the presiding member so determines, continue and complete the proceedings.

## **262S—Assessment**

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(1) The Panel may refuse to deal with a complaint referred to the Panel under this Subdivision or, having commenced dealing with a complaint, determine to take no further action on it if the Panel is satisfied—

(a) that the subject matter of the complaint is trivial; or

(b) that the complaint is frivolous or vexatious or is not made in good faith; or

35 (c) that the complainant or the person on whose behalf the complaint was made does not have a sufficient personal interest in the matter raised in the complaint; or

(d) that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the Panel to deal with or continue to deal with the complaint; or

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- (e) that the subject matter of the complaint has been or is already being assessed or investigated, whether by the Panel or another person or body (but disregarding any dealing with the complaint by the relevant council following which the matter was referred to the Panel); or
  - (f) that the council has dealt with the complaint adequately; or
  - (g) that it is otherwise in the public interest to refuse to deal with, or determine to take no further action on, the complaint.

(2) If a complaint is made and the Panel refuses to deal with, or determines to take no further action on, the complaint, the Panel must inform the person or body that referred the complaint to the Panel under this Subdivision of that decision and of the reasons for it.

(3) The Panel may refer a complaint referred to it under this Subdivision to the relevant council if the Panel considers that the complaint does not allege misbehaviour, repeated misbehaviour or serious misbehaviour by a member of a council.

## **262T—Inquiries**

- (1) The Panel may inquire into a complaint referred to the Panel under this Subdivision in such manner as the Panel considers appropriate.
  - (2) However, an inquiry must be conducted in accordance with the principles of procedural fairness.

## **262U—Powers relating to inquiries**

- (1) The Panel or an investigator conducting an inquiry under this Division may, in connection with the inquiry—
    - (a) by summons signed by the Panel or investigator (as the case requires), require a person's attendance; and
    - (b) require a person to answer, orally or in writing, questions to the best of their knowledge, information and belief; and
    - (c) require a person to verify an answer under paragraph (b) by declaration; and
    - (d) require a council or person to produce any relevant documents or other records; and
    - (e) retain documents or other records produced under paragraph (d) for reasonable periods and make copies of them or their contents; and
    - (f) call for or receive submissions or representations.
  - (2) Subject to subsection (3), a person or council must not refuse or fail to comply with a requirement under subsection (1).

Maximum penalty: \$10 000.

- (3) A person is not obliged to comply with a requirement under subsection (1) if to do so might incriminate the person of an offence, and a person or a council is not required to provide information under subsection (1) that is privileged on the ground of legal professional privilege.
  - (4) In the exercise or performance of a power or function under this Subdivision, the Panel—
    - (a) must proceed with as little formality and technicality and with as much expedition as the requirements of this or any other Act and a proper consideration of the matter permit; and
    - (b) is not bound by rules of evidence but may inform itself of any matter in any manner that the Panel considers appropriate.

## **262V—Dispute resolution**

- (1) The Panel may, at any time, arrange for mediation, conciliation, arbitration or other dispute or conflict resolution (***alternative dispute resolution***) to be conducted in relation to the subject matter of a complaint referred under this Subdivision.
  - (2) If agreement is reached through alternative dispute resolution—
    - (a) the agreement must be recorded in writing and signed by the parties to the agreement and by a member of the Panel on behalf of the Panel; and
    - (b) a copy of the agreement must be given to each of the parties.
  - (3) The Panel may, if satisfied that the subject matter of a complaint has been properly resolved by alternative dispute resolution, determine to take no further action on the complaint.

262W—Action

- (1) The Panel may, after inquiring into a complaint referred to the Panel under this Subdivision, by order do 1 or more of the following:

  - (a) reprimand the member (including by means of a public statement);
  - (b) direct the council to pass a censure motion in respect of the member;
  - (c) require the member to issue a public apology (in a manner determined by the Panel);
  - (d) require the member to attend a specified course of training or instruction, or to take other steps;
  - (e) require the member to reimburse the council a specified amount (which may include the reimbursement of the council's costs relating to investigation of the complaint and giving effect to an order under this section);

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- 5 (f) remove or suspend the member from 1 or more offices held in the member's capacity as a member of the council or by virtue of being a member of the council (other than the office of member of the council);

- (g) suspend the member from the office of member of the council for a period not exceeding 3 months, with or without an allowance (as determined by the Panel);
- (h) direct the council to lodge a complaint against the member with SACAT.

- 10 (2) If action is taken in respect of a member of a council under this section, the Panel—

- (a) must provide a report on the matter to the council; and
- (b) may require—

- (i) the report to be considered in public at an ordinary meeting of the council; and

- (ii) the council to provide a report to the Panel, within a period and in such manner as is specified by the Panel, detailing—

- (A) if the Panel made an order requiring the member to take action under subsection (1)—the member's compliance with the requirement; or

- (B) if the Panel made an order directing the council to take action under subsection (1)—the council's compliance with the direction.

- 25 (3) If a member of a council fails to comply with an order of the Panel requiring the member to take action under subsection (1), the member will be taken for the purposes of this Act to have failed to comply with an integrity provision and the council is to ensure that a complaint is lodged against the member with SACAT.

- 30 (4) If the Panel considers that a council has failed to comply with a direction or requirement of the Panel under this section, the Panel may provide a report to the Minister on the matter.

**262X—Reports on inquiries**

- 35 (1) The Panel may publish, in such manner as the Panel thinks fit, a report on—

- (a) an inquiry under this Subdivision; or
- (b) a complaint that the Panel refused to deal with, or determined to take no further action on.

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- (2) The Panel may—
- (a) provide a report under subsection (1) relating to a member of a council to the council; and
  - (b) require the report to be considered in public at an ordinary meeting of the council.
- (3) Nothing in this section limits section 262W.

### **Division 3—Miscellaneous**

#### **262Y—Referral of complaint to OPI**

- (1) If a council or the Panel reasonably suspects that a complaint before the council or Panel (as the case may be) under this Part relates to conduct that involves corruption in public administration within the meaning of the *Independent Commissioner Against Corruption Act 2012*—
- (a) the council or Panel (as the case requires) must refer the complaint to the Office for Public Integrity to be dealt with under that Act; and
  - (b) consideration of the complaint under this Act is postponed until the Independent Commissioner Against Corruption notifies the council or Panel (as the case requires) that the Commissioner considers it appropriate that consideration of the complaint under this Act continue.
- (2) The Independent Commissioner Against Corruption must give the council or Panel the notification referred to in subsection (1)(b) as soon as practicable after conducting the assessment required under section 23 of the *Independent Commissioner Against Corruption Act 2012* unless the matter is assessed as raising a potential issue of corruption in public administration that could be the subject of a prosecution.

#### **127—Amendment of heading to Chapter 13 Part 1**

Heading to Chapter 13 Part 1—delete the heading and substitute:

#### **Part 1—Member integrity—complaints, investigations and proceedings**

#### **128—Repeal of section 263**

Section 263—delete the section

#### **129—Amendment of section 263A—Investigations by Ombudsman**

- (1) Section 263A(1) to (3)—delete "constitute grounds for complaint under this Act against" wherever occurring and substitute in each case:
- involve a contravention of, or failure to comply with, an integrity provision by

(2) Section 263A—after subsection (3) insert:

- (3a) Subject to Part A1 Division 3, if a council or the Panel considers that the whole or part of the subject matter of a complaint before the council or Panel (as the case may be) under Part A1 relates to conduct that involves a contravention of, or failure to comply with, an integrity provision by a member of a council—

  - (a) the council or Panel (as the case requires) must refer the subject matter (or relevant part of the subject matter) of the complaint to the Ombudsman for investigation and report under the *Ombudsman Act 1972*; and
  - (b) consideration of the subject matter (or relevant part of the subject matter) of the complaint under Part A1 is postponed until the Ombudsman notifies the council or Panel (as the case requires) that the Ombudsman considers it appropriate that consideration of it under Part A1 continue.

(3b) If the Ombudsman considers that whole or part of the subject matter of a complaint before the Ombudsman relates to conduct that involves a contravention of, or failure to comply with, Chapter 5 Part 4 Division 2 by a member of a council (other than a contravention or failure to comply that constitutes misbehaviour, repeated misbehaviour or serious misbehaviour (within the meaning of Part A1 Division 2)), the Ombudsman may refer the subject matter (or relevant part of the subject matter) of the complaint to the relevant council.

## **130—Amendment of section 263B—Outcome of Ombudsman investigation**

Section 263B(1) and (2)—delete subsections (1) and (2) and substitute:

- (1) The recommendations that may be made by the Ombudsman under the *Ombudsman Act 1972* on the completion of an investigation of the complaint include—

  - (a) a recommendation requiring the council to—
    - (i) reprimand the member (including by means of a public statement); or
    - (ii) suspend the member from any office under this Act for a period not exceeding 3 months, with or without an allowance (as determined by the Ombudsman); or
    - (iii) ensure that a complaint is lodged against the member with SACAT; or
  - (b) a recommendation requiring the member to—

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- (i) issue a public apology (in a manner determined by the Ombudsman); or
  - (ii) attend a specified course of training or instruction; or
  - (iii) take other steps; or
  - (iv) reimburse the council a specified amount (which may include the reimbursement of the council's costs relating to investigation of the complaint and giving effect to a recommendation of the Ombudsman under this section).
- 5
- (2) If a member of a council fails to comply with a recommendation of the Ombudsman requiring the member to take action under subsection (1), the member will be taken to have failed to comply with an integrity provision and the council is to ensure that a complaint is lodged against the member with SACAT.
- 10
- (2) If a member of a council fails to comply with a recommendation of the Ombudsman requiring the member to take action under subsection (1), the member will be taken to have failed to comply with an integrity provision and the council is to ensure that a complaint is lodged against the member with SACAT.
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### **131—Amendment of section 264—Complaint lodged with SACAT**

- (1) Section 264—before subsection (1) insert:
  - (a1) A complaint against a member of a council may be lodged with SACAT under this section on the ground—
    - (a) that the member has contravened or failed to comply with an integrity provision; or
    - (b) of alleged misbehaviour, repeated misbehaviour or serious misbehaviour by the member (within the meaning of Part A1 Division 2); or
    - (c) that the member has contravened or failed to comply with—
      - (i) a recommendation of the Ombudsman requiring the member to take action under section 263A(1); or
      - (ii) an order of the Panel requiring the member to take action under section 262W(1).

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  - (2) Section 264(1)—delete "setting out the matters that are alleged to constitute the grounds for complaint against a member of a council under this Part" and substitute:
    - on a ground referred to in subsection (a1)

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  - (3) Section 264(2)—after "complaint" insert:
    - on the ground set out in subsection (a1)(a)

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  - (4) Section 264—after subsection (2) insert:
    - (2a) In addition, a complaint may not be lodged by the chief executive officer of a council on the ground set out in subsection (a1)(b) unless the matter has been inquired into by the Panel.

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### **132—Amendment of section 265—Hearing by SACAT**

Section 265(1)—delete "the matters alleged in the complaint constitute grounds for action against the member of the council under this Part" and substitute:

a ground on which the complaint was lodged exists

### **5 133—Amendment of section 267—Outcome of proceedings**

(1) Section 267(1)—delete "the grounds for complaint exist" and substitute:

a ground on which the complaint was lodged exists

(2) Section 267(1)(ba)—after "amount" insert:

(which may include the reimbursement of the council's costs relating to investigation of the complaint and giving effect to an order under this section)

(3) Section 267(1)(c)—delete "\$5 000" and substitute:

\$15 000

(4) Section 267(1)(d)—delete "two months" and substitute:

6 months

### **15 134—Repeal of section 269**

Section 269—delete the section

### **135—Amendment of section 270—Procedures for review of decisions and requests for services**

(1) Section 270—after subsection (2) insert:

(2a) In addition, the procedures must provide that—

(a) an application for review must be made within 6 months of the making of the decision of which review is sought (the *reviewable decision*); and

(b) the council may allow an application to be made more than 6 months after the making of the reviewable decision in appropriate cases.

(2) Section 270(3)—delete subsection (3) and substitute:

(3) An application for review must be accompanied by the prescribed fee.

(3a) A council may, as the council thinks fit, reduce, waive or refund (in whole or part) the fee under subsection (3).

(3) Section 270(4)—after paragraph (c) insert:

or

(d) the council or person (as the case requires) is satisfied that the subject matter of the application has been or is already the subject of a review by the council or an investigation, inquiry or review by another authority.

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(4) Section 270(4a)—delete subsection (4a) and substitute:

(4a) The policies, practices and procedures established under this section—

- (a) must not provide for a review of a decision of a council to refuse to deal with, or determine to take no further action in relation to, a complaint under Part A1 Division 1 by a person who is dissatisfied with the decision; and
- (b) must be consistent with any requirement prescribed by the regulations.

10 (5) Section 270(5)—delete subsection (5)

**136—Amendment of section 273—Action on report**

(1) Section 273(1)—after paragraph (c) insert:

or

- (d) a report of the designated authority under section 123; or
- (e) a report of the Small Business Commissioner under section 225B; or
- (f) a report of the Behavioural Standards Panel under section 262W; or
- (g) a report of a person who held an appointment as administrator of a defaulting council under this section provided to the Minister on, or within 6 months after, the cessation of the period of administration of the council,

(2) Section 273(2)—delete "The" and substitute:

Subject to subsection (2a), the

(3) Section 273(2)(b)(iv)—delete "or the Ombudsman" and substitute:

, the Ombudsman or the Small Business Commissioner

(4) Section 273(2)(b)—after subparagraph (iv) insert:

- (iva) that a council has failed to respond appropriately to advice from the designated authority under section 123; or
- (ivb) that a council has failed to comply with a direction or requirement of the Panel under section 262W; or

30 (5) Section 273—after subsection (2) insert:

- (2a) The only action that the Minister may take under subsection (2) on the basis of a report of a kind referred to in subsection (1)(g) is action of a kind referred to in subsection (2)(a).

**137—Amendment of section 279—Service of documents by councils etc**

35 Section 279(1)(e)—delete "by facsimile transmission or"

**138—Amendment of section 280—Service of documents on councils**

Section 280(1)(c)—delete "by facsimile transmission or"

### **139—Amendment of section 303—Regulations**

Section 303(8a)—after "2015" insert:

or the *Statutes Amendment (Local Government Review) Act 2020*

### **140—Amendment of Schedule 1A—Implementation of Stormwater Management Agreement**

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Schedule 1A, clause 11(8)(b)—delete paragraph (b) and substitute:

- (b) a majority of the board members express their concurrence in the proposed resolution by letter, email or other written communication setting out the terms of the resolution.

### **141—Amendment of Schedule 2—Provisions applicable to subsidiaries**

(1) Schedule 2, clause 3(2)(c)—delete "Chapter 5, Part 4, Division 2" and substitute:

Chapter 5 Part 4 Division 1 Subdivision 2

(2) Schedule 2, clause 5(6)(b)—delete "telex, facsimile transmission or other written communication, or electronic communication," and substitute:

email or other written communication

(3) Schedule 2, clause 13(3)—delete "council's audit committee" and substitute:  
 relevant audit and risk committee

(4) Schedule 2, clause 19(2)(c)—delete "Chapter 5, Part 4, Division 2" and substitute:  
 Chapter 5 Part 4 Division 1 Subdivision 2

(5) Schedule 2, clause 21(6)(b)—delete "telex, facsimile transmission or other written communication, or electronic communication," and substitute:

email or other written communication

(6) Schedule 2, clause 30(3)—delete "a constituent council's audit committee" and substitute:

a regional audit and risk committee established by any of the constituent councils (with 1 or more other councils, whether constituent councils or otherwise) or a council audit and risk committee established by any of the constituent councils

### **142—Amendment of Schedule 3—Register of Interests—Form of returns**

30 (1) Schedule 3, clause 1(1), after the definition of *beneficial interest* insert:

*designated person or entity*, in relation to a member of a council, means—

- (a) a member of the member's family; or
- (b) a family company of the member; or
- (c) a trustee of a family trust of the member;

(2) Schedule 3, clause 1(1), definition of *family*, (b)—delete paragraph (b) and substitute:

- (b) a child or stepchild of the member;

(3) Schedule 3, clause 1(1), definition of *gift*—delete the definition

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- (4) Schedule 3, clause 1(1), definition of *a person related to a member*—delete the definition
- (5) Schedule 3, clause 1(1), definition of *return period*—delete the definition and substitute:
  - 5      *return period*, in relation to a return of a member (other than a return submitted under section 65(a)), means—
    - (a) in the case of a member whose last return was the return submitted under section 65(a)—the period between the date of that return and 30 June next following; or
    - (b) in the case of any other member—the period of 12 months expiring on 30 June on or within 60 days after which the return is required to be submitted;
- (6) Schedule 3, clause 1(4)—delete subclause (4)
- (7) Schedule 3, clause 2—before subclause (1) insert:
  - 15      (a1) For the purposes of this Act, a return must be in the form determined by the Minister.
- (8) Schedule 3, clause 2(1)—delete "be in the prescribed form and"
- (9) Schedule 3, clause 2(1)(a)—delete "person related to the member" and substitute:
  - 10      designated person or entity in relation to the member
- (10) Schedule 3, clause 2(2)—delete "be in the prescribed form and"
- (11) Schedule 3, clause 2(2)(a)—delete "person related to the member" and substitute:
  - 20      designated person or entity in relation to the member
- (12) Schedule 3, clause 2(2)(c) to (e)—delete paragraphs (c) to (e) (inclusive)
- (13) Schedule 3, clause 2(3)—delete "person related to the member" wherever occurring and substitute in each case:
  - 25      designated person or entity in relation to the member
- (14) Schedule 3, clause 2(3)(f)—delete "related by blood or marriage to the member or to" and substitute:
  - 30      a relative of the member or
- (15) Schedule 3, clause 2(3)(g)—delete "related to the member or a member of the member's family by blood or marriage" and substitute:
  - 35      a relative of the member or a member of the member's family
- (16) Schedule 3, clause 2(7)—delete "person related to the member" and substitute:
  - 36      designated person in relation to the member
- (17) Schedule 3, clause 2(8)—delete "gift,"

**143—Amendment of Schedule 4—Material to be included in annual report of council**

Schedule 4, clause 1—after paragraph (c) insert:

- 5 (d) a report relating to contraventions of Chapter 5 Part 4 Division 2 by members of the council during the relevant financial year containing the information required by the regulations;

**144—Amendment of Schedule 5—Documents to be made available by councils**

- 10 (1) Schedule 5, provisions under the heading "**Codes**", 1st dot point—delete "of conduct or codes"
- (2) Schedule 5, provisions under the heading "**Meeting papers**", 3rd dot point—after "reports" insert:  
 (including attachments and any information or material referred to in the documents or reports) supplied
- 15 (3) Schedule 5, provisions under the heading "**Meeting papers**"—after the 4th dot point insert:  
 • Schedule of dates, times and places set for meetings of the council or council committee
- (4) Schedule 5—before the heading "**Policy and administrative documents**" insert:

**Information and briefing session papers**

- 20 • Record made by council or chief executive officer relating to an order under section 90(2) (in accordance with section 90A(4)) made at or in relation to an information or briefing session
- (5) Schedule 5, provisions under the heading "**Policy and administrative documents**", 11th dot point—delete the 11th dot point and substitute:  
 • Community engagement policies  
 • Behavioural management policies  
 • Behavioural support policies  
 • Employee behavioural standards
- (6) Schedule 5, provisions under the heading "**Registers and Returns**", 1st dot point—delete "Division 2" and substitute:

Division 1 Subdivision 2

**145—Amendment of Schedule 8—Provisions relating to specific land**

Schedule 8, clause 13(5), definition of **Gawler Park Lands and Pioneer Park**—delete the definition and substitute:

35 **Gawler Park Lands** means the whole of the land comprised in Certificate of Title Register Book Volume 6182 Folio 891;

**Pioneer Park** means the whole of the land comprised in Certificate of Title Register Book Volume 5846 Folio 672 and Volume 5846 Folio 673.

## 146—Insertion of Schedule 9

After Schedule 8 insert:

### Schedule 9—Suspension of members

#### 1—Suspension of members

- 5                   (1) This clause applies to a member of a council who is suspended from the office of member of the council—
  - (a) by SACAT or the Behavioural Standards Panel; or
  - (b) by the council in accordance with a recommendation of the Ombudsman under section 263B; or
  - (c) under section 68, 80A, 80B or 273(8); or
  - (d) under another provision of this Act prescribed by the regulations.
- 10                  (2) Subject to this clause, the following provisions apply during the period of suspension of a member of a council to whom this clause applies:
  - (a) the suspension extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council;
  - (b) the member must not use or retain a facility or service provided by the council (not being a facility or service generally provided to members of the public by the council);
  - (c) the member must not carry out any function or duty of the office of member of the council;
  - (d) the member must not be given access by the council to information, documents or materials related to the performance or discharge of the functions or duties of members of the council (not being information, documents or materials generally provided to members of the public by the council);
  - (e) the member is not required—
    - (i) to submit a return for the purposes of the Register of Interests in accordance with Chapter 5 Part 4 Division 1 Subdivision 2; or
    - (ii) if relevant, to notify the chief executive officer of a change or variation of a kind referred to in section 67(1),
- 15                  provided that, on the cessation of the suspension, the member—
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- (iii) submits any return for the purposes of the Register of Interests that the member would, but for the suspension, have been required to submit in accordance with Chapter 5 Part 4 Division 1 Subdivision 2 during the period of suspension; and
  - (iv) notifies the chief executive officer of a change or variation of a kind referred to in section 67(1) of which the member would, but for the suspension, have been required to notify the chief executive officer under section 67(1) during the period of suspension;

(f) to avoid doubt, section 54(1)(d) does not apply to the member.

(3) In addition, the regulations may modify the application of a provision of this Act (including this Schedule) in relation to the suspension of a member of a council to whom this clause applies.

(4) Subclause (2)(e) does not affect the obligation of a member of a council who is suspended from the office of member of the council by operation of section 68(1a) to submit to the chief executive officer the return that the member failed to submit under section 68(1a).

(5) A member of a council to whom this clause applies must not contravene or fail to comply with subclause (2)(b) or (c).

(6) Nothing in this clause affects the operation of section 273(8a).

147—Transitional provisions

- (1) A council (other than a council within the ambit of section 11A(2)(a) of the principal Act (as inserted by this Act)) with more than 12 members must conduct a review of its composition under Chapter 3 Part 1 of the principal Act so as to ensure that the reduction in the composition (and changes to wards) of the council required by section 11A takes effect on or before the date of the second periodic election of the council after the commencement of section 11A.
  - (2) Section 51 of the principal Act (as amended by section 18 of this Act) applies to a council from—
    - (a) in the case of a council that commences a representation review in accordance with section 12 of the principal Act after the commencement of section 18 of this Act and completes the review before 1 January 2022—polling day for the periodic election next due to be held after the commencement of section 18; or
    - (b) in any other case—polling day for the second periodic election due to be held after the commencement of section 18.
  - (3) A reference to completing a review under subsection (2)(a) includes (if relevant) publishing any notice or notices in the Gazette under section 12(15)(b) in relation to the review.

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- 5                             (4) A council (other than a council within the ambit of subsection (2)(a)) constituted on the basis that the principal member is to be chosen by the members of the council from amongst their own number must conduct a review of its composition under Chapter 3 Part 1 of the principal Act so as to ensure that the appointment or election of a mayor required by section 51(1) of that Act (as amended by section 18 of this Act) takes effect on or before the date of the second periodic election of the council after the commencement of this section.
- 10                            (5) The remuneration of a chief executive officer holding office on the commencement of section 99A of the principal Act (as inserted by this Act) is not affected during the term of that office by a determination under section 99A.
- 15                            (6) The principal Act (as in force immediately before the commencement of this subsection) continues to apply to a contravention of, or failure to comply with, the principal Act constituting grounds for complaint against a member of a council under Chapter 13 Part 1 of the principal Act (as in force immediately before the commencement of this subsection) committed or alleged to have been committed before that commencement.
- 20                            (7) Section 110 of the principal Act (as in force immediately before the commencement of this subsection) continues to apply to a contravention of, or failure to comply with, the code of conduct to be observed by employees of councils committed or alleged to have been committed before that commencement.
- 25                            (8) In this section—  
*principal Act* means the *Local Government Act 1999*.

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### **148—Amendment of section 4—Preliminary**

25                            Section 4(1), definition of *public notice*—delete the definition and substitute:  
*public notice*—see *Local Government Act 1999* (section 4(1aa));

### **149—Substitution of section 5**

Section 5—delete the section and substitute:

#### **5—Periodic elections**

30                            Elections to determine the membership of each council must be held in accordance with this Act at intervals of 4 years on the basis that voting at the elections will close at 5 pm on the second to last business day before the second Saturday of November in 2022, at 5 pm on the second to last business day before the second Saturday of November in 2026, and so on.

### **150—Amendment of section 6—Supplementary elections**

- (1) Section 6(2)(a)—delete paragraph (a) and substitute:
- (a) the vacancy occurs within 12 months before polling day for—  
                                   (i) a periodic election; or

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(ii) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy; or

(2) Section 6(2)(b)(iii)—delete subparagraph (iii) and substitute:

5

(iii) —

(A) if the council has 9 or more offices (excluding the office of mayor)—there is no more than 1 other vacancy in the office of a member of the council; or

(B) in any other case—there is no other vacancy in the office of a member of the council; and

10

(3) Section 6(2)(b)(iv)—after "council" insert:

at the time the vacancy occurs

(4) Section 6(2)(b)(iv)—after "vacancy" insert:

or vacancies

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(5) Section 6(2)—after paragraph (b) insert:

or

(c) the vacancy—

(i) is for an office of a member of the council, other than—

(A) mayor; or

(B) a member who was declared elected under section 25(1); and

20

(ii) occurs within 12 months after the conclusion of a periodic election (and can be filled in accordance with section 6A).

(6) Section 6(3)(a)—delete "a vacancy has" and substitute:

25

1 or more vacancies have

(7) Section 6(3)(c)—delete paragraph (c) and substitute:

(c) the other vacancy has not occurred within 12 months before polling day for—

(i) a periodic election; or

30

(ii) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy,

(8) Section 6(7) and (8)—delete subsections (7) and (8) and substitute:

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(7) A notice under subsection (6) must also fix—

(a) a day for the close of the voters roll for the purposes of the election (the **closing date**); and

(b) the time at which voting at the election will close on polling day.

## 151—Insertion of section 6A

After section 6 insert:

### **6A—Filling vacancy in certain circumstances**

(1) If—

- 5 (a) a casual vacancy has occurred; and
- (b) a supplementary election is not to be held by virtue of the operation of section 6(2)(c),

the vacancy will be filled in accordance with this section.

(2) For the purposes of subsection (1)—

- 10 (a) the returning officer must, in accordance with the regulations, determine the candidate in the most recent election for the relevant office to fill the vacancy (*a successful candidate*); and
- (b) the returning officer must ascertain (in such manner as the returning officer thinks fit) whether the candidate who becomes a successful candidate—
  - 15 (i) is still willing to be elected to the relevant office; and
  - (ii) is still eligible to be elected to the relevant office; and
- 20 (c) —
  - (i) if the person then indicates to the returning officer (within 1 month) that they are so willing and eligible, the returning officer will declare the person elected; or
  - (ii) if the person then indicates to the returning officer (within 1 month) that they are not willing or eligible, or the person does not respond to the returning officer within 1 month, the returning officer must determine the next successful candidate in accordance with the regulations and so on until the vacancy is filled or there are no candidates still willing and eligible to be elected to the relevant office.

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## 152—Amendment of section 7—Failure of election in certain cases

(1) Section 7(3)(a)—delete paragraph (a) and substitute:

- (a) between the close of nominations and the close of voting—
  - (i) a nominated candidate dies; or
  - (ii) a nominated candidate becomes ineligible to be a candidate for election as a member of a council in accordance with section 17; and

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(2) Section 7(4)—after "die" insert:

or become ineligible to be candidates for election as members of a council in accordance with section 17

**153—Amendment of section 9—Council may hold polls**

5 (1) Section 9(3)—delete subsection (3) and substitute:

(3) The council must fix a day as polling day for the poll by notice published on the council website.

(2) Section 9(6)(b)—delete "and voting at the election closes at 5 p.m.—at 5 p.m. on polling day" and substitute:

—at the time at which voting at the election closes

**154—Amendment of section 13A—Information, education and publicity for general election**

(1) Section 13A(2)(a)—after "voters roll" insert:

in accordance with the community engagement charter

15 (2) Section 13A—after subsection (2) insert:

(3) In this section—

*community engagement charter*—see *Local Government Act 1999* (section 4(1)).

**155—Amendment of section 15—Voters roll**

20 (1) Section 15(9)(a)—delete "13 weeks" and substitute:

81 days

(2) Section 15(10)—delete "must, within seven days after a closing date, supply the chief executive officer with a list of the persons who are, as at the closing date, enrolled (including those provisionally enrolled) as electors for the House of Assembly in respect of a place of residence within the area." and substitute:

—

(a) must, within 7 days after a closing date; and

(b) may, at any other time,

30 supply the chief executive officer with a list of the persons who are, as at the closing date or relevant time, enrolled (including those provisionally enrolled) as electors for the House of Assembly in respect of a place of residence within the area.

(3) Section 15(13), dot point—delete the dot point

(4) Section 15—after subsection (13) insert:

(13a) For the purposes of subsection (13), a voters roll will be taken to have been brought up-to-date when copies of the roll are available for public inspection under this section.

(5) Section 15(15)—delete "in printed form" wherever occurring

5 (6) Section 15—after subsection (19) insert:

(20) If a copy of the voters roll is provided to a person under this section, a person who uses that copy of the roll, or information contained in that copy of the roll, for a purpose other than the distribution of matter calculated to affect the result of a local government election or a purpose related to the holding of such an election is guilty of an offence.

Maximum penalty: \$10 000.

## **156—Amendment of section 17—Entitlement to stand for election**

10 (1) Section 17(1)(a)—delete paragraph (a) and substitute:

(a) the person is an Australian citizen; and

(2) Section 17(1)(b)(ii)—delete "designated person for" and substitute:

nominee of

(3) Section 17(1)(b)(iii)—delete "designated person for" and substitute:

nominee of

(4) Section 17(1)(b)(iv)—delete "designated person for" and substitute:

nominee of

15 (5) Section 17—after subsection (1) insert:

(2) Subsection (1)(b) operates subject to the following qualifications:

20 (a) a nominee of a body corporate must be an officer of the body corporate;

(b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group;

(c) a body corporate or group cannot nominate more than 1 person for a particular election;

25 (d) a body corporate or group cannot nominate a person who has not attained the age of majority.

(6) Section 17(5)—delete subsection (5)

## **157—Amendment of section 19A—Publication of candidate profiles**

30 (1) Section 19A(1)—delete subsection (1)

(2) Section 19A(2) and (3)—delete subsections (2) and (3) and substitute:

(2) The returning officer must, as soon as is reasonably practicable after the close of nominations (and in any event within 14 days after the close of nominations), cause each candidate's profile supplied under section 19(2)(b) to be published, in accordance with any requirements of the regulations, on the Internet.

35 (3) Section 19A(4)—delete "his or her statement under subsection (1)" and substitute:

their profile under section 19(2)(b)

(4) Section 19A(4)—delete "the LGA,"

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- (5) Section 19A(4)—delete "a statement" and substitute:  
a profile

- (6) Section 19A(5)—delete subsection (5)

**158—Substitution of section 21**

5           Section 21—delete the section and substitute:

**21—Publication etc of valid nominations**

The returning officer must, within 24 hours after the close of nominations—

- (a) provide a council with a list of all valid nominations relevant to the council's area; and
- (b) publish a list of all valid nominations on the Internet.

**159—Amendment of section 27—Publication of electoral material**

- (1) Section 27(1)(b)—delete "address" and substitute:  
prescribed information

- (2) Section 27—after subsection (1) insert:

- (1a) If—
  - (a) electoral material is published on the Internet; and
  - (b) the name and address of the person who authorises publication of the material is immediately accessible on the Internet by viewers of the material in accordance with any requirements prescribed by regulation,

that name and address need not be contained in the electoral material.

- (3) Section 27(2)—delete "address" and substitute:  
prescribed information

- (4) Section 27—after subsection (3) insert:

- (4) If electoral material is published on the Internet by a person other than the person who established or controls the Internet site or other platform (or the relevant part of it), the person who established or controls the Internet site or other platform (or the relevant part of it) is not taken to have published the material or caused the electoral material to be published unless that person authorised, whether directly or indirectly, the publishing of the material on the Internet site or other platform.

- (5) In this section—

***prescribed information*** means—

- (a) if the printer or other person responsible for undertaking production of the printed electoral material has a physical address—that address; or

- (b) if the printer or other person responsible for undertaking production of the printed electoral material does not have a physical address—the email address or website address of the printer or other person.

5      **160—Amendment of section 28—Publication of misleading material**

Section 28—after subsection (1) insert:

- (1a) A person (the *relevant person*) is not taken to have authorised, caused or permitted the publication of electoral material if it is published by a person other than the relevant person on an Internet site or other platform established or controlled (or partly established or controlled) by the relevant person unless the relevant person authorised, whether directly or indirectly, the publishing of the material on the Internet site or other platform.

10     **161—Amendment of section 29—Ballot papers**

15     Section 29(3)—delete subsection (3) and substitute:

- (3) The drawing of lots for the purposes of subsection (2) must be conducted by the returning officer—
  - (a) in the case of a periodic election—at 4 pm, or as soon as is reasonably practicable after 4 pm; or
  - (b) in any other case—at 12 noon, or as soon as is reasonably practicable after 12 noon,

20     on the day of the close of nominations in the presence of 2 persons who are of or above the age of majority and other persons who may wish to be present.

25     **162—Amendment of section 31—Special arrangements for issue of voting papers**

30     Section 31(1)(a)—delete "personal delivery of voting papers" and substitute:

delivery of voting papers (whether in printed or electronic form)

**163—Amendment of section 35—Special arrangements for issue of voting papers**

35     Section 35(a)—delete "personal delivery of voting papers" and substitute:

delivery of voting papers (whether in printed or electronic form)

**164—Substitution of heading to Part 9**

Heading to Part 9—delete the heading and substitute:

35     **Part 9—Voting generally**

**165—Amendment of section 37—Postal voting to be used**

- (1) Section 37(1)—delete "Voting" and substitute:

Subject to section 41A, voting

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- (2) Section 37(2)(a)—delete "personal delivery" and substitute:  
 delivery (whether personal or otherwise)

**166—Amendment of section 38—Notice of use of postal voting**

Section 38—delete "21" and substitute:

5 28

**167—Amendment of section 39—Issue of postal voting papers**

- (1) Section 39(1)—delete subsection (1) and substitute:
- (1) The returning officer must, as soon as practicable after the twenty eighth day before polling day, and in any event not later than 21 days before polling day, issue to every natural person, body corporate or group who or which has their or its name on the voters roll used for the purposes of the election or poll postal voting papers consisting of—
- (a) a ballot paper (or, in an appropriate case, ballot papers) authenticated to the satisfaction of the returning officer; and
- (b) an opaque envelope bearing a declaration (in a form determined by the Electoral Commissioner), to be completed by the voter, declaring the voter's date of birth and—
- (i) that the ballot paper contained in the envelope contains their vote; and
- (ii) that they have not already voted at the election or poll; and
- (iii) if the voting papers are issued to a body corporate or group—that they are eligible to vote and are the designated person for the body corporate or group.
- (2) Section 39(4)—delete subsection (4) and substitute:
- (4) Postal voting papers must also be issued to any person, body corporate or group of persons whose name does not appear on the voters roll but who claims to be entitled to vote at the election or poll and applies to the returning officer for voting papers not later than 5 pm on the seventh day before polling day.

**168—Insertion of section 41A**

After section 41 insert:

**41A—Assisted voting**

- (1) The regulations may make provision in relation to voting in an election or poll by prescribed electors by means of an assisted voting method.

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- (2) Without limiting the generality of subsection (1), regulations made for the purposes of this section may—
- (a) determine, or provide for the determination of, the following:
    - (i) the assisted voting method;
    - (ii) matters related to voting using the assisted voting method, including the provision of assistance to electors using the method, requirements to be followed after an elector has used the method and matters of privacy and secrecy;
    - (iii) the number of places where the assisted voting method is to be available, the location of those places and the days and times at which the method is to be available;
    - (iv) which electors may use the assisted voting method; and  - (b) require the making of a record of each person who has voted using the assisted voting method; and
  - (c) specify the information that is to be included in a record; and
  - (d) provide for the production of a record of the vote each person has cast, which must not contain any means of identifying the person who cast the vote; and
  - (e) provide for the appointment by the returning officer of officers in relation to the conduct of the assisted voting method; and
  - (f) provide for the application of this Act, or provisions of this Act, in relation to votes cast using the assisted voting method, including the modification of the application of this Act or a provision of this Act in relation to such votes; and
  - (g) make provision for any other matters related to assisted voting.
- (3) To avoid doubt, nothing in this section (or in regulations made for the purposes of this section) authorises any elector to vote in more than 1 capacity at an election or poll.
- (4) The prescribed assisted voting method must be such that an elector using the method in relation to an election or poll—
- (a) receives the same information (in the same order), and has the same voting options, as would appear in the ballot paper for the election or poll that the elector would be given if the elector were voting by postal vote under this Part; and
  - (b) is able to indicate a vote in a way that, if the elector were marking a ballot paper, would not be an informal ballot paper.

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- (5) Subject to this section, if an elector votes using the assisted voting method (an ***assisted vote***)—

  - (a) this Act applies (subject to any modifications prescribed under subsection (2)(f)) in relation to an assisted vote as if it were a vote delivered to an electoral officer for the relevant council in a sealed envelope; and
  - (b) the record of the assisted vote produced in accordance with the regulations is to be taken to be a ballot paper for the purposes of this Act; and
  - (c) the requirements of this Act in relation to the elector's right to receive a ballot paper are to be taken to have been satisfied.

(6) The returning officer may, by notice in the Gazette, determine that the prescribed assisted voting method is not to be used either generally or at 1 or more specified places.

(7) A notice under subsection (6) must specify the election or poll in respect of which the determination applies.

(8) In this section—

***prescribed elector*** means a sight-impaired elector or an elector of a class prescribed by the regulations for the purposes of this definition;

***sight-impaired elector*** means an elector whose sight is impaired such that the elector is unable to vote without assistance.

## **169—Amendment of section 43—Issue of fresh postal voting papers**

Section 43(4)—delete subsection (4) and substitute:

- (4) An application for the issue of fresh voting papers must be received by the returning officer not later than 5 pm on the seventh day before polling day.

## **170—Amendment of section 47—Arranging postal papers**

Section 47(1)—delete subsection (1) and substitute:

- (1) The returning officer will—

  - (a) in the case of a supplementary election or a poll held in conjunction with a supplementary election—as soon as is practicable after the close of voting; or
  - (b) in any other case—on the second day following polling day for the election or poll (at a time determined to be reasonable by the returning officer),

with the assistance of any other electoral officers who may be present, ensure that all voting papers returned for the purposes of the election or poll in accordance with this Act are made available for the purposes of this section.

## 171—Amendment of section 48—Method of counting and provisional declarations

(1) Section 48(1)—after "in an election" insert:

to fill more than 1 vacancy

5 (2) Section 48—after subsection (1) insert:

(1a) The returning officer must, with the assistance of any other electoral officers who may be present, and in the presence of any scrutineers who may be present, conduct the counting of the votes in an election to fill 1 vacancy according to the following method:

10 (a) carry out the step in the method of counting votes referred to in subsection (1)(a);

(b) if, after the counting of first preference votes no candidate has received a number of votes equal to or greater than the quota, the candidate who has received the fewest first preference votes must be excluded, and each ballot paper counted to that candidate that expresses the next available preference for a continuing candidate is to be transferred (at a transfer value of 1) to the continuing candidate;

15 (c) if, on the completion of a transfer under paragraph (b), no continuing candidate has received a number of votes equal to or greater than the quota, the process of excluding the candidate who has the fewest votes and transferring each ballot paper counted to that candidate that expresses the next available preference for a continuing candidate in accordance with paragraph (b) is to be repeated until—

(i) 1 continuing candidate has received a number of votes equal to or greater than the quota; or

(ii) 2 candidates remain, in which case the returning officer must make a **provisional declaration** that the continuing candidate who has the larger number of votes has been elected notwithstanding that that number is below the quota and, if those candidates have the same number of votes, the candidate with the larger number of votes at the last preceding count or transfer will be taken to be elected and, if the number of votes at that count or transfer was equal, the returning officer must, in the presence of any scrutineers who may be present, draw lots to determine which of the candidates is to be elected;

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- (d) if the candidate who has the fewest votes is required to be excluded and 2 or more candidates each have the fewest votes, whichever of those candidates had the fewest votes at the last count or transfer at which each of those candidates had a different number of votes will be excluded but, if there has been no such count or transfer, the returning officer must, in the presence of any scrutineers who may be present, draw lots to determine which candidate will be excluded;
  - (e) a ballot paper must be set aside as exhausted where on a transfer it is found that the paper expresses no preference for any continuing candidate.

(3) Section 48(2) and (3)—delete "subsection (1)" wherever occurring and substitute in each case:

  - subsections (1) and (1a)

(4) Section 48(4)—after "died" insert:

  - or become ineligible to be a candidate for election as a member of a council in accordance with section 17

(5) Section 48(4)—after "deceased" insert:

  - or ineligible

## **172—Amendment of section 55A—Filling vacancy if successful candidate dies**

Section 55A(2) to (4)—delete subsections (2) to (4) (inclusive) and substitute:

- (2) In a case where this section applies—

  - (a) the returning officer must, in accordance with the regulations, determine the candidate in the most recent election for the relevant office to fill the vacancy (a *successful candidate*); and
  - (b) the returning officer must ascertain (in such manner as the returning officer thinks fit) whether the candidate who becomes a successful candidate—
    - (i) is still willing to be elected to the relevant office; and
    - (ii) is still eligible to be elected to the relevant office; and
  - (c) —
    - (i) if the person then indicates to the returning officer (within 1 month) that they are so willing and eligible, the returning officer will declare the person elected; or

- (ii) if the person then indicates to the returning officer (within 1 month) that they are not willing or eligible, or the person does not respond to the returning officer within 1 month, the returning officer must determine the next successful candidate in accordance with the regulations and so on until the vacancy is filled or there are no candidates still willing and eligible to be elected to the relevant office.

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**173—Amendment of section 57—Violence, intimidation, bribery etc**

Section 57(3), definition of *bribe*—after "entertainment" insert:

where the value of the food, drink or entertainment is of or above the prescribed value.

174—Insertion of section 69A

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## **69A—Electoral Commissioner may lodge petition**

- (1) The Electoral Commissioner may lodge a petition in the Court disputing the validity of an election under this Act if the Electoral Commissioner considers that it is appropriate to do so on the basis of an error in the recording, scrutiny, counting or recounting of votes in the election.
  - (2) Section 70(1)(c) and (2)(b) do not apply to a petition lodged by the Electoral Commissioner disputing the validity of an election, but such a petition must be signed by the Electoral Commissioner.

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## **175—Amendment of section 70—Procedure upon petition**

Section 70(1)(b)—delete "to which the petitioner claims to be entitled" and substitute:  
which the petitioner seeks

**176—Amendment of section 73—Illegal practices and orders that may be made**

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Section 73—after subsection (4) insert:

- (5) An election may be declared void on the ground of the defamation of a candidate but only if the Court is satisfied, on the balance of probabilities, that the result of the election was affected by the defamation.
  - (6) An election may be declared void on the ground of publication of misleading material but only if the Court is satisfied, on the balance of probabilities, that the result of the election was affected by the publication of that material.

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## 177—Substitution of section 80

Section 80—delete the section and substitute:

### 80—Returns for candidates

- (1) A person who is a candidate for election to an office of a council must furnish to the returning officer, in accordance with the requirements of this Part—
  - (a) a return under section 81 (a *campaign donations return*) within 30 days after the conclusion of the election; and
  - (b) a return under section 81A (a *large gifts return*) within the period applying under section 81A(1).
- (2) A return under this Division must be in the form determined by the returning officer and completed and furnished in the manner determined by the returning officer.

## 178—Amendment of section 81—Campaign donations returns

- (1) Section 81(1)—after "this section" insert:

and section 81B

- (2) Section 81(1)(e)—delete ", other than a registered industrial organisation"

- (3) Section 81(2)—after paragraph (b) insert:

or

- (c) a gift disclosed in a large gifts return under section 81A.

- (4) Section 81(3)—delete subsection (3)

## 179—Insertion of sections 81A and 81B

After section 81 insert:

### 81A—Large gifts returns

- (1) If—

- (a) a candidate for election to an office of a council receives a gift or gifts from a person during the disclosure period; and
- (b) the total amount or value of the gift or gifts is more than the prescribed amount,

the candidate must, within the prescribed period, furnish a return to the returning officer.

- (2) A large gifts return must set out—

- (a) the amount or value of each gift; and
- (b) the date on which each gift was made; and
- (c) —

- (i) if the gift or gifts were made on behalf of the members of an unincorporated association—

## **81B—Disclosure period etc for returns**

For the purposes of sections 81 and 81A—

- 20 (a) the *disclosure period* is the period that commenced—  
25 (i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii))—on the day on which the person announced that they would be a candidate in the election or on the day on which the person's nomination as a candidate was lodged with the returning officer, whichever was the earlier; or  
30 (ii) in relation to a candidate in an election who was a new candidate and when they became a candidate in the election was a member of the council by virtue of having been appointed under Chapter 3 of the *Local Government Act 1999*—on the day on which the person was so appointed as a member of the council; or  
35 (iii) in relation to a candidate in an election who was not a new candidate—at the end of 21 days after polling day for the last preceding election in which the person was a candidate,  
and that ended, in any of the above cases, at the end of 21 days after polling day for the election; and  
40 (b) a candidate is a *new candidate*, in relation to an election, if the person had not been a candidate in the last general election of a council and had not been a candidate at a supplementary election held after the last general election of a council; and

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- (c) two or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as 1 gift; and
- (d) a gift made to a candidate is a *private gift* if it is made in a private capacity to the candidate for their personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

**180—Amendment of section 83—Inability to complete return**

Section 83(c)—delete "chief executive" and substitute:

returning

**181—Amendment of section 84—Amendment of return**

- (1) Section 84(1)—delete "chief executive" and substitute:

returning

- (2) Section 84(2)(b)—delete "chief executive" and substitute:

returning

- (3) Section 84(3)—delete "chief executive" wherever occurring and substitute in each case:

returning

**182—Amendment of section 86—Failure to comply with Division**

- (1) Section 86(1)—delete "chief executive" and substitute:

returning

- (2) Section 86(3)—delete "(However, the office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the *Local Government Act 1999*.)"

**Note—**

The following Note will be inserted at the foot of section 86(3):

**"Note—**

The office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the *Local Government Act 1999*."

**183—Amendment of section 87—Public inspection of returns**

- (1) Section 87(1) to (4)—delete subsections (1) to (4) (inclusive) and substitute:

- (1) The returning officer must keep at their principal office each return furnished to the returning officer under Division 1.

- (2) The returning officer must—

- (a) in the case of a large gifts return—within the prescribed period after the return is received by the returning officer; and

- (b) in any other case—at the end of 8 weeks after the day before which the return was required to be furnished to the returning officer,

5 make a copy of each return available on a website maintained by the returning officer.

- (2) Section 87(5)—delete "chief executive" and substitute:  
 returning

#### **184—Amendment of section 89—Requirement to keep proper records**

Section 89(2)—delete "chief executive officer of the council" and substitute:  
 10 returning officer

#### **185—Amendment of section 91A—Conduct of council during election period**

- (1) Section 91A—delete subsection (2) and substitute:
- (2) Subject to this section, the caretaker policy must, as a minimum—
- (a) prohibit the making of a designated decision; and  
 15 (b) prohibit the use of council resources for the advantage of a particular candidate or group of candidates,  
 during the election period.
- (2a) Nothing in subsection (2)(b) prevents a caretaker policy from allowing the equal use of council resources by all candidates for election.  
 20
- (2) Section 91A(8), definition of *designated decision*, (d)—delete paragraph (d)

#### **186—Amendment of section 93—Regulations**

Section 93—after subsection (1) insert:

- (1a) The regulations may provide that a matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Electoral Commissioner or any prescribed authority.  
 25

### **Part 4—Amendment of *City of Adelaide Act 1998***

#### **187—Amendment of section 4—Interpretation**

Section 4, after the definition of *council member* insert:

30 *default person*, in respect of a body corporate or group, means an eligible person who has been nominated by the chief executive officer under Schedule 1 clause 3B(1) to vote on behalf of the body corporate or group in an election or poll;

35 *eligible person*, in respect of a body corporate or group, means a natural person, of or above the age of majority, who is—

- (a) in the case of a body corporate—an officer of the body corporate who is authorised to act on behalf of the body corporate for the purposes of voting; or

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- (b) in the case of a group—a member of the group, or an officer of a body corporate that is a member of the group, who is authorised to act on behalf of the group for the purposes of voting,

and who is not already on the voters roll or otherwise entitled to be enrolled on the voters roll;

***nominated person***, in respect of a body corporate or group, means an eligible person who has been nominated by the body corporate or group under Schedule 1 clause 3A(3) or 3C(2) to vote on behalf of the body corporate or group in an election or poll.

**10 188—Amendment of section 20—Constitution of Council**

Section 20(3)—delete subsection (3)

**189—Amendment of section 21—Lord Mayor**

- (1) Section 21—after "Lord Mayor" first occurring insert:
- as leader of the council
- (2) Section 21(a) and (b)—delete paragraphs (a) and (b) and substitute:
- (a) as the principal member of the Council—
    - (i) to provide leadership and guidance to the Council; and
    - (ii) to lead the promotion of positive and constructive working relationships among members of the council; and
    - (iii) to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and
    - (iv) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and
    - (v) to preside at meetings of the Council; and
    - (vi) to advise the chief executive officer on the implementation of decisions of the Council between Council meetings (as necessary); and
    - (vii) to act as the principal spokesperson of the Council; and
    - (viii) to exercise other functions of the Council as the Council determines; and
  - (b) as the principal elected member of the Council representing the capital city of South Australia—
    - (i) to provide leadership and guidance to the City of Adelaide community; and
    - (ii) to participate in the maintenance of inter-governmental relationships at regional, State and national levels; and
    - (iii) to carry out civic and ceremonial duties associated with the office of Lord Mayor.

## 190—Amendment of section 22—Members

Section 22(1)(a)—delete paragraph (a) and substitute:

- (a) as a member of the governing body of the Council—
  - (i) to act with integrity; and
  - (ii) to ensure positive and constructive working relationships within the Council; and
  - (iii) to recognise and support the role of the Lord Mayor under the Act; and
  - (iv) to develop skills relevant to the role of a member of the Council and the functions of the Council as a body; and
  - (v) to participate in the deliberations and activities of the Council; and
  - (vi) to provide community leadership and guidance to the City of Adelaide community and to participate in achieving a vision for the desired future of the City through the formulation of strategic plans and policies; and
  - (vii) to keep the Council's goals and policies under review to ensure that they are appropriate and effective; and
  - (viii) to keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review; and
  - (ix) to participate in setting and assessing performance standards to be met under the Council's contract with the chief executive officer; and
  - (x) to serve the overall public interest of the City of Adelaide; and

## 191—Amendment of Schedule 1—Special provisions for elections and polls

(1) Schedule 1, clause 3(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:

- (a) in the case of a natural person—the full name of the person and the address of the person's place of residence; and
- (b) in the case of a body corporate or group—
  - (i) the full name of the body corporate or group; and
  - (ii) —
    - (A) if the body corporate or group has nominated an eligible person under clause 3A(3) or 3C(2)—the full name and date of birth of the nominated person for the body corporate or group; or
    - (B) if a default person has been nominated for the body corporate or group under clause 3B(1)—the full name and date of birth of the default person for the body corporate or group; and

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(2) Schedule 1, clause 3—after subclause (2) insert:

- 5 (2a) The chief executive officer must redact the full name and date of birth of a default person for a body corporate or group from any copy of the voters roll available for inspection by the public or provided to any person (other than a copy of the voters roll supplied to the returning officer in accordance with subclause (16)).

(3) Schedule 1, clause 3(9)(a)—delete "13 weeks" and substitute:

81 days

10 (4) Schedule 1, clause 3(10)—delete "must, within 7 days after a closing date, supply the chief executive officer with a list of the persons who are, as at the closing date, enrolled (including those provisionally enrolled) as electors for the House of Assembly in respect of a place of residence within the area." and substitute:

—

- 15 (a) must, within 7 days after a closing date; and  
 (b) may, at any other time,

supply the chief executive officer with a list of the persons who are, as at the closing date or relevant time, enrolled (including those provisionally enrolled) as electors for the House of Assembly in respect of a place of residence within the area.

20 (5) Schedule 1, clause 3(13), dot point—delete the dot point

(6) Schedule 1, clause 3—after subclause (13) insert:

- (13a) For the purposes of subclause (13), a voters roll will be taken to have been brought up-to-date when copies of the roll are available for public inspection under this clause.

25 (7) Schedule 1, clause 3(15)—delete "in printed form" wherever occurring

(8) Schedule 1, clause 3—after subclause (19) insert:

- 30 (20) If a copy of the voters roll is provided to a person under this clause, a person who uses that copy of the roll, or information contained in that copy of the roll, for a purpose other than the distribution of matter calculated to affect the result of a local government election or a purpose related to the holding of such an election is guilty of an offence.

Maximum penalty: \$10 000.

(9) Schedule 1—after clause 3 insert:

35 **3A—Nominating person to vote on behalf of body corporate or group**

- 40 (1) The chief executive officer must, by notice in writing to each body corporate and group on the voters roll, request that the body corporate or group nominate, in the form determined by the Electoral Commissioner (the ***nomination form***), an eligible person to vote on its behalf.

- (2) The notice in subclause (1) must—
- (a) be issued to each body corporate or group—
    - (i) in the case of a periodic election—not later than 7 weeks before the relevant closing date; or
    - (ii) in the case of any other election, or a poll—not later than 4 weeks before the relevant closing date; and
  - (b) enclose the nomination form.
- (3) A body corporate or group may nominate an eligible person to vote on its behalf by providing the completed nomination form to the chief executive officer by the relevant closing date.

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### **3B—Nominating default person to vote on behalf of body corporate or group**

- (1) If the chief executive officer has not received a nomination under clause 3A(3) by the relevant closing date, or the person nominated is not an eligible person, the chief executive officer must—
  - (a) in the case of a body corporate—nominate the first officer of the body corporate (to be taken alphabetically); or
  - (b) in the case of a group—nominate the first member of the group or officer of a body corporate that is a member of the group (to be taken alphabetically) (as the chief executive officer thinks fit),  
to vote on behalf of the body corporate or group (a *default person*).
- (2) Despite subclause (1), the chief executive officer must not nominate a person under that subclause if the person is already on the voters roll or otherwise entitled to be enrolled on the voters roll.
- (3) For the purposes of subclause (1), the chief executive officer may—
  - (a) in the case of a body corporate (including a body corporate that is a member of a group)—use the most recent information that is available after the relevant closing date from the Australian Securities and Investments Commission concerning the name and age of the persons specified in that subclause; or
  - (b) in the case of a group—use the most recent information held by the council after the relevant closing date concerning the name and age of the persons specified in that subclause.

### 3C—Notice of default person and further nomination of person to vote on behalf of body corporate or group

(1) The chief executive officer must, within 14 days after the relevant closing date, give notice in writing to each body corporate or group enrolled on the voters roll in respect of which there is no nominated person—

(a) if a default person has been nominated by the chief executive officer under clause 3B(1)—of the name of the default person; or

(b) if a default person has not been nominated—that no default person has been nominated,

and of the option for the body corporate or group to nominate an eligible person (if any) in the form determined by the Electoral Commissioner (the ***nomination form***) and within the prescribed period.

(2) A body corporate or group may nominate an eligible person to vote on its behalf by providing the completed nomination form to the chief executive officer within the prescribed period.

(3) If the chief executive officer does not receive a nomination from the body corporate or group within the prescribed period, or receives a nomination but the person nominated is not an eligible person—

(a) where a default person has been nominated under clause 3B(1)—the default person remains the person nominated to vote on behalf of the body corporate or group; or

(b) where a default person has not been nominated—no person is nominated to vote on behalf of the body corporate or group (and ballot papers will not be issued to the body corporate or group under clause 18).

(4) In this clause—

***prescribed period*** means 21 days after the relevant closing date.

(10) Schedule 1, clause 4(3) to (5)—delete subclauses (3) to (5) (inclusive) and substitute:

(3) A natural person is entitled to vote at an election or poll for a body corporate or group which has its name on the voters roll if—

(a) the natural person is the nominated person on the voters roll for the body corporate or group; or

(b) the natural person is the default person on the voters roll for the body corporate or group.

(11) Schedule 1, clause 5(1)(a)—delete paragraph (a) and substitute:

(a) the person is an Australian citizen; and

(12) Schedule 1, clause 5(5)—delete subclause (5)

(13) Schedule 1, clause 18(1)—delete subclause (1) and substitute:

- (1) Subject to subclause (1a), the returning officer must, as soon as practicable after the twenty eighth day before polling day, and in any event not later than 21 days before polling day, issue to every natural person, body corporate or group who or which has their or its name on the voters roll used for the purposes of the election or poll postal voting papers consisting of—
  - (a) a ballot paper (or, in an appropriate case, ballot papers) authenticated to the satisfaction of the returning officer; and
  - (b) an opaque envelope bearing a declaration (in a form determined by the Electoral Commissioner), to be completed by the voter, declaring the voter's date of birth and—
    - (i) that the ballot paper contained in the envelope contains their vote; and
    - (ii) that they have not already voted at the election or poll; and
    - (iii) if the voting papers are issued to a body corporate or group—
      - (A) the voter's full name; and
      - (B) that the voter is the nominated person or default person for the body corporate or group.
- (1a) Postal voting papers must not be issued under this clause to a body corporate or group which has its name on the voters roll for the election or poll if there is no nominated person or default person for the body corporate or group.

(14) Schedule 1, clause 18(4)—delete subclause (4) and substitute:

- (4) Postal voting papers must also be issued to any person, body corporate or group of persons whose name does not appear on the voters roll but who claims to be entitled to vote at the election or poll and applies to the returning officer for voting papers not later than 5 pm on the seventh day before polling day.

(15) Schedule 1, clause 18(7)—delete "Postal" and substitute:

Subject to subclause (1a), postal

(16) Schedule 1, clause 19(2)(a)(iii)—delete "voting on behalf of a body corporate or group of persons in accordance with this Schedule" and substitute:

the nominated person or default person for a body corporate or group

(17) Schedule 1, clause 19(2)(a)(iv)—delete subparagraph (iv)

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(18) Schedule 1, clause 23—delete the clause and substitute:

**23—Returns for candidates**

- (1) A person who is a candidate for election to an office of the Adelaide City Council must furnish to the returning officer, in accordance with the requirements of this Part—
- (a) within 30 days after the conclusion of the election—
    - (i) a campaign donations return under this Division; and
    - (ii) a campaign expenditure return under this Division; and
  - (b) within the period applying under clause 24A(1)—a large gifts return under this Division.
- (2) A return under this Division must be in the form determined by the returning officer and completed and furnished in the manner determined by the returning officer.

(19) Schedule 1, clause 24(1)—after "this clause" insert:

and clause 24B

(20) Schedule 1, clause 24(1)(e)—delete ", other than a registered industrial organisation"

(21) Schedule 1, clause 24(2)—after paragraph (b) insert:

20

or

- (c) a gift disclosed in a large gifts return under clause 24A.

(22) Schedule 1, clause 24(3)—delete subclause (3)

(23) Schedule 1—after clause 24 insert:

**24A—Large gifts returns**

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(1) If—

- (a) a candidate for election to an office of the Adelaide City Council receives a gift or gifts from a person during the disclosure period; and
- (b) the total amount or value of the gift or gifts is more than the prescribed amount,

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the candidate must, within the prescribed period, furnish a return to the returning officer.

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(2) A large gifts return must set out—

- (a) the amount or value of each gift; and
- (b) the date on which each gift was made; and
- (c) —
  - (i) if the gift or gifts were made on behalf of the members of an unincorporated association—

## **24B—Disclosure period etc for returns**

For the purposes of clauses 24 and 24A—

- 20 (a) the *disclosure period* is the period that commenced—  
25 (i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii))—12 months before polling day for the election; or  
30 (ii) in relation to a candidate in an election who was a new candidate and when they became a candidate in the election was a member of the Council by virtue of having been appointed under the *Local Government Act 1999*—on the day on which the person was so appointed as a member of the Council; or  
35 (iii) in relation to a candidate in an election who was not a new candidate—at the end of 21 days after polling day for the last preceding election in which the person was a candidate,  
40 and that ended, in any of the above cases, at the end of 21 days after polling day for the election; and  
(b) a candidate is a *new candidate*, in relation to an election, if the person had not been a candidate in the last general election of a council and had not been a candidate at a supplementary election held after the last general election of a council; and

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(c) 2 or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as 1 gift; and

5 (d) a gift made to a candidate is a ***private gift*** if it is made in a private capacity to the candidate for their personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

(24) Schedule 1, clause 27(c)—delete "chief executive" and substitute:

returning

10 (25) Schedule 1, clause 28(1)—delete "chief executive" and substitute:

returning

(26) Schedule 1, clause 28(2)(b)—delete "chief executive" and substitute:

returning

15 (27) Schedule 1, clause 28(3)—delete "chief executive" wherever occurring and substitute in each case:

returning

(28) Schedule 1, clause 30(1)—delete "chief executive" and substitute:

returning

**Note—**

20 The following Note will be inserted at the foot of clause 30(3):

**"Note—**

The office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the *Local Government Act 1999*."

25 (29) Schedule 1, clause 31(1) to (4)—delete subclauses (1) to (4) (inclusive) and substitute:

(1) The returning officer must keep at their principal office each return furnished to the returning officer under Division 2.

(2) The returning officer must—

30 (a) in the case of a large gifts return—within the prescribed period after the return is received by the returning officer; and

(b) in any other case—at the end of 8 weeks after the day before which the return was required to be furnished to the returning officer,

35 make a copy of each return available on a website maintained by the returning officer.

(30) Schedule 1, clause 31(5)—delete "chief executive" and substitute:

returning

- (31) Schedule 1, clause 33(2)—delete "chief executive officer of the Council" and substitute:

returning officer

## **Part 5—Amendment of *Crown Land Management Act 2009***

5      **192—Insertion of section 20A**

After section 20 insert:

### **20A—Revocation of dedicated land classified as community land**

If, in relation to dedicated land that is classified as community land under Chapter 11 Part 1 Division 3 of the *Local Government Act 1999* (*relevant land*)—

- (a) the dedication of the relevant land is revoked under section 19; or
- (b) the relevant land is withdrawn from the care, control and management of a council under section 20,

15      the classification of the relevant land as community land under the *Local Government Act 1999* is taken to be revoked (and such revocation has effect for the purposes of the *Local Government Act 1999*).

## **Part 6—Amendment of *Equal Opportunity Act 1984***

20      **193—Amendment of section 87—Sexual harassment**

Section 87(6e)—delete "an officer or employee of the council." and substitute:

- 
- (a) an officer or employee of the council; or
  - (b) another member of the council.

25      **Part 7—Amendment of *Planning, Development and Infrastructure Act 2016***

**194—Amendment of section 83—Panels established by joint planning boards or councils**

Section 83—after subsection (2) insert:

- 30      (2a) Despite subsection (1)(e), a member of a council appointed as a member of an assessment panel is not required to disclose their financial interests in accordance with Schedule 1 while the member holds office as a member of a council.

**Statutes Amendment (Local Government Review) Bill 2020**Part 7—Amendment of *Planning, Development and Infrastructure Act 2016***195—Amendment of section 84—Panels established by Minister**

Section 84—after subsection (1) insert:

- 5                   (1a) Despite subsection (1)(f), a member of a council appointed as a member of an assessment panel is not required to disclose their financial interests in accordance with Schedule 1 while the member holds office as a member of a council.

**Part 8—Amendment of *Public Finance and Audit Act 1987*****196—Amendment of section 4—Interpretation**Section 4(1), definition of *authorised officer*—delete "or to make an examination" and substitute:

10                   or review, or to make an examination,

**197—Amendment of section 30—Obligation to assist Auditor-General**

Section 30—delete "or making an examination" and substitute:

15                   or review, or making an examination,

**198—Amendment of section 32—Audit etc of publicly funded bodies and projects and local government indemnity schemes**

(1) Section 32(1)—delete subsection (1) and substitute:

20                   (1) The Auditor-General may—

- (a) audit the accounts of a publicly funded body; or
- (b) examine or review the accounts of a publicly funded body; or
- (c) review the efficiency, economy and effectiveness of the activities of a publicly funded body; or
- (d) examine or review accounts relating to a publicly funded project and review the efficiency, economy and effectiveness of the project; or
- (e) examine or review accounts relating to a local government indemnity scheme and review the efficiency, economy and effectiveness of the scheme.

25                   (2) Section 32(1a)—before "examination" wherever occurring insert in each case:

30                   audit, review or

(3) Section 32(1b)—before "examination" insert:

audit, review or

**Statutes Amendment (Local Government Review) Bill 2020**  
 Amendment of *Public Finance and Audit Act 1987*—Part 8

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(4) Section 32—after subsection (1b) insert:

- (1c) A person to whom information or a document is provided in connection with an audit, review or examination under this section must not disclose the information or document except as authorised under subsection (1d).

Maximum penalty: \$5 000 or imprisonment for 2 years.

(1d) Information or a document may be disclosed if—

- (a) the disclosure is made with the consent of the person who provided the information; or
- (b) the disclosure is authorised or required under any other Act or law; or
- (c) the disclosure is authorised or required by a court or tribunal constituted by law; or
- (d) the disclosure is authorised by regulation.

(1e) A person to whom a document containing a summary of findings of the Auditor-General is provided in connection with an audit, review or examination under this section must not copy or otherwise reproduce the summary (in whole or part), except—

- (a) as is necessary for the purposes of making submissions or comments to the Auditor-General in relation to the audit, review or examination; or
- (b) as is necessary for the purposes of obtaining legal advice in relation to the audit, review or examination; or
- (c) as otherwise authorised by regulation or by the Auditor-General.

Maximum penalty: \$5 000 or imprisonment for 2 years.

(5) Section 32(2)—delete subsection (2) and substitute:

(2) After—

- (a) conducting any audit or making any examination under subsection (1); or
- (b) conducting a review under subsection (1) requested by the Treasurer or the Independent Commissioner Against Corruption,

the Auditor-General must prepare a report setting out the results of the audit, review or examination.

(6) Section 32(3)—delete "the report" and substitute:

a report under subsection (2)

(7) Section 32(3)(a) to (c)—before "examination" wherever occurring insert in each case:  
 audit, review or

**Statutes Amendment (Local Government Review) Bill 2020**  
 Part 8—Amendment of *Public Finance and Audit Act 1987*

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(8) Section 32—after subsection (3) insert:

- (4) After conducting a review of a publicly funded body under subsection (1) (other than a review requested by the Treasurer or the Independent Commissioner Against Corruption), the Auditor-General may prepare a report setting out the results of the review.
- (5) The following provisions apply to a report prepared under subsection (4):
  - (a) the Auditor-General must deliver copies of the report to—
    - (i) any publicly funded body concerned in the review; and
    - (ii) the President of the Legislative Council and the Speaker of the House of Assembly;
  - (b) the Auditor-General may deliver copies of the report to any other person the Auditor-General thinks appropriate;
  - (c) the Auditor-General may publish a copy of the report in such manner as the Auditor-General thinks appropriate.
- (6) A document or information (including data) may be annexed to a report under this section either by including a copy of the document or information in an annexure or by including in an annexure a reference to a website on which the document or information has been, or will be, published by the Auditor-General.

**199—Amendment of section 34—Powers of Auditor-General to obtain information**

- (1) Section 34(1)—delete "or make an examination" and substitute:  
 or review, or make an examination,
- (2) Section 34(1)(c) and (d)—after "audit" wherever occurring insert in each case:  
 , review

**Part 9—Amendment of *South Australian Local Government Grants Commission Act 1992***

**200—Amendment of section 19—Information to be supplied to Commission**

Section 19(3)—delete "Where" and substitute:

Subject to any relevant provision of the Commonwealth Act or an instrument under that Act, if

# **Attachment B**

## **Statutes Amendment (Local Government Review) Bill 2020 New Behavioural Framework**

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**City of  
Norwood  
Payneham  
& St Peters**



# **Behavioural management framework**

**Discussion Paper**

**February 2021**



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## 1. Purpose

This paper has been prepared by the LGA Secretariat for the purpose of consultation with member councils on the upcoming reforms to the council member behavioural management framework. The LGA expects the Statutes Amendment (Local Government Review) Bill 2020 (**Bill**) to pass Parliament in March - April 2021 and has started work on implementation in anticipation of the Bill's passage.<sup>1</sup>

This paper poses a series of questions for consideration by councils. Responses to these questions will assist LGA advocacy on regulations and Ministerial notices that meet the needs and expectations of the sector, and the preparation of model policies, guidance, and resources, to support councils in the implementation of the new behavioural management framework. This paper presents the first of many opportunities for councils to provide feedback on development of the behaviour management framework, and further rounds of sector consultation will be undertaken as development of the behaviour management framework progresses.

Feedback can be provided to Governance and Policy Officer, Nicole Bilac at [nicole.bilac@lga.sa.gov.au](mailto:nicole.bilac@lga.sa.gov.au)

Please provide any feedback **before 5:00pm on Friday 9 April 2021**.

## 2. Background

The Bill introduces a new behavioural management framework for council members. While the behaviour of elected members in local government is – by and large – exemplary, there are occasional instances of behavioural issues that need to be appropriately addressed. The current conduct framework in the *Local Government Act 1999 (LG Act)* has proven to be inadequate so it is being replaced with a behavioural management framework intended to improve council ability to take both proactive and reactive action in managing behavioural matters and to provide more effective enforcement pathways.

The Bill changes the focus of the LG Act from 'conduct' to two distinct categories of 'behavioural' and 'integrity' matters, to separate poor behaviour from matters that can affect the integrity of council decisions.

Councils will continue to have responsibility for managing behavioural matters in the first instance. Behavioural matters will be those that relate to the new Behavioural Standards made by the Minister and supporting Behavioural Support Policies made by councils. Councils will be required to manage an (alleged) breach of the Behavioural Standards or a council's Behavioural Support Policies in accordance with its Behavioural Management Policy. Serious or repeated misbehaviour can be referred to the new Behavioural Standards Panel.

Matters of integrity will include provisions relating to the general duties of council members, register of interests, gifts and benefits, and conflicts of interest and alleged breaches will continue to be referred to the SA Ombudsman and the Independent Commissioner Against Corruption (**ICAC**). The Bill makes changes to the current general duties of council members, gifts and benefits, and conflict of interest provisions.

The Bill also introduces new occasions for the suspension of council members, including the failure to submit a return for the Register of Interests, failure to meet mandatory training standards, where the council member is subject to an intervention order, or as the outcome of consideration by the

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<sup>1</sup> A copy of the Bill is available on the South Australian Legislation website at: <https://www.legislation.sa.gov.au/>

Behavioural Standards Panel, SA Ombudsman, or South Australian Civil and Administrative Tribunal (**SACAT**).

To implement the new behaviour management framework the LGA, in consultation with the sector, will:

- Work with the Office of Local Government on development of Behavioural Standards and establishment of the Behavioural Standards Panel.
- Work with the Office of Local Government on drafting supporting regulations, including on integrity provisions, conflict of interest, and suspension of council members.
- Provide councils with a model Behavioural Management Policy and model Behavioural Support Policy.
- Provide council members and council employees with guidance materials and briefing sessions, and offer training.
- Review the Local Government Governance Panel arrangements and consider other value-add services in collaboration with LGASA Mutual and Norman Waterhouse Lawyers.

### **3. Summary of Issues to Consider**

#### **Behavioural Standards and Behavioural Support Policies**

- 1)** What values and behaviours should a council member display?
  - a)** What are the minimum core standards of behaviour expected of council members?
  - b)** What would you consider additional behaviours that councils might include in Behavioural Support Policies?
- 2)** What do you like and dislike about South Australia's current Code of Conduct for Council Members?
- 3)** What level of prescription should be in the Standards of Behaviour? For example, should high-level statements be supported by descriptions and/or examples?
- 4)** Is the level of consistency across the sector important versus the freedom for councils to choose the behaviours they expect from their council members?

#### **Behavioural Management Policies**

- 5)** Should the Governance Panel continue providing their services under the new behavioural management framework?
- 6)** What in the current Complaints Handling Procedure under the Council Members' Code of Conduct works well and what does not?
  - a)** What additional provisions should be included?

#### **Integrity Provisions**

- 7)** Do you agree with the integrity provisions the Office of Local Government is proposing to prescribe in regulations? Why or why not?
- 8)** Should misuse of presiding member powers under section 86(6b) be considered as an integrity provision or as a behavioural matter?

**9) What additional integrity provisions, if any, should be prescribed?**

### **Suspension of Members**

**10) What is the appropriate length of suspension for:**

- a) A failure to submit a primary or ordinary return;**
- b) A failure to comply with mandatory training requirements under section 80A; and**
- c) A relevant final intervention order where the person protected is a council member or council employee.**

### **Conflict of Interest**

**11) Are the current exemptions to declaring a conflict of interest prescribed in the *Local Government (General) Regulations 2013* sufficient?**

**12) Are there any exemptions that should not be included in future regulations?**

**13) Are there any additional exemptions that should be prescribed?**

## **4. Behavioural Standards and Behavioural Support Policies**

Behavioural Standards made by the Minister, in consultation with the LGA, will specify standards of behaviour to be observed by all council members and may provide for any other matter relating to behaviour of council members.

The Behavioural Standards are expected to be relatively high-level standards that must be observed by all council members, which will be further supplemented by council Behavioural Support Policies. Behavioural Support Policies must be consistent with Behavioural Standards and may specify directions relating to behaviour that council members must observe, set out guidelines on compliance with the Behavioural Standards and Behavioural Support Policies, and any other matter relating to behaviour that the council considers appropriate. Council adoption of Behavioural Support Policies will be optional, but councils will be required to consider whether they should adopt a Behavioural Support Policy (or Policies) within six months of each periodic election. Councils will be required to undertake public consultation prior to adoption of Behavioural Support Policies.

A person may make a complaint to the council alleging that a council member has contravened or failed to comply with the Behavioural Standards and/or a council Behavioural Support Policy (and council must deal with a complaint in accordance with the council's Behavioural Management Policy, discussed in chapter 5).

The LGA is seeking feedback from councils on what standards of behaviour should reasonably be expected of all council members and thus should be prescribed in the Behavioural Standards. The standards will be behaviours and values that will be mandatory for all council members to uphold. The LGA is also seeking feedback on what level of detail should be included in the Behavioural Standards (that are mandatory state-wide) versus council Behavioural Support Policies (that are optional and can be tailored by each council). It is important to find a balance between consistency across the sector and flexibility for councils. This feedback will assist the LGA in working with the Office of Local Government on drafting the Behavioural Standards and the LGA preparing a model Behavioural Support Policy. Further consultation will be undertaken during drafting of these documents.

In contemplating what should be included in Behavioural Standards and Behavioural Support Policies, it may be useful for councils to consider what they like and dislike about Part 2<sup>2</sup> of the current Code of Conduct and what may be missing.

An example of something councils may dislike about the Code of Conduct is the lack of clarity regarding some behaviour descriptions, in particular the meaning of 'bullying and harassment'.

An example, of something that may be missing from the Code of Conduct is specific mention of the use of social media by council members. Social media is performing an increasingly important role in the way that councils and council members share information and communicate with the community. It is important that council members understand the impact of what they share or say on social media.

It may also be useful to consider the standards of behaviour expected of council members by other jurisdictions.

To assist councils in considering the appropriate standards of behaviour for council members, the LGA has prepared an analysis of South Australia's existing Code of Conduct for Council Members and a jurisdictional comparison of other local government conduct frameworks, at Appendix 1 and 2.

?	<b>Issues to consider</b>  <ol style="list-style-type: none"><li>1) What values and behaviours should a council member display?<ol style="list-style-type: none"><li>a) What are the minimum core standards of behaviour expected of council members?</li><li>b) What would you consider additional behaviours that councils might include in Behavioural Support Policies?</li></ol></li><li>2) What do you like and dislike about South Australia's current Code of Conduct for Council Members?</li><li>3) What level of prescription should be in the Standards of Behaviour? For example, should high-level statements be supported by descriptions and/or examples?</li><li>4) Is the level of consistency across the sector important versus the freedom for councils to choose the behaviours they expect from their council members?</li></ol>
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## 5. Behavioural Management Policy

Under new section 262B of the Act, councils will be required to adopt a Behavioural Management Policy that will provide for how they deal with complaints against council members alleging a failure to comply with the Behavioural Standards or the council's Behavioural Support Policies. A Behavioural Management Policy will be similar in its intent to the current LGA model Complaints Handling Procedures under Council Members' Code of Conduct and will set out the procedures for lodging, assessing, investigating, and dealing with complaints.

A Behavioural Management Policy will include provisions authorising council to deal with complaints as it considers appropriate, including by refusing to deal with a complaint, inquiring into a complaint,

<sup>2</sup> Part 3 of the Code of Conduct deals with matters that will become 'integrity' matters under the new framework.

determining to take no further action on a complaint (having already commenced dealing with the complaint), or arranging for mediation, conciliation, arbitration or utilising other dispute or conflict resolution methods.

The Act will include more detail to clarify the grounds on which a council can refuse to deal with a complaint or determine to take no further action on a complaint. This will include:

- the subject matter of the complaint is trivial;
- the complaint is frivolous, vexatious, or not made in good faith;
- the complainant or the person on whose behalf the complaint was made does not have sufficient personal interest in the matter;
- that it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;
- the subject matter of the complaint has been or is already being investigated; or
- the council has dealt with the complaint adequately.

A council's Behavioural Management Policy will include provisions authorising the council to inquire into a complaint however it considers appropriate and may include provisions relating to submissions provided by parties, the conduct of interviews, and whether investigations will be conducted informally or formally. A Behavioural Management Policy must also include provisions authorising the council to conduct an inquiry itself or delegate it to any person or body the council considers appropriate. The new section 262B contains examples of who the council can delegate to, including the principal member, the CEO, a delegate of the principal member or the CEO, a committee of the council, or a person who is not a member or employee of the council.

Councils may want to consider whether they would like the Local Government Governance Panel (**Governance Panel**) to continue providing its services under the new behavioural management framework. Councils can continue to utilise the Governance Panel to investigate alleged breaches of the Behavioural Standards or a council's Behavioural Support Policy if there is a consensus that it has been and will continue to be useful for the sector. Council's may want to consider whether an alternative body or service similar to the Governance Panel, may be more appropriate and what that may look like.<sup>3</sup>

Lastly, the Act will now provide a range of actions that councils can take after conducting an inquiry in accordance with their Behavioural Management Policy. The actions are outlined in the new section 262C of the Act and are similar to those provided for in the current Code of Conduct for Council Members, being:

- (a) pass a censure motion;
- (b) require member to issue a public apology;
- (c) require member to undertake specified training;
- (d) remove or suspend member from one or more offices held by the member.

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<sup>3</sup> More information about the Governance Panel can be found on the LGA website here: <https://www.lga.sa.gov.au/about-lga/overview-of-the-lga/related-organisations/governancepanel>

Overall, the Act will include more detail on what councils can include in their Behavioural Management Policy. The Act will also allow councils to include any other provisions, in addition to those above, relating to the processes and procedures for receiving and dealing with complaints that they consider appropriate. The LGA intends to provide the sector with a model Behavioural Management Policy that will be developed in consultation with councils and Office of Local Government. Before drafting commences, the LGA is seeking initial feedback from councils on what in their current complaints handling procedure under the Council Members' Code of Conduct works well and what does not, and if there are any additional provisions that should be included.

<b>Issues to consider</b>	
	<ol style="list-style-type: none"><li>5) Should the Governance Panel continue providing their services under the new behavioural management framework?</li><li>6) What in the current Complaints Handling Procedure under the Council Members' Code of Conduct works well and what does not?<ol style="list-style-type: none"><li>a) What additional provisions should be included?</li></ol></li></ol>

## 6. Behavioural Standards Panel

The Bill proposes to introduce the Behavioural Standards Panel to deal with repeated or serious misbehaviour by council members. The Behavioural Standards Panel will handle complaints alleging:

- A failure of a council member to comply with an action taken by a council against that council member for a breach of the Behavioural Standards or the council's Behavioural Support Policy, eg a failure to issue an apology.
- A failure of a council member to comply with a provision of, or requirement under, the council's Behavioural Management Policy, eg failing to undertake counselling.
- A failure by a council member to comply with an agreement reached following mediation, conciliation, arbitration, or other dispute or conflict resolution conducted to resolve a complaint made about member behaviour.
- A second or subsequent failure by a council member to comply with the Behavioural Standards or a council's Behavioural Support Policy.
- A failure by a council member to comply with the new section 75G that outlines a council members health and safety duties (to be defined in the Act as 'serious misbehaviour').

Complaints can be referred to the Behavioural Standards Panel by a resolution of council, the principal member, at least 3 council members, or a responsible person under section 75G (being, depending on the circumstance, the chief executive officer, principal member or deputy member, or another member chosen by council).

The Behavioural Standards Panel has been introduced to enable the more efficient resolution of repeated behavioural issues as it will have the ability to apply tougher sanctions than those issued by council. The expanded sanctions include the ability to require the council member to reimburse the council a specified amount, suspend the council member for a period not exceeding three months, and direct the council to lodge a complaint against the council member with SACAT.

The LGA will provide further guidance and information on the Behavioural Standards Panel to councils in due course.

## 7. Integrity provisions

The terminology of ‘member integrity’ will be inserted into the Act and will be those matters that relate to council member integrity, maladministration, misconduct, and corruption. Chapter 5, Part 4, Division 1 of the Act will set out the member integrity provisions and will include provisions relating to general duties of council members, register of interests, gifts and benefits, and conflicts of interest. The SA Ombudsman and the Independent Commissioner Against Corruption (**ICAC**) will continue their respective roles in the investigation of integrity provisions.

The Bill has amended section 263B of the Act to expand the SA Ombudsman’s powers to include the ability to require the council to suspend the member for a maximum of three months and the ability to apply their recommendations directly to a council member. More significant sanctions will remain with the **SACAT**, which will be able to impose suspensions for up to six months or disqualification from the office of council member.

The general duties set out in section 62 of the Act will undergo some minor amendments including the removal of maximum penalties and adding that a council member must not direct or seek to influence a council employee and must ensure that a request for information or performance of work is made in accordance with requirements of the Chief Executive Officer.

The new section 62(4e) allows additional integrity provisions to be prescribed by regulations. The Office of Local Government has provided the LGA with a list of additional provisions that they expect to prescribe in regulations as integrity provisions, and they include:

- the misuse of the new power of a presiding member to exclude a council member from the meeting room under section 86(6b) (see below for more discussion);
- the use by a council member of a facility or service provided to them by the council under section 78 for a purpose unrelated to the performance or discharge of their official functions or duties; and
- a provision similar to clause 3.4 in the current Code of Conduct for Council Members, that a council member must not exercise or perform, or purport to exercise or perform, a power, duty, or function that they are not authorised to exercise or perform.

Councils should consider if there are any additional integrity provisions that should be prescribed by regulations and whether they agree with the proposals from Office of Local Government above. The LGA currently has no recommendations on any additional integrity provisions.

### a. Misuse of section 86(6b) power by presiding member

The Bill will give additional powers to the presiding member to control a council meeting, including the ability to direct a council member who is behaving improperly or causing interruption to be excluded from the meeting room (including any area set aside for the public) such that they cannot view or hear any discussion at the meeting for a period determined by the presiding member (not exceeding 15 minutes).

The Office of Local Government is proposing to include the misuse of this power by the presiding member as an integrity provision by prescribing it in regulations. The LGA asks councils to consider

whether misuse of this power should be considered as an integrity provision, and any complaints handled by the SA Ombudsman, or whether it should be handled as a behavioural matter and included as a Behavioural Standard (with complaints handled by councils in the first instance and the Behavioural Standards Panel for any repeated misuse).

	<b>Issues to consider</b>
	<ol style="list-style-type: none"><li>7) Do you agree with the integrity provisions the Office of Local Government is proposing to prescribe in regulations? Why or why not?</li><li>8) Should misuse of presiding member powers under section 86(6b) be considered as an integrity provision or as a behavioural matter?</li><li>9) What additional integrity provisions, if any, should be prescribed?</li></ol>

## 8. Suspension of members

The Bill will insert additional reasons a council member can be suspended from council. Some of those suspension periods have been prescribed in the Act, however, there are others that will need to be prescribed separately by regulations. New Schedule 9 outlines the conditions that apply to a council member while suspended including:

- the suspension extends to all offices held in the member's capacity as a member of council.
- the member must not use or retain a facility or service provided by the council.
- the member must not carry out any function or duty of a council member.
- the member must not be given access by council to information, documents, or materials related to the performance or discharge of the functions or duties of members of the council.

The LGA is seeking feedback from councils on the appropriate length of suspension for each relevant section of the Act that will require a period to be prescribed by regulations.

### Suspension period set in Act:

#### ***Section 262W - Behavioural Standards Panel***

The Behavioural Standard Panel, after inquiring into a complaint, may determine to suspend a council member from the office of member of the council for a period not exceeding three months. The Panel may determine that the suspension is served with or without the council member allowance.

#### ***Section 263B – Ombudsman***

The Ombudsman, after completing an investigation of a complaint, may make a recommendation to council to suspend the council member for a period not exceeding three months. The Ombudsman may determine that the suspension is served with or without the council member allowance.

## **Section 267 – SACAT**

After hearing a complaint, SACAT, if satisfied a ground on which the complaint was lodged exists and that there is proper cause for taking action against the council member to whom the complaint relates, may suspend the council member for a period not exceeding six months.

## **Suspension period to be prescribed by regulations:**

### ***Part 4, Division 1, Subdivision 2 – Register of Interests***

A council member who has failed to submit their primary or ordinary return to the CEO, before the expiration of one month from the end of the period allowed, will be suspended from council. This suspension provision replaces the current process where a failure to submit triggers a casual vacancy. The Act will specify that the council member will not be entitled to a council member allowance during the period of suspension. The suspension will be revoked when the council member submits the return to the CEO. If a council member remains suspended for longer than the prescribed period (ie does not submit the return within the suspension period), the council must apply to SACAT for an order disqualifying the member from office.

The period of suspension will need to be prescribed by regulations.

### ***Section 80A – Training and development***

The Act will require councils to adopt a training and development policy for its members which must incorporate the prescribed mandatory requirements set out in regulations.<sup>4</sup> If a council member fails to comply with the mandatory requirements, the council must suspend the council member (unless they are satisfied that there was good reason for the failure). The Act will specify that the council member will not be entitled to a council member allowance during the period of suspension. The suspension will be revoked when the council member complies with the mandatory training requirements. If a council member remains suspended for longer than the prescribed period (ie does not comply with the mandatory training requirements within the suspension period), the council must apply to SACAT for an order disqualifying the member from office.

A period of suspension will need to be prescribed in regulations.

### ***Section 80B – Suspension – member of council subject to intervention order***

Section 80B provides that if a council member is subject to a relevant ***interim intervention order*** where the person protected by the order is another council member, a council may suspend that council member from office if they consider it appropriate to do so. If the person protected by the interim intervention order is an employee of the council, the CEO may suspend the council member if they consider it appropriate to do so. The Act will specify that a council member suspended in relation to an interim intervention order is entitled to a council member allowance during the period of suspension. The suspension will be revoked if the relevant interim intervention order is revoked, or the council or CEO (as applicable) considers it appropriate to do so.

Section 80B provides that if a council member is subject to a relevant ***final intervention order***, where the person protected by the order is a member or employee of the council, the member is suspended from office of the council. The Act will specify that a council member suspended in relation to a final intervention order is not entitled to a council member allowance during the period of suspension. The

<sup>4</sup> Note, the LGA will provide the sector with further information and guidance on the implementation of the training and development reform in due course.

suspension will be revoked if the relevant final intervention order is revoked. If a council member suspended in relation to a relevant final intervention order, remains suspended for longer than the prescribed period, the council must apply to SACAT for an order disqualifying the member from office. The length of suspension in relation to a final intervention order will need to be prescribed in regulations. If a council member remains suspended for longer than the prescribed period (ie the final intervention order is not revoked), the council must apply to SACAT for an order disqualifying the member from office.

?	<b>Issues to consider</b>  10) What is the appropriate length of suspension for:  <ul style="list-style-type: none"><li>a) A failure to submit a primary or ordinary return;</li><li>b) A failure to comply with mandatory training requirements under section 80A; and</li><li>c) A relevant final intervention order where the person protected is a council member or council employee.</li></ul>
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## 9. Conflict of interest

The Bill introduces a revised set of conflict of interest rules for council members. The categorisation of more significant matters for which council members are required to not participate in discussion or voting, and less significant matters for which members can decide themselves on how to best deal with the interest, remains the same in the new conflict of interest rules. However, the current three different categories—material, actual, and perceived—have been reduced to two—material and general. The conflict of interest rules apply also to committees and members of committees, and subsidiaries and board members of subsidiaries.

A council member will be said to have a general conflict of interest in a matter to be discussed by council if an impartial, fair-minded person might consider that the council member's private interests might result in them acting in a manner that is contrary to their public duty. The meaning of a material conflict of interest remains as it is currently, that a council member has a material conflict of interest in a matter to be discussed at a council meeting if any of the persons listed in section 75 of the Act would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting.

The amended Act will consolidate all exemptions into one new section 75A. Similar to currently, section 75A allows interests that arise in relation to prescribed matters or in prescribed circumstances to be exempt and will not be regarded as having a conflict of interest in those matters. The OLG is proposing to prescribe in regulations the same exemptions as currently prescribed in regulation 8AAA and 8AAB of the *Local Government (General) Regulations 2013*<sup>5</sup> - an extract of 8AAA and 8AAB is at Appendix 3.

The LGA seeks feedback from councils on whether there is anything that should be added or removed from the current exemptions prescribed in the regulations.

<sup>5</sup> [https://www.legislation.sa.gov.au/LZ/C/R/Local%20Government%20\(General\)%20Regulations%202013.aspx](https://www.legislation.sa.gov.au/LZ/C/R/Local%20Government%20(General)%20Regulations%202013.aspx)

### Issues to consider



- 11)** Are the current exemptions to declaring a conflict of interest prescribed in the *Local Government (General) Regulations 2013* sufficient?
- 12)** Are there any exemptions that should not be included in future regulations?
- 13)** Are there any additional exemptions that should be prescribed?

## 10. Conclusion

This paper represents preliminary consultation on the many matters to be covered in the regulations, Ministerial notices, model policies, and resources that councils will need to implement the new council member behaviour management framework. Feedback on this discussion paper will assist the LGA in progressing work toward implementation and will also form the basis for further consultation.

## Appendix 1: Current South Australian conduct framework - Part 2 Member Behaviour

Council members in South Australia are currently required to comply with the Code of Conduct for Council Members as gazetted 29 August 2013 (**Code of Conduct**).

Part 2 of the Code of Conduct sets out the Behavioural Code that outlines the behaviour considered essential for council members to uphold, being:

Council members must:

### *General behaviour*

- Show commitment and discharge duties conscientiously.
- Act in a way that generates community trust and confidence in the council.
- Act in a reasonable, just, respectful, and non-discriminatory way when dealing with people.
- Show respect for others if making comments publicly.
- Ensure that personal comments to the media or other public comments, on council decisions and other matters, clearly indicate that it is a private view, and not that of the council.

### *Responsibilities as a member of council*

- Comply with all council policies, codes, and resolutions.
- Deal with information received in their capacity as council members in a responsible manner.
- Endeavour to provide accurate information to the council and to the public at all times.

### *Relationship with fellow council members*

- Endeavour to establish and maintain a respectful relationship with all council members, regardless of differences of views and opinions.
- Not bully or harass other council members.

### *Relationship with council staff*

- Not bully or harass council staff.
- Direct all requests for information from the council administration to the council's Chief Executive Officer (**CEO**) or nominated delegate/s.
- Direct all requests for work or actions by council staff to the council's CEO or nominated delegate/s.
- Refrain from directing or influencing council staff with respect to the way in which these employees perform their duties.

## Appendix 2: Jurisdictional comparison of local government conduct frameworks

### i. Victoria

Victorian councils are required to develop a Councillor Code of Conduct that must include the standards of conduct prescribed in the *Local Government (Governance and Integrity) Regulations 2020*.

The standards of conduct include the expectation that council members treat others with dignity, fairness, objectivity, courtesy and respect. It goes on to detail more specific behaviours that relate to the treatment of others, including:

- supporting council in fulfilling its obligation to achieve and promote gender equality;
- not engaging in abusive, or obscene or threatening behaviour; and
- in considering the diversity of interests and needs of the community, treats all persons with respect and has due regard for their opinions, beliefs, rights, and responsibilities.

The standards of conduct also include expectations for council members to perform their role effectively and responsibly, including by:

- undertaking training;
- ensuring they are informed of matters which are subject to council decisions; and
- representing the interests of the community by considering the diversity of interests and needs of the community as a whole.

Council members are required, under the standards of conduct, to ensure good governance of the council, comply with all council policies, practices, and protocols, and not discredit or mislead the council or the public.

Lastly, the standards of conduct state that they are not intended to limit, restrict, or detract from robust public debate in democracy.

The complete list of Victorian Standards of Conduct can be found in Schedule 1 of the *Local Government (Governance and Integrity) Regulations 2020* (Vic) here:

<https://content.legislation.vic.gov.au/sites/default/files/2020-10/20-116sra%20authorised.pdf>

### ii. Queensland

In Queensland the Minister for Local Government must make a code of conduct that sets out the standards of behaviour for council members in performing their official functions. The Code of Conduct for Councillors in Queensland (**Qld Code of Conduct**) is separated into two parts, the first being the behaviours that must be observed by council members that are based on the five local government principles and secondly, standards of behaviour that council members must comply with.

The five local government principles are listed below:

1. Transparent and effective processes, and decision-making in the public interest.
2. Sustainable development and management of assets and infrastructure, and delivery of effective services.
3. Democratic representation, social inclusion, and meaningful community engagement.

4. Good governance of, and by, local government.
5. Ethical and legal behaviour of council members and local government employees.

The Qld Code of Conduct expands on these principles by describing the types of conduct council members should demonstrate to ensure their compliance with the principles. For example:

1. In making decisions in the public interest, council members will:
  - make decisions in open council meetings;
  - properly inform relevant personnel of all relevant information;
  - make decisions in accordance with law and policy; and
  - commit to exercising proper diligence, care, and attention.

The standards of behaviour in the Qld Code of Conduct are summarised as the three Rs, being responsibilities, respect, and reputation. Each standard of behaviour includes several examples to guide council members in compliance. For example:

1. Treat people in a reasonable, just, respectful, and non-discriminatory way.
  - 1.1. Treat fellow council members, council employees and members of the public with courtesy, honesty, and fairness.
  - 1.2. Not use abusive, obscene, or threatening language (either oral or written) or behaviour towards other council members, council employees or members of the public.
  - 1.3. Have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare.

The principles and standards of behaviour in the Qld Code of Conduct are of equal importance and relevance to council members.

The complete Code of Conduct for Councillors in Queensland can be found here:

[https://www.dlgrma.qld.gov.au/\\_data/assets/pdf\\_file/0017/45170/code-of-conduct-for-queensland-councillors.pdf](https://www.dlgrma.qld.gov.au/_data/assets/pdf_file/0017/45170/code-of-conduct-for-queensland-councillors.pdf)

### **iii. New South Wales**

New South Wales has a Model Code of Conduct (**NSW Code of Conduct**) that sets out the minimum standards of conduct for council officials. Councils are required to adopt a code of conduct that incorporates the provisions of the NSW Code of Conduct. The NSW Code of Conduct differs to most other states as it applies to council members, council staff and delegates of councils.

The NSW Code of Conduct includes general conduct obligations that relate to harassment and discrimination, fairness and equity, bullying, and work health and safety (among others). The NSW Code of Conduct defines bullying as behaviour in which a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and the behaviour creates a risk to health and safety. It goes on to list examples of bullying behaviour, which include:

- aggressive, threatening, or intimidating conduct;
- belittling or humiliating comments;
- spreading malicious rumours;
- teasing, practical jokes or 'initiation ceremonies';
- exclusion from work-related events;

- unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level;
- displaying offensive material; and
- pressure to behave in an inappropriate manner.

The NSW Code of Conduct also includes the requirement to not harass or unlawfully discriminate against others or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national, or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status, or political, religious or other affiliation. It defines harassment as any form of behaviour towards a person that is not wanted by the person, offends, humiliates, or intimidates the person, and creates a hostile environment.

The full NSW Code of Conduct can be found here: <https://www.olg.nsw.gov.au/wp-content/uploads/2020/08/Model-Code-of-Conduct-2020.pdf>

#### **iv. Tasmania**

Tasmania has a Model Code of Conduct that must be adopted by all local councils. The Tasmanian Code of Conduct covers a range of topics including<sup>6</sup>:

- how councillors should conduct themselves when making decisions;
- how to deal with non-pecuniary conflict of interests;
- ensuring the council member does not use their office or status improperly or to seek an unfair benefit;
- using council resources appropriately and not for private purposes;
- ensuring council information is only used and accessed for official purposes, and not disclosed inappropriately;
- only accepting gifts or benefits if it directly relates to carrying out public duties;
- guidance on council member relationships with community, other council members and council employees; and
- how to ensure the proper representation of council and council information.

The complete Tasmanian Model Code of Conduct can be found in Schedule 1 of the *Local Government (Model Code of Conduct) Order 2016* here:

<https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2016-023>

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<sup>6</sup> Note, many of these topics are covered elsewhere in South Australia's Local Government Act and will be dealt with separate to the Behavioural Management Standard, such as gifts and benefits, conflict of interest, and improper use of office.

## Appendix 3: Exemptions from conflict of interest

### Local Government (General) Regulations 2013 – Regulations 8AAA and 8AAB

#### 8AAA—Conflicts of interest—ordinary business matters etc

- (1) For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:
- (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act;
  - (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders);
  - (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act;
  - (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act;
  - (e) the adoption or revision of an annual business plan;
  - (f) the adoption or revision of a budget;
  - (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration;
  - (h) a discussion or decision of a matter at a meeting of a council if the matter—
    - (i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council; and
    - (ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.
- (2) For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee of the agency or instrumentality if the matter does not directly concern the agency or instrumentality.

#### 8AAB—Conflicts of interest—special provisions relating to subsidiaries and committees

For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:

- (a) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a council subsidiary if—
  - (i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and
  - (ii) the relevant interest in the matter is the interest of the council which appointed, or nominated for appointment, a member of the board of management of the subsidiary;
- (b) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a regional subsidiary if—
  - (i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and

- (ii) the relevant interest in the matter is the interest of a council which appointed, or nominated for appointment, a member of the board of management of the subsidiary; and
  - (iii) the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the constituent councils of the subsidiary;
- (c) a matter to be discussed, or in relation to which a recommendation is to be made, at a meeting of a committee of a council established under section 41 of the Act if—
- (i) the discussion or recommendation relates to the purpose for which the committee is established; and
  - (ii) the relevant interest in the matter is the interest of the council that established the committee.

# **Attachment C**

## **Statutes Amendment (Local Government Review) Bill 2020 New Behavioural Framework**

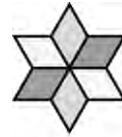
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**City of  
Norwood  
Payneham  
& St Peters**



## **Behavioural Management Framework Discussion Paper**

### **Response to the LGA**

#### **Behavioural Standards and Behavioural Support Policies**

1. *What values and behaviours should a Council Member display?*
  - a) *What are the minimum core standards of behaviour expected of Council Members?*
  - b) *What would you consider additional behaviours that Councils might include in Behavioural Support Policies*

The current *Code of Conduct for Council Members* (Part 2 Behavioural Code), sets out a comprehensive range of general behaviours that Elected Members must demonstrate as follows:

#### **General behaviour**

- 2.1 *Show commitment and discharge duties conscientiously.*
- 2.2 *Act in a way that generates community trust and confidence in the Council.*
- 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.*
- 2.4 *Show respect for others if making comments publicly.*
- 2.5 *Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.*

#### **Responsibilities as a member of Council**

- 2.6 *Comply with all Council policies, codes and resolutions.*
- 2.7 *Deal with information received in their capacity as Council members in a responsible manner.*
- 2.8 *Endeavour to provide accurate information to the Council and to the public at all times.*

#### **Relationship with fellow Council Members**

- 2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.*
- 2.10 *Not bully or harass other Council members.*

#### **Relationship with Council staff**

- 2.11 *Not bully or harass Council staff.*
- 2.12 *Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.*
- 2.13 *Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.*
- 2.14 *Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.*

These behaviours should be included in the new *Behavioural Standards* (in addition to any “best practise” standards of behaviour from other jurisdictions, (ie other State LGAs, etc). This would ensure a seamless and consistent standard of behaviour across the sector, (particularly if Councils adopt differing Behavioural Support policies).

In this respect the Council is of the strong view that standards and policies should be uniform across the sector – to do so otherwise would be illogical as all Elected Members should be operating within the same parameters rather than a Council by Council approach.

On the basis that the Behavioural Standards have not as yet been determined the Council is not in a position to respond in terms of what it may include in a Behavioural Support Policy.

**2. *What do you like and dislike about South Australia’s current Code of Conduct for Council Members?***

The current *Code of Conduct for Council Members* provides a consistent approach to the standards of behaviour expected from all Local Government Elected Members. As representatives of a level of Government it is important that the community should be able to expect the same standard of behaviour from any Elected Member from any Council.

The process associated with complaints under the *Code of Conduct* should not be contained with the Code. The process should be set out clearly in a separate *Complaints Handling Policy* and procedure, as is proposed in the new *Behavioural Management Policy*.

The Code does not contain any definitions which would benefit both Elected Members and members of the community in understanding what some terms mean, ie what does “bully and harass staff” mean? (Code of Conduct for Council Members 2.11).

**3. *What level of prescription should be in the Standards of Behaviour?***

The *Standards of Behaviour* should be high level and include definitions and/or examples where relevant.

**4. *Is the level of consistency across the sector important versus the freedom of Councils to choose the behaviours they expect from their Council Members?***

Yes.

Consistent standards of behaviour across Local Government should be applied to all public officers no matter what sector they represent.

### **Behavioural Management Policies**

**5. *Should the Governance Panel continue providing their services under the new behavioural management framework?***

The City of Norwood Payneham & St Peters has not used the LGA’s Governance Panel, however the Panel may be beneficial to other Councils and therefore those Councils may be better placed to respond to this question.

**6. *What in the current Complaints Handling Procedure under the Council Members’ Code of Conduct works well and what does not?***

*The current procedure is clear and the procedure works well.*

**a) *What additional provisions should be included?***

None.

## **Integrity Provisions**

7. *Do you agree with the integrity provisions the Office of Local Government is proposing to prescribe in regulations? Why or why not?*

Yes. The inclusion of the more serious matters relating to “member integrity” within the Regulations should clearly articulate the seriousness of these matters and appropriate penalties to ensure these provisions can be enforced.

8. *Should misuse of presiding member powers under section 86(6b) be considered as an integrity provision or as a behavioural matter?*

Any misuse of power should be treated as an integrity matter.

9. *What additional integrity provisions, if any, should be prescribed?*

None.

## **Suspension of Members**

10. *What is the appropriate length of suspension for:*

- a) *A failure to submit a primary or ordinary return;*
- b) *A failure to comply with mandatory training requirements under section 80A; and*
- c) *A relevant final intervention order where the person protected is a council member or council employee.*

The Council suggests that a suspension period not exceeding one (1) month should apply to the situations set out in a) and b) above.

However, in the circumstances described in c) above, it must be noted that in most cases, a final intervention order is for a minimum period of 12 months. In which case it would be logical for the suspension period to align with the term of the final intervention order.

Having said that, one could also question why an Elected Member who is the subject of a final intervention order should be able to retain their position when they would be absent and unable to fulfil their duties of office during this period.

It would therefore be reasonable for any Elected Member who is subject to a final intervention order to lose their position. In this circumstance, the Council would fulfil its obligations under Section 54 Casual Vacancies of the Local Government Act 1999:

- (5) *If a member's office becomes vacant because the member has been convicted of an offence under subsection (1)(i), proceedings for a supplementary election to fill the vacancy (if required) must not be commenced until the period for appealing against the conviction has expired or, if there is an appeal, until the appeal is determined.*

## **Conflict of Interest**

11. *Are the current exemptions to declaring a conflict of interest prescribed in the Local Government (General) Regulations 2013 sufficient?*
12. *Are there any exemptions that should not be included in future regulations?*
13. *Are there any additional exemptions that should be prescribed?*

Regulations 8AAA (1) (e) and (f) should be consistent with (1) (a) – (d) in terms of inserting the words “the preparation, discussion, into parts (e) and (f), as set out below:

**8AAA—Conflicts of interest—ordinary business matters etc**

(1) For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:

- (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act;
- (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders);
- (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act;
- (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act;
- (e) the **preparation, discussion, adoption or revision of an annual business plan**;
- (f) the **preparation, discussion, adoption or revision of a budget**;
- (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration;

In addition to the above changes, Regulation 8AAA (1) (g) (as set out above), should be amended to include a separate rate. The exclusion of the separate rate within this exemption is problematic, particularly in smaller rural councils. In the event that a number of Elected Members have a conflict of interest when determining separate rate, an application to the Minister for an exemption from this provision is required to ensure a Council can achieve a quorum. This could be resolved as follows:

- (g) the declaration of rates (**including** a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration;

## 11.11 DECLARATION OF SEPARATE RATE – CHARLOTTE LANE, NORWOOD

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**REPORT AUTHOR:** Manager, Governance, Legal & Property  
**GENERAL MANAGER:** General Manager, Governance & Community Affairs  
**CONTACT NUMBER:** 8366 4507  
**FILE REFERENCE:** qA65688  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of this report is to advise the Council of the outcome of the community consultation which has been undertaken with respect to the proposed declaration of a Separate Rate to recover the costs of converting Charlotte Lane, Norwood to Public Road.

### BACKGROUND

At its meeting held on 3 August 2020, the Council resolved to declare the private laneway known as Charlotte Lane, Norwood to be a Public Road, pursuant to Section 210(1) of the *Local Government Act 1999* (the Act) and the Council's *Private Laneways Policy & Procedure*.

Public notice of this declaration was published in the SA Government Gazette on 6 August 2020, thereby vesting Charlotte Lane in the Council as Public Road from that date.

At its meeting held on 18 January 2021, the Council considered the proposed declaration of a Separate Rate pursuant to Section 154 of the Act to recover the costs of converting Charlotte Lane, Norwood to Public Road, in accordance with the Council's *Private Laneways Policy & Procedure*, and resolved the following:

1. *That the Council gives notice of its proposal to declare a Separate Rate pursuant to Section 154 of the Local Government Act 1999 for the land adjacent to Charlotte Lane, Norwood and marked as 'Separate Rate Area' on the Map contained in Attachment B, and comprising the following properties:*

- *Unit 1-2, 44 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 6114 Folio 763;*
- *Unit 7, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5971 Folio 784;*
- *Unit 8, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 136;*
- *Unit 9, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 135;*
- *Unit 10, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 134;*
- *Unit 11, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 133;*
- *Unit 12, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 132;*
- *Unit 13, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 131;*
- *Unit 14, 50 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5818 Folio 130;*
- *51A Sydenham Road, Norwood SA 5067, comprised within Certificate of Title Volume 5089 Folio 504;*
- *43C Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6100 Folio 112;*
- *43B Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6100 Folio 111;*
- *43A Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6100 Folio 110;*
- *4 Charlotte Place, Norwood SA 5067, comprised within Certificate of Title Volume 5090 Folio 93;*
- *2 Charlotte Place, Norwood SA 5067, comprised within Certificate of Title Volume 5111 Folio 782;*

- 36 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5111 Folio 780;
- 40-42 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5089 Folio 995;
- 56 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 5936 Folio 390;
- 49 Sydenham Road, Norwood SA 5067, comprised within Certificate of Title Volume 5926 Folio 879;
- 51 Sydenham Road, Norwood SA 5067, comprised within Certificate of Title Volume 5993 Folio 209;
- 49 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5440 Folio 271;
- 41 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5502 Folio 538;
- 39 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5090 Folio 799;
- 37 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5890 Folio 2;
- Unit 1, 46 Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 6114 Folio 760;
- Unit 2, 46A Beulah Road, Norwood SA 5067, comprised within Certificate of Title Volume 6114 Folio 761;
- Unit 3, 47 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5939 Folio 108;
- Unit 2, 47 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5939 Folio 107;
- Unit 1, 47 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 5939 Folio 106;
- Unit 3, 45 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6198 Folio 722;
- Unit 2, 45 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6198 Folio 721; and
- Unit 1, 45 Fisher Street, Norwood SA 5067, comprised within Certificate of Title Volume 6198 Folio 720,

*for the purpose of carrying out the activity of undertaking the conversion of Charlotte Lane to Public Road under Section 210 of the Local Government Act 1999.*

2. *That the Separate Rate is proposed to be a fixed charge of \$98.91 per rateable property, calculated by dividing the cost of carrying out the activity equally between the rateable properties listed in point 1 and is proposed to be declared for a period of one (1) year commencing 5 July 2021.*
3. *That consultation be undertaken on the proposed declaration of the Separate Rate with respect to Charlotte Lane, Norwood in accordance with the Council's Community Consultation Policy and Sections 151(5)(e) and 151(7) of the Local Government Act 1999.*
4. *That the Council approves the document contained in Attachment C, prepared pursuant to Section 151(5)(d) of the Local Government Act 1999, for the purposes of public consultation and authorises the Chief Executive Officer to make any required minor amendments to the document prior to consultation.*

Consultation was conducted for a period of three (3) weeks from Friday 29 January 2021 to Friday 19 February 2021. A notice was published on the Council's website and in the Advertiser newspaper on 29 January 2021. The Council website also provided information regarding the proposed Separate Rate, including a Separate Rate 'Fact Sheet', and invited interested persons to make written submissions and attend a public meeting.

A copy of the 'Fact Sheet' is contained within **Attachment A**.

All adjoining property owners of the laneway who would be affected by the proposed Separate Rate were also directly notified in writing on 28 January 2021 of the consultation and were invited to provide comments and attend the public meeting.

One (1) written response was received from an adjoining property owner during the consultation period who indicated their support for the proposed Separate Rate.

A public meeting was held on Monday, 22 February 2021, from 6.00-6.30pm in the Don Pyatt Hall in relation to the proposed Separate Rate. Three (3) persons attended, two (2) of whom were adjoining property owners and one (1) interested resident who lives in the vicinity of Charlotte Lane. No concerns were raised in relation to the proposed Separate Rate. A query was raised regarding the lighting to be installed in the laneway and temporary parking arrangements while the upgrade works to the laneway are completed. These enquiries have been dealt with and the resident was advised of the specifications and location of the new street lighting to be installed in the laneway. Temporary parking arrangements were provided on Fisher Street for residents adjoining the laneway who would be unable to access their garages while the upgrade works were completed.

Having met the consultation requirements set out in Sections 151(5)(e) and 151(7) of the Act, the Council is now in a position to proceed with the declaration of the Separate Rate in relation to Charlotte Lane, Norwood pursuant to Section 154 of the Act.

The Separate Rate will be declared as part of the Council's 2021-2022 Budget process.

#### **RELEVANT STRATEGIC DIRECTIONS & POLICIES**

Not Applicable.

#### **RECOMMENDATION**

1. That the Council notes the completion of public consultation as required by Section 151(5)(e) of the *Local Government Act 1999* with respect to the proposed declaration of a Separate Rate for the land adjacent to Charlotte Lane, Norwood, being the land identified in the resolution of the Council at its meeting held on 18 January 2021.
2. That the Council acknowledges that the Separate Rate will be declared pursuant to Section 154 of the *Local Government Act 1999*, and in accordance with the terms of the Council resolution at its meeting held on 18 January 2021, as part of the 2021-2022 Budget process.

## **Attachments – Item 11.11**

# **Attachment A**

## **Declaration of Separate Rate Charlotte Lane, Norwood**

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

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**City of  
Norwood  
Payneham  
& St Peters**

# **Fact Sheet:**

## **Proposed Introduction of Separate Rate –**

### **Charlotte Lane, Norwood**

Local Government Act 1999, Section 151(5)(d)

#### **Overview**

The City of Norwood Payneham & St Peters is undertaking consultation on the proposed introduction of a Separate Rate for the properties immediately adjacent to Charlotte Lane, Norwood.

The Separate Rate is for the purpose of recovering the costs of converting Charlotte Lane from a Private Laneway to a Public Road, in accordance with the Council's *Private Laneways Policy & Procedure* and Section 210 of the *Local Government Act 1999* (the Act).

The Separate Rate is proposed to be a fixed charge, to be determined by sharing the costs of converting Charlotte Lane to Public Road equally between the adjacent properties. The Council proposes to declare the Separate Rate on 1 July 2021 for a period of one (1) year, with the Separate Rate to be payable in four (4) equal instalments across the year.

This Fact Sheet provides information about how the Separate Rate will operate, to assist interested persons who wish to make comment on the proposal.

#### **What is a Separate Rate?**

Councils in South Australia may declare a Separate Rate on a particular and specifically defined part of the Council area. Revenue raised from a Separate Rate must be used expressly for the benefit of the area from which it is raised and for the benefit of the property owners who pay the Separate Rate.

Under Section 154 of the Act, "*a council may declare a separate rate on rateable land within a part of the area of the council for the purpose of planning, carrying out, making available, supporting, maintaining or improving an activity that is, or is intended to be, of particular benefit to the land, or the occupiers of the land, within that part of the area, or to visitors to that part of the area*".

A Separate Rate is in addition to the General Council Rate which is applied to each property.

#### **Why is a Separate Rate being introduced?**

The Council's *Private Laneways Policy & Procedure* provides that the Council will select at least two (2) Private Laneways for conversion to Public Road each year. By following the process set out in Section 210 of the Act to convert a Private Laneway to Public Road, the Council can assume ownership of and responsibility for the Private Laneway.

A copy of the Council's *Private Laneways Policy & Procedure* is attached to this Fact Sheet.

There are many Private Laneways throughout the City, which often have no known owner or a deceased owner. As there is no "owner", these laneways are not maintained and many have deteriorated in condition over time. Although the Council has no legal obligation to maintain or upgrade these Laneways, it is recognised that the Council is often the only authority which has the capacity to provide a solution for adjacent residents and businesses.

In this respect, converting a Private Laneway to Public Road, provides a benefit for adjacent properties and visitors, including:

- improving vehicle and pedestrian access for the adjacent properties;
- improving accessibility of the public road network in the area; and
- **the adjacent property owners and occupiers will have the benefit of the Council's ongoing management and maintenance of the Public Road (at the Council's cost).**

In accordance with the Council's *Private Laneways Policy*, the costs of converting a Private Laneway to Public Road (including the legal, advertising and administration costs) are to be met by the adjoining owners of the Laneway and shared equally between them. In order to recover these costs, the Council may declare a Separate Rate under Section 154 of the Act, which will amount to a rates liability against each adjoining property to the Laneway.

The Council will meet the costs of undertaking the capital works required to upgrade Charlotte Lane to Public Road standard (including, e.g., re-sealing the road surface, kerbing, line-marking, drainage infrastructure and lighting), and the ongoing maintenance costs.

### **Where will the Separate Rate apply?**

Only those properties which are immediately adjacent to Charlotte Lane, Norwood will be affected by the proposed Separate Rate. These properties are listed in **Attachment A** to this Fact Sheet and are shown within the 'Separate Rate Area' on the attached Map.

### **How is the Separate Rate calculated?**

The Separate Rate will be a fixed charge that has been determined by sharing the costs of converting the Private Laneway to Public Road equally between the adjacent properties. On this basis, the Separate Rate to be applied to each adjacent property of Charlotte Lane will be:

- **\$98.91 (including GST)** per rateable property

Where a property comprises more than one (1) rateable property (e.g. there are two (2) separate tenancies within the one property), the Separate Rate will be applied to each rateable property.

### **For how long will the Separate Rate be applied?**

The Separate Rate is a one-off fixed charge that is proposed to be declared for a period of one (1) year commencing on 1 July 2021 and ending on 30 June 2022. The Separate Rate will be payable in four (4) equal instalments across the one (1)-year period. Payments will fall due in September, December, March and June, at the same time as the General Council Rate for each property.

### **How you can have your say**

Comments on the proposed Separate Rate can be provided in writing to the Council:

- by post: PO Box 204, Kent Town SA 5071
- or via email: [townhall@npsc.sa.gov.au](mailto:townhall@npsc.sa.gov.au)

(Attention: Manager, Governance, Legal & Property) by no later than **5.00pm, Friday 19 February 2021**.

A public meeting will also be held in relation to the proposed Separate Rate on **Monday 22 February 2021 at 6.00-6.30pm** in the Don Pyatt Hall, 175 The Parade, Norwood (entrance via George Street).

### **What happens next?**

Following conclusion of the consultation period and the public meeting, all feedback will be compiled and reported to the Council for its consideration at the next scheduled Council meeting.

For further information, please contact the Council's Manager, Governance, Legal & Property on 8366 4507 or via email: [idunning@npsc.sa.gov.au](mailto:idunning@npsc.sa.gov.au)

**Attachment A****Properties adjoining Charlotte Lane and subject to the Separate Rate:**

- 2 Charlotte Place, Norwood SA 5067
- 36 Beulah Road, Norwood SA 5067
- 40-42 Beulah Road, Norwood SA 5067
- Unit 1-2, 44 Beulah Road, Norwood SA 5067
- Unit 1, 46 Beulah Road, Norwood SA 5067
- Unit 2, 46A Beulah Road, Norwood SA 5067
- Unit 7, 50 Beulah Road, Norwood SA 5067
- Unit 8, 50 Beulah Road, Norwood SA 5067
- Unit 9, 50 Beulah Road, Norwood SA 5067
- Unit 10, 50 Beulah Road, Norwood SA 5067
- Unit 11, 50 Beulah Road, Norwood SA 5067
- Unit 12, 50 Beulah Road, Norwood SA 5067
- Unit 13, 50 Beulah Road, Norwood SA 5067
- Unit 14, 50 Beulah Road, Norwood SA 5067
- 56 Beulah Road, Norwood SA 5067
- 49 Sydenham Road, Norwood SA 5067
- 51 Sydenham Road, Norwood SA 5067
- 51A Sydenham Road, Norwood SA 5067
- 49 Fisher Street, Norwood SA 5067
- Unit 3, 47 Fisher Street, Norwood SA 5067
- Unit 2, 47 Fisher Street, Norwood SA 5067
- Unit 1, 47 Fisher Street, Norwood SA 5067
- Unit 3, 45 Fisher Street, Norwood SA 5067
- Unit 2, 45 Fisher Street, Norwood SA 5067
- Unit 1, 45 Fisher Street, Norwood SA 5067
- 43C Fisher Street, Norwood SA 5067
- 43B Fisher Street, Norwood SA 5067
- 43A Fisher Street, Norwood SA 5067
- 41 Fisher Street, Norwood SA 5067
- 39 Fisher Street, Norwood SA 5067
- 37 Fisher Street, Norwood SA 5067
- 4 Charlotte Place, Norwood SA 5067

## CHARLOTTE LANE, NORWOOD



## 11.12 HEANES LANE, KENSINGTON – PRESERVATION OF PRIVATE EASEMENTS

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**REPORT AUTHOR:** Manager, Governance, Legal & Property  
**GENERAL MANAGER:** General Manager, Governance & Community Affairs  
**CONTACT NUMBER:** 8366 4507  
**FILE REFERENCE:** qA2005  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of this report is to seek the Council's approval to preserve the existing private easements in Heanes Lane, Kensington, upon vesting of Heanes Lane in the Council as public road, pursuant to Section 208(3) of the *Local Government Act 1999*.

### BACKGROUND

At its meeting held on 6 May 2019, the Council considered the existing status of Heanes Lane, Kensington, which is owned by the Council in fee simple but is used as a public road to provide access to the properties at 51A and 51B Bridge Street and to Borthwick Park. Following consideration of the matter, the Council resolved to proceed with the vesting of Heanes Lane in the Council as public road, as set out below:

1. *That the Council commence the process to divide the land comprised in Certificate of Title Volume 5549 Folio 330, with the portion of land used as road to vest in the Council as public road, and the remainder of the land to remain vested in the Council in fee simple as Community Land.*
2. *That the Council authorises the Chief Executive Officer to prepare a plan of division and lodge an application to deposit the plan of division with the Lands Titles Office SA, along with preparation and lodgement of all other required documentation, consents and notices required to effect the land division.*
3. *That pursuant to Section 219 of the Local Government Act 1999, the Council endorses and assigns the described as Allotment 14 Deposited Plan 41630 comprised in Certificate of Title Volume 5549 Folio 330 and used as road, once vested in the Council as public road.*
4. *That the Chief Executive Officer be authorised to give public notice of the assignment of the above name in the Government Gazette and to notify the Registrar-General, Surveyor General and Valuer-General as required by Section 219 of the Local Government Act.*

A map showing the location of Heanes Lane, Borthwick Park and these two (2) properties is contained within **Attachment A**.

Following the Council's decision, Council staff engaged Alexander Symonds and Norman Waterhouse Lawyers to prepare the required Plan of Division and conveyancing documentation to effect the land division and vesting of Heanes Lane as public road. The Plan of Division was approved by the Lands Titles Office on 2 June 2020.

A copy of the approved Plan is contained within **Attachment B**.

In preparing the Plan of Division, a number of existing easements for water supply, sewerage and electricity transmission were identified over the land that will be vested in the Council as public road. Pursuant to Section 208(2) of the *Local Government Act 1999* (the Act), upon deposit of the Plan of Division and vesting of the land comprising Heanes Lane in the Council as public road, all existing easements will be discharged. The consent of any easement holder is, therefore, required in respect to the discharge of these easements in order to deposit the Plan of Division at the Lands Titles Office.

SA Water has provided consent for extinguishment of an SA Water easement for sewerage purposes, as SA Water will retain statutory rights of access to its sewerage infrastructure underneath the public road under the *Water Industry Act 2012*. However, SA Water has advised that the remaining easements for water supply and sewerage purposes over the land relate to private water and sewerage pipes running underneath Heanes Lane. These private pipes connect the properties at 51A and 51B Bridge Street to SA Water's mains water and sewerage infrastructure in Bridge Street. This private water and sewerage infrastructure was likely established when this land was first divided and is not uncommon in older parts of Adelaide.

If these private easements are extinguished, the property owners will not have any legal right to access, maintain or repair their private water or sewerage infrastructure underneath the public road. In addition, as this is private infrastructure which only services the two (2) private properties, it is not recommended that the Council take over ownership and responsibility of these private assets upon Heanes Lane becoming a public road.

In addition, there are two (2) existing private easements for gas supply and electricity transmission in favour of 51A and 51B Bridge Street, which will be affected in the same manner if they are extinguished upon Heanes Lane becoming a public road.

As such, it is recommended that the Council resolves to preserve these private easements pursuant to Section 208(3) of the Act prior to the vesting of Heanes Lane in the Council as public road. This means that these easements will continue to exist over the public road for the benefit of the two (2) adjoining properties now and into the future and will be clearly visible on their Certificates of Title. This will also assist in clarifying responsibility for ongoing maintenance and repair of this private infrastructure into the future.

If the Council resolves to proceed with the preservation of these private easements, the Plan of Division will be updated to reflect this and to prevent the extinguishment of these easements upon deposit of the Plan of Division. The remaining conveyancing documentation can then be lodged at the Lands Titles Office to finalise this matter.

## **RELEVANT STRATEGIC DIRECTIONS & POLICIES**

Not Applicable.

## **RECOMMENDATION**

1. That the Council resolves to preserve the following easements in RE 7840922 upon deposit of the Plan of Division vesting Heanes Lane in the Council as public road, pursuant to Section 208(3) of the *Local Government Act 1999*:
  - easement 'C' in D41630 for gas supply purposes;
  - easement 'C' in D41630 for the transmission of electricity by underground cable;
  - easement 'C' in D41630 for water supply purposes; and
  - easement 'C' in D41630 for sewerage purposes.
2. That the Council authorises the Chief Executive Officer to amend the Plan of Division contained within Attachment B to reflect the preservation of the abovementioned easements and to lodge an application to deposit the Plan of Division with the Lands Titles Office SA, along with preparation and lodgement of all other required documentation, consents and notices required to effect the land division.

## **Attachments – Item 11.12**

# **Attachment A**

## **Heanes Lane, Kensington Preservation of Private Easements**

---

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



**City of  
Norwood  
Payneham  
& St Peters**

A

## HEANES LANE, KENSINGTON



# **Attachment B**

## **Heanes Lane, Kensington Preservation of Private Easements**

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



**City of  
Norwood  
Payneham  
& St Peters**

PURPOSE:	DIVISION	AREA NAME:	KENSINGTON	RE-APPROVED:	
MAP REF:	6628/42/K, 6628/42/G	COUNCIL:	THE CORPORATION OF THE CITY OF NORWOOD PAYNEHAM AND ST. PETERS	02/06/2020	
LAST PLAN:		DEVELOPMENT NO:	155/D071/19/001/58436	DEPOSITED:	D123797  SHEET 1 OF 3  71205_text_01_v05_Version_5

AGENT DETAILS:	ALEXANDER & SYMONDS PTY LTD 1ST FLOOR 11 KING WILLIAM ST KENT TOWN SA 5067 PH: 81301666 FAX: 83620099	SURVEYORS CERTIFICATION:	I DAMIAN JOHN HOLLAND , a licensed surveyor do hereby certify - 1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1992. 2) That the field work was completed on the 26th day of February 2020 1st day of June 2020 Damian Holland Licensed Surveyor
AGENT CODE:	ALSY		
REFERENCE:	A111319LTO(A)		

SUBJECT TITLE DETAILS:										
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	5549	330		ALLOTMENT(S)	14	D	41630	ADELAIDE		
OTHER TITLES AFFECTED: CT 5275/433 , CT 5275/434										

EASEMENT DETAILS:									
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE		IN FAVOUR OF		CREATION
EXTINGUISH	141 (HEANES LANE)	SHORT	EASEMENT(S)	C IN D41630	FOR GAS SUPPLY PURPOSES		CT 5275/433.CT 5275/434		RE 7840922
EXTINGUISH	141 (HEANES LANE)	SHORT	EASEMENT(S)	C IN D41630	FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE		CT 5275/433.CT 5275/434		RE 7840922
EXTINGUISH	141 (HEANES LANE)	SHORT	EASEMENT(S)	C IN D41630	FOR WATER SUPPLY PURPOSES		CT 5275/433.CT 5275/434		RE 7840922
EXTINGUISH	141 (HEANES LANE)	SHORT	EASEMENT(S)	C IN D41630	FOR SEWERAGE PURPOSES		CT 5275/433.CT 5275/434		RE 7840922
EXTINGUISH	141 (HEANES LANE)	SERVICE	EASEMENT(S)	F IN D41630	FOR SEWERAGE PURPOSES		SOUTH AUSTRALIAN WATER CORPORATION		223LG RPA
EXTINGUISH	141 (HEANES LANE)	LONG	EASEMENT(S)	C IN D41630			CT 5275/433. CT 5275/434		RE 7840922
EXISTING	140	SERVICE	EASEMENT(S)	B	FOR DRAINAGE PURPOSES		THE COUNCIL FOR THE AREA		223LG RPA
EXISTING		SHORT	FREE AND UNRESTRICTED RIGHT(S) D OF WAY				140		
ANNOTATIONS: SECTION 90E OF THE REAL PROPERTY ACT 1886 APPLIES TO THIS PLAN									



D123797

SHEET 2 OF 3

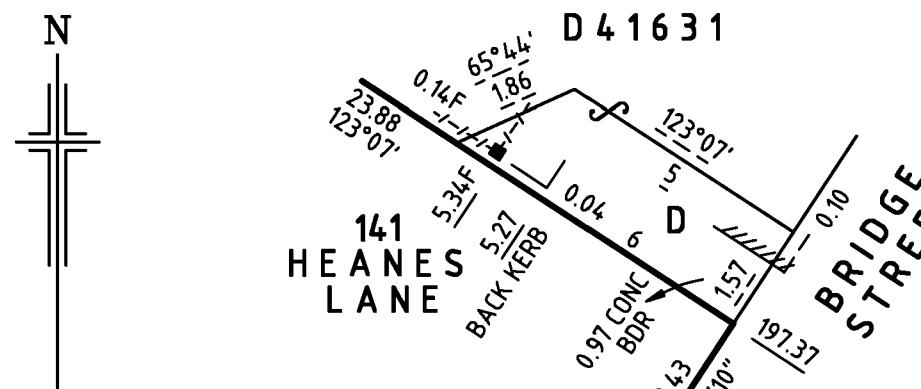
71205\_text\_01\_v05\_Version\_5

NO OCCUPATION ON SURVEYED BOUNDARIES UNLESS OTHERWISE SHOWN

## REFERENCE MARKS

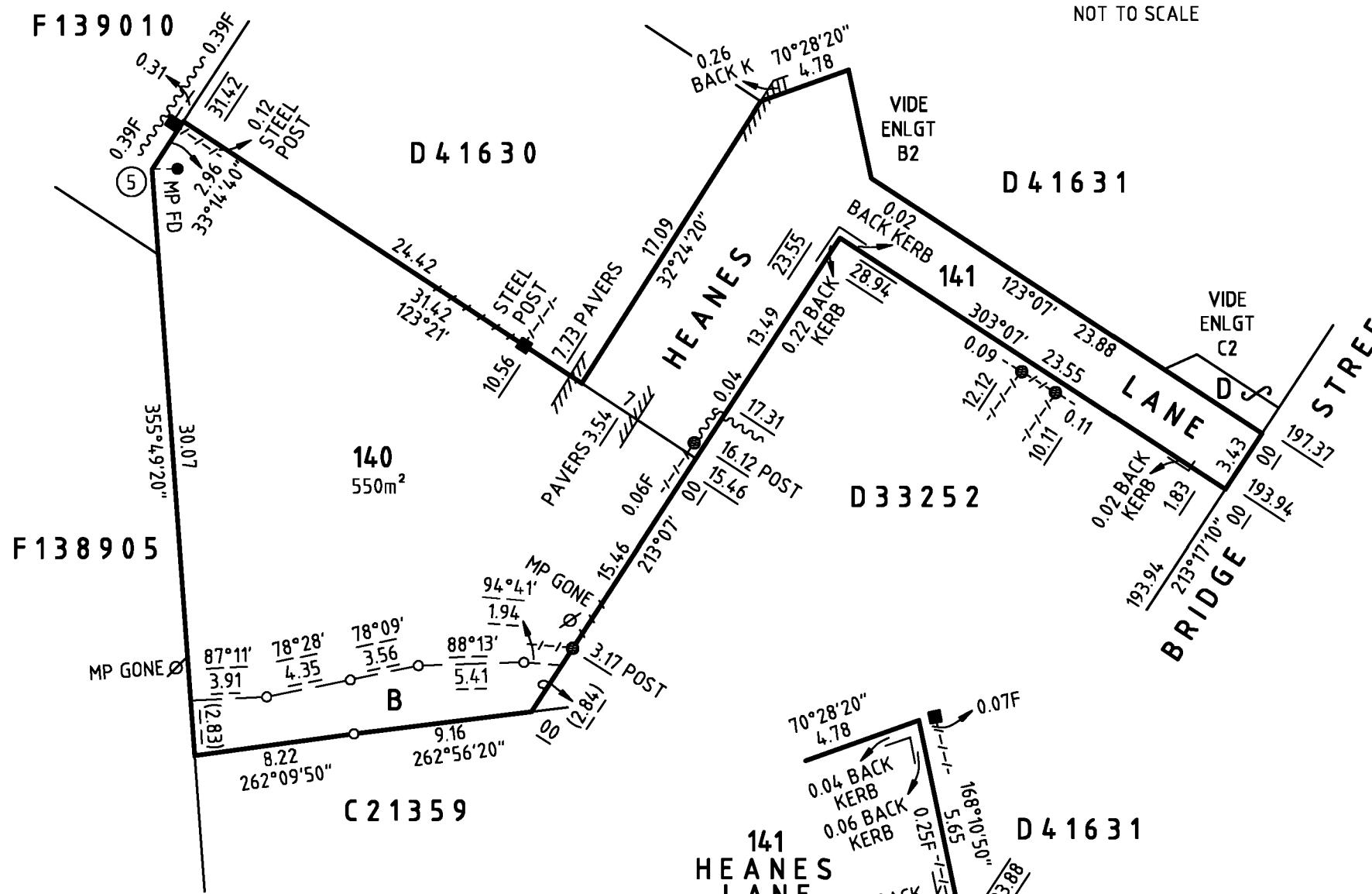
CNR	BEARING	FROM	DIST	PM NO
1	42°41'	PM FD	1.58	6628/33558
2	258°15'	PM FD	1.29	6628/14965
3	303°08'	MN FD	1.00	
4	348°16'	PM FD	1.29	6628/14979
5	221°54'	MP FD	0.83	

ENLARGEMENT A2



ENLARGEMENT C

NOT TO SCALE



ENLARGEMENT B

---

NOT TO SCALE

Alexander & Symonds Pty.Ltd.

11 KING WILLIAM STREET, KENT TOWN

P.O. BOX 1000 KENT TOWN 5071

F.O. BOX 1000 RENT TOWN 3071  
Tel (08) 8130 1666 Fax (08) 8362 0099 ABN 93 007 753 988

Tel (08) 6150 1888 Fax (08) 655

REFERENCE A111319L TO(A)

PAP 28/02/2020

D123797

SHEET 3 OF 3

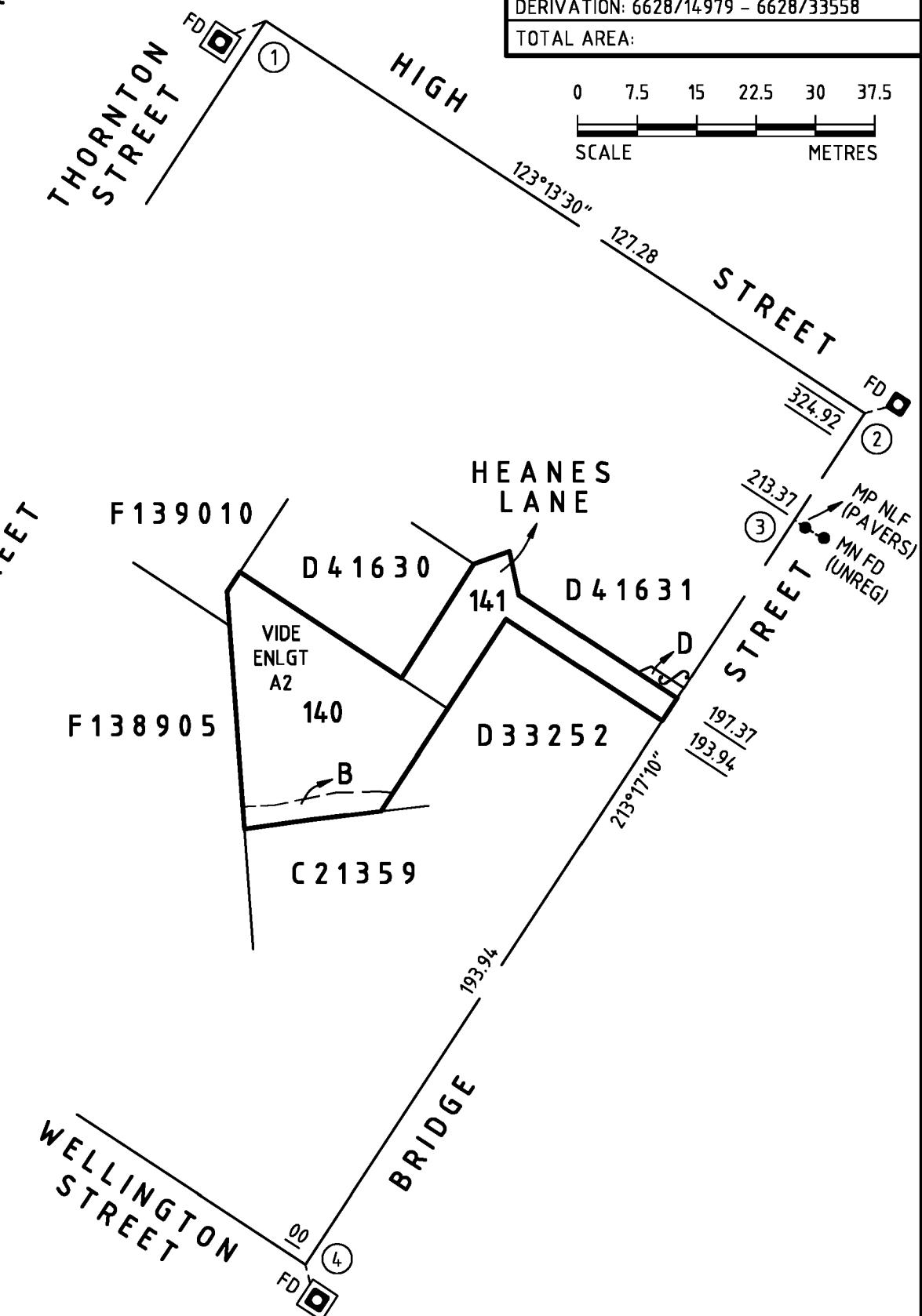
71205\_pland\_1\_V01\_Version\_5

BEARING DATUM: MGA 2020 ZONE 54

DERIVATION: 6628/14979 - 6628/33558

**TOTAL AREA**

A horizontal scale bar with markings at 0, 7.5, 15, 22.5, 30, and 37.5. The word "SCALE" is written below the 0 mark, and "METRES" is written below the 37.5 mark.



## 11.13 LINDE COMMUNITY GARDEN – LEASE TO NP&SP COMMUNITY GARDEN ASSOCIATION INC.

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**REPORT AUTHOR:** Manager, Governance, Legal & Property  
**GENERAL MANAGER:** General Manager, Governance & Community Affairs  
**CONTACT NUMBER:** 8366 4507  
**FILE REFERENCE:** qA70748  
**ATTACHMENTS:** A - C

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### PURPOSE OF REPORT

The purpose of this report is to present to the Council, a draft Lease between the Council and the NP&SP Community Garden Association Inc., for the use of the *Linde Community Garden* at Linde Reserve in Stepney, for the Council's consideration and approval.

### BACKGROUND

The *Linde Community Garden* was established in 2010, after a proposal was developed by an organising committee of community members and local groups established at a Public Forum which was held in November 2009. In February 2010, the Council approved the development of a Community Garden on the former artificial bowling green at Linde Reserve, Stepney. The development of the Community Garden was incorporated into the Council's Dunstone Grove - Linde Reserve Master Plan Project.

The *NP&SP Community Garden Association Inc.* ('the Association') was formed and the Association entered into a Lease with the Council on 14 September 2010 for a term of five (5) years. A subsequent Lease was entered into for a further five (5) years from 1 April 2016 to 31 March 2021. In March 2021 and prior to the expiry of this Lease, the Association formally requested a Lease of the *Linde Community Garden* for a further five (5)-year term from the Council for the period 1 April 2021 to 31 March 2026.

A draft Lease has been prepared and is contained within **Attachment A**.

A map showing the location of the *Linde Community Garden* is contained within **Attachment B**.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

#### Outcome 1: Social Equity

##### ***Objective 1.3 An engaged and participating community.***

1.3.4 Facilitate community support networks and partnerships for the sharing of resources and skills in order to build community capacity.

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

1.4.1 Encourage physical activity and support mental health to achieve healthier lifestyles and well-being.

1.4.3 Encourage the use of spaces and facilities for people to meet, share knowledge and connect with each other.

#### Outcome 2: Cultural Vitality

##### ***Objective 2.5 Dynamic community life in public spaces and precincts.***

2.5.1 Facilitate a mix of land uses and activities in appropriate locations in balance with amenity and character.

### **Objective 3: Economic Prosperity**

#### ***Objective 3.5 A local economy supporting and supported by its community.***

3.5.4 Support opportunities for the community to access locally produced food and beverage produce.

### **Objective 4: Environmental Sustainability**

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

4.3.4 Facilitate community participation in revegetation programs and gardening programs, where appropriate.

## **FINANCIAL AND BUDGET IMPLICATIONS**

The draft Lease provides for a *peppercorn* rental of \$1.00 per annum (excluding GST) if demanded, on the basis that the Association is a not-for-profit incorporated association and is not using the premises on a commercial basis. The Association is responsible for paying any outgoings associated with its use of the premises – namely, electricity and water usage (subject to the Special Conditions in the Lease in relation to the supply of an annual water allowance from the Council's Stormwater Harvesting and Reuse System in Linde Reserve).

The Association is also responsible for all maintenance costs associated with the premises and any improvements and buildings on the site, on the basis that these improvements and buildings were constructed by and remain under the ownership of the Association and not the Council.

## **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

## **SOCIAL ISSUES**

Not Applicable.

## **CULTURAL ISSUES**

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

Not Applicable.

## **RISK MANAGEMENT**

Entering into a new Lease of the premises ensures that the Lease accurately reflects the current use of the premises by the Association, together with ensuring compliance with contemporary legislative, insurance, indemnity and maintenance requirements. The Lease also serves to reduce the Council's exposure to claims from third parties that suffer injury or loss whilst at the premises.

## **COVID-19 IMPLICATIONS**

Not Applicable.

## CONSULTATION

- **Elected Members**  
Not Applicable.
- **Community**  
Community consultation on the draft Lease is not required under Section 202 of the *Local Government Act 1999* as the Lease is not for a term greater than five (5) years and is authorised by the Council's *Parks and Reserves – Community Land Management Plan*.
- **Staff**  
General Manager, Governance & Community Affairs  
Acting Manager, City Assets
- **Other Agencies**  
Not Applicable.

## DISCUSSION

The Association has occupied and managed the *Linde Community Garden* at Linde Reserve since 2010. The community garden is a shared communal facility that comprises shared plots used by members of the Association for gardening and the production of fruit, vegetables and other plants. The Garden aims to enable:

- people to join in working together side by side, to learn about organic gardening and food production and share ideas and skills;
- environmentally sustainable gardening practices such as recycling and organic gardening can be demonstrated; and
- produce to be shared amongst members of the Association, or given away or sold to gain income for the Association, but not sold for the individual gain of members of the Association.

The Association is a not-for-profit incorporated organisation. A small membership fee is charged together with fundraising events and the sale of some produce to enable the Association to continue operating. Members all contribute to the planting and growing of fruit, vegetables and plants in shared plots in the Garden and the produce is freely shared amongst members.

The Association currently has approximately 150 members comprising individuals, couples and families aged between 20 and 91. A number of members are people living with disabilities and with special needs. Membership of the Association is open to all citizens, but priority is given to citizens of the City of Norwood Payneham & St Peters and members of community groups which are located within the City.

The Council's St Peters Child Care Centre & Preschool, located adjacent to the Garden, also has their own dedicated garden bed for children at the Centre to use and several schools within the community regularly bring their early learning students through the garden. The Association is a member of the SA Community Garden Association and has twice hosted the SA Association running workshops on how to successfully establish a community garden. The Association also regularly participates in Council events including the annual St Peters Fair in Linde Garden and the Christmas Pageant. In 2016, the *Linde Community Garden* was the winner of the Community Category in the Council's annual Sustainable Garden Awards.

Over the past 10 years, the Association has made significant improvements to the site, turning a block of unproductive land into a thriving community garden with 65 individual garden beds, 14 raised wicking beds and a fruit tree orchard. The Association has also undertaken the following capital works to upgrade the facilities at the site:

- installation of a fully automated irrigation dripper system connected to the Council's recycled water supply;
- installation of 14 raised wicking beds to enable people with reduced physical capacity or people living with a disability to grow their own produce;
- construction of the straw / mud hut (wholly constructed by members and funded by the St Peters Rotary Club);
- construction of a wood fired pizza oven with mosaic art work on its external surfaces;
- construction of a concrete path and paving of sections of the Garden to provide better access for wheelchairs or other wheeled mobility aids throughout the Garden.

Some photos of the Garden showing these improvements are contained within **Attachment C**.

Over the next five (5)-year Lease term, the Association intends to continue its existing activities and community initiatives, whilst also undertaking some further capital upgrades to the infrastructure at the site. In particular:

- replacing the existing wooden edging of the garden beds;
- reconfiguring the entrance gate and area to the Garden to make it more accessible for all persons (including those seated in a wheelchair); and
- construction of a covered pergola for the outdoor pizza oven area to the south of the hut, to create a sheltered area for community gatherings.

Council staff will work with the Association to finalise the scope of these proposed works and to confirm funding arrangements with the Association (e.g. fundraising, grant funding and/or Council assistance). This will be dealt separately to the proposed Lease of the premises.

#### **Draft Lease**

The draft Lease contained within **Attachment A** has been prepared on substantially similar terms to the previous Lease granted by the Council to the Association.

The Lease remains as a ground lease, on the basis that the Council owns and leases the site itself to the Association and the Association owns and is responsible for the ongoing maintenance of all of the structures, buildings and other improvements on the site, which have been constructed by the Association over the past 10 years. Upon expiry of the Lease, the Association would be required to remove these structures and improvements from the site, unless the Council determines to retain and accept ownership of these assets.

The permitted use under the Lease remains the same (namely, the operation of a community garden), however, it has been expanded slightly to incorporate fundraising and community events and initiatives run by the Association and to enable approved hire of the Garden.

The Lease is for a five (5) year term for the period 1 April 2021 to 31 March 2026, with no right of renewal. As mentioned above, the draft Lease provides for a peppercorn rental of \$1.00 per annum (excluding GST) if demanded and the Association is responsible for paying all outgoings and maintenance costs. Because the draft Lease is a ground Lease, the Association is responsible for all maintenance costs associated with the improvements and buildings on the site on the basis that these improvements and buildings were constructed by and remain under the ownership of the Association and not the Council.

The Special Conditions to the Lease have remained the same and provide for the supply of water to the Garden from the Council's Stormwater Harvesting and Reuse System in Linde Reserve. As per Special Condition 2 to the Lease, the Council provides the Association with an annual quota of 700kL of reclaimed water from the System free of charge, with any additional usage above this amount to be supplied from the SA Water mains system at the Association's cost.

Lastly, the Lease still includes a Licence from the Association to the Council for the maintenance of an electricity conduit along the eastern border of the Garden, which connects the solar panels at the St Peters Child Care Centre to the electricity supply service on Linde Reserve.

Based on the Association's successful use and development of the *Linde Community Garden* over the past 10 years and the ongoing community benefit that the Garden provides, it is proposed that the Council enters into the draft Lease with the Association for a further five (5)-year term.

## **OPTIONS**

The Council could determine not to enter into a new Lease with the Association, in which case the current lease (which was due to expire on 31 March 2021) will formally come to an end and the Association would be required to vacate the site and remove all structures and improvements. Alternatively, and as recommended in this report, the Council could determine to enter into the draft Lease with the Association for a further five (5)-year term.

## **CONCLUSION**

The NP&SP Community Garden Association Inc. ('the Association') has used and operated the *Linde Community Garden* at Linde Reserve since 2010. The Association's current Lease of the premises was due to expire on 31 March 2021 and the Association has requested a Lease from the Council for a further five (5)-year term to enable them to continue operating the Community Garden.

## **COMMENTS**

Nil.

## **RECOMMENDATION**

That the Mayor and Chief Executive Officer be authorised to execute on behalf of the Council the draft Lease contained in Attachment A between the Council and the NP&SP Community Garden Association Inc. for the *Linde Community Garden* at Linde Reserve, and that the Chief Executive Officer be authorised to make any minor amendments required to finalise the Lease in a form suitable for execution.

## **Attachments – Item 11.13**

# **Attachment A**

## **Linde Community Garden Lease to NP&SP Community Garden Association Inc.**

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



**City of  
Norwood  
Payneham  
& St Peters**

# COMMUNITY FACILITIES LEASE

## GROUND LEASE

### Premises

Linde Community Garden

### Lessee

NP&SP Community Garden Association Inc.

### Commencement Date

1 April 2021

### Expiry Date

31 March 2026

---

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



City of  
Norwood  
Payneham  
& St Peters

## SCHEDULE

<b>Item 1 Premises</b>	The portion of the Land comprised in Certificate of Title Volume 5694 Folio 773 and being the hatched area shown on the plan attached as Annexure B and known as 'Linde Community Garden'.
<b>Item 2 Land</b>	The whole of the land comprised in Certificates of Title Volume 5774 Folio 726, Volume 6109 Folio 870, Volume 5888 Folios 44, 57, 72, Volume 5612 Folio 599, Volume 5799 Folios 115, 117, 119, 121, Volume 989 Folio 10, Volume 5495 Folio 429, Volume 5515 Folio 208 and Volume 5694 Folio 773 and known as 'Linde Reserve'.
<b>Item 3 Initial Term</b>	Five (5) years commencing on 1 April 2021 ( <b>Commencement Date</b> ) and expiring at midnight on 31 March 2026
<b>Item 4 Renewal(s)</b>	Not Applicable
<b>Item 5 Rent</b>	One dollar (\$1.00) per annum (exclusive of GST) if demanded
<b>Item 6 Outgoings</b>	<b>Outgoings</b> means the total of all amounts paid or payable by the Council in connection with the ownership, management, administration and operation of the Land.
<b>Item 7 Permitted Use</b>	<p>Community garden comprising shared plots used by members of the Lessee for gardening and the production of fruit, vegetables and other plants, and where:</p> <ul style="list-style-type: none"> <li>• people can join in working together side by side, to learn about organic gardening and food production and share ideas and skills;</li> <li>• environmentally sustainable gardening practices such as recycling and organic gardening can be demonstrated; and</li> <li>• produce will be shared amongst members of the Lessee, or given away or sold to gain income for the Lessee, but not sold for the individual gain of members of the Lessee,</li> </ul> <p>and including meetings of the Lessee and associated fundraising and community events and initiatives run by the Lessee, and approved hire of the Premises and Improvements.</p>
<b>Item 8 Public Risk Insurance</b>	Twenty Million Dollars (\$20,000,000.00)
<b>Item 9 Special Conditions</b>	The terms and conditions (if any) set out in Annexure A are deemed to be incorporated into this Lease and, in the event of any inconsistency with the terms and conditions contained in the body of this Lease, then the Special Conditions will prevail.

**DATE**

**BETWEEN**

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

**AND**

**NP&SP COMMUNITY GARDEN ASSOCIATION INC.** ABN 87 128 760 456 of PO Box 395, Stepney SA  
5069 (**Lessee**)

**BACKGROUND**

- A. The Council is the registered proprietor of or has the care, control and management of the Land.
- B. The Lessee owns and maintains the Improvements on the Premises.
- C. The Lessee has requested a lease to use the Premises for the Permitted Use.
- D. The Council has resolved to grant the Lessee a ground lease of the Premises and (if necessary) undertaken public consultation and/or been granted Parliamentary approval in accordance with the *Local Government Act 1999*.
- E. The Council and Lessee wish to record the terms of their agreement in this Lease.

**AND THE PARTIES AGREE** as follows:

**1. ACKNOWLEDGEMENT OF BACKGROUND**

The preceding statements are accurate and form part of this Lease.

**2. DEFINED TERMS AND INTERPRETATION**

**2.1 Defined Terms**

In this Lease:

**Act** means the *Retail and Commercial Leases Act 1995*.

**Agreed Consideration** means the Rent, Outgoings and all other consideration (whether in money or otherwise) to be paid or provided by the Lessee for any supply or use of the Premises and any goods, services or other things provided by the Council under this Lease (other than tax payable under clause 19).

**Business Day** means a day which is not a Saturday, Sunday or public holiday in South Australia.

**Commencement Date** means the commencement date of the Initial Term described in Item 3.

**Common Areas** means all areas of the Land which are not leased or tenanted and which are for common use by tenants and lessees of the Land and their invitees and customers including driveways, car parks, walkways, washrooms, toilets, lifts and stairways.

**Council** means the party described as 'Council' in this Lease and, where the context permits, includes the employees, contractors, managers, agents and other invitees of the Council.

**Council's Equipment** means all fixtures and fittings, plant, equipment, services, chattels and other goods installed or situated in or on the Premises and made available for use by the Lessee and includes the perimeter fencing of the Premises.

**Default Rate** means the rate which is two per centum (2%) per annum greater than the published annual rate of interest charged from time to time by National Australia Bank on overdraft facilities of more than \$100,000 and if there is more than one rate published, the highest of those rates.

**GST** has the same meaning as given to that term in the GST Legislation.

**GST Legislation** means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any ancillary or similar legislation.

**GST Rate** means ten per centum (10%) or such other percentage equal to the rate of GST imposed from time to time under the GST Legislation.

**Improvements** means the interior and exterior of all present and future improvements on the Premises and includes (without limitation) the hut, garden sheds, pizza oven and garden beds.

**Initial Term** means the initial term of this Lease commencing on the Commencement Date described in Item 3.

**Institute** means the South Australian Division of the Australian Property Institute.

**Land** means the land described in Item 2 and includes any part of the Land.

**Legislation** includes any relevant Statute or Act of Parliament (whether State or Federal) and any regulation or by-law including by-laws issued by any local government body or authority.

**Lessee** means the party described as 'Lessee' in this Lease and, where the context permits, includes the employees, contractors, agents, customers and other invitees of the Lessee.

**Lessee's Equipment** means any and all fixtures and fittings and other equipment installed in or brought onto or kept in the Premises by the Lessee.

**Lessee's Share** means the proportion the lettable floor area of the Premises bears from time to time to the total lettable area of the Land as measured in accordance with the method of measurement recommended for such Premises by the guidelines issued by the Institute current as at the Commencement Date or such other Institute method of measurement as the Council notifies the Lessee.

**Maintenance Schedule** means the schedule of maintenance responsibilities attached as Annexure C.

**Outgoings** means the outgoings described in Item 6.

**Permitted Use** means the use described in Item 7.

**Premises** means the premises described in Item 1 including the Council's Equipment and, where the context permits, includes any part of the Premises.

**Rates and Taxes** means all present and future rates, charges, levies, assessments, duty and charges of any Statutory Authority, other department or authority having the power to raise or levy any such amounts in respect of the use, ownership or occupation of the Land or Premises

and includes water and sewer charges, council rates, emergency services levy and, subject to the Act, land tax (on a single holding basis).

**Renewal Term** means the term (if any) of renewal or extension in Item 4.

**Rent** means the amount described in Item 5.

**Services** includes all services (including, without limitation, electricity, water, sewerage, communications, air-conditioning, plumbing, telephone and internet and all plant, equipment, pipes, wires and cables in connection with them as applicable) to or of the Premises, the Improvements or the Land supplied by any authority, the Council or any other person the Council authorises.

**Special Conditions** means the special conditions to this Lease described in Item 9.

**Statutory Authorities** means any authorities created by or under any relevant Legislation including the Council in its separate capacity as such an Authority.

**Statutory Requirements** means all relevant and applicable Legislation and all lawful conditions, requirements, notices and directives issued or applicable under any such Legislation.

**Term** means the Initial Term, the Renewal Term and any period during which the Lessee holds over or remains in occupation of the Premises.

**Yearly Amounts** means the aggregate of the Rent, Outgoings and any other moneys payable by the Lessee during the Term.

## 2.2 Interpretation

Unless the contrary intention appears:

- 2.2.1 a reference to this Lease is a reference to this document;
- 2.2.2 words beginning with capital letters are defined in clause 2.1;
- 2.2.3 a reference to a clause is a reference to a clause in this Lease;
- 2.2.4 a reference to an Item is a reference to an item in the Schedule;
- 2.2.5 a reference to the Schedule is a reference to the schedule of this Lease;
- 2.2.6 a reference to an Annexure is a reference to an annexure to this Lease.
- 2.2.7 headings are for convenience only and do not affect interpretation;
- 2.2.8 the singular includes the plural and vice versa;
- 2.2.9 a reference to an individual or person includes a corporation, partnership, joint venture, authority, trust, state or government and vice versa;
- 2.2.10 a reference to any party in this Lease or any other document or arrangement referred to in this Lease includes that party's executors, administrators, successors and assigns;
- 2.2.11 a reference to any document (including this Lease) is to that document as varied, novated, ratified or replaced from time to time;

- 2.2.12 a reference to any Legislation includes any statutory modification or re-enactment of it or any Legislation substituted for it and all by-laws, regulations and rules issued under it;
- 2.2.13 a reference in this Lease to the Council's approval or consent is to the Council's prior written approval or consent which may be granted or withheld in the absolute discretion of the Council;
- 2.2.14 'including' and similar expressions are not and must not be treated as words of limitation;
- 2.2.15 the covenants and powers implied in leases by virtue of sections 124 and 125 of the *Real Property Act 1886* will apply and be implied in this Lease unless they are expressly or impliedly excluded or modified; and
- 2.2.16 any Special Condition in Item 9 will apply to this Lease and in the event of any inconsistency with the terms and conditions in the body of this Lease, then those Special Conditions will prevail.

### **3. RETAIL AND COMMERCIAL LEASES ACT**

- 3.1 If the Act applies to this Lease, then this Lease will be read and interpreted subject to the provisions of the Act and, to the extent to which there is any inconsistency with the provisions of the Act, those provisions of the Act will override the terms of this Lease.
- 3.2 Any right, power or remedy of the Council or obligation or liability of the Lessee that is affected by the Act (if applicable) shall be unenforceable or void but only to the extent that it is expressly made unenforceable or void by the Act.

### **4. GRANT OF LEASE**

The Council grants and the Lessee accepts a lease of the Premises for the Term as set out in this Lease.

### **5. RENT**

#### **5.1 Payment of Rent**

The Lessee must pay the Rent in accordance with Item 5.

### **6. RATES, TAXES AND OUTGOINGS**

#### **6.1 Liability for Rates and Taxes**

- 6.1.1 The Lessee must pay or reimburse the Council all Rates and Taxes levied, assessed or charged in respect of the Premises or upon the owner or occupier of the Premises.
- 6.1.2 The Rates and Taxes must be adjusted between the Council and the Lessee as at the Commencement Date and the end or earlier termination date of this Lease.

#### **6.2 Payment of Outgoings**

- 6.2.1 The Lessee must pay or reimburse the Council all Outgoings levied, assessed or charged in respect of the Premises or upon the owner or occupier of the Premises.
- 6.2.2 The Outgoings shall be adjusted between the Council and the Lessee as at the Commencement Date and the end or termination date of this Lease.

### **6.3 Lessee's Proportion**

If any of the Rates and Taxes or Outgoings are not separately assessed or charged in respect of the Premises, then the Lessee must pay the Lessee's Share of any such Rates and Taxes or Outgoings assessed or charged in respect of the Premises.

### **6.4 Power and Other Utilities**

- 6.4.1 The Lessee will pay when they are due for payment, all costs for the use of telephone, internet, lights and other utilities and the consumption of electricity, gas, water and any and all other Services and utilities supplied to or used from the Premises or the Improvements.
- 6.4.2 If there is no separate meter for recording or measuring the Services and utilities consumed on or from the Premises or the Improvements, then the Lessee must, if required by the Council, install the necessary meters at its own cost.
- 6.4.3 Without limiting the generality of this clause 6.4, the Lessee will comply in all respects with the *Electricity (General) Regulations 1997* and any other applicable electricity laws.

## **7. USE OF PREMISES**

### **7.1 Permitted Use**

The Lessee must use the Premises only for the Permitted Use as identified in Item 7 and must not use or allow the Premises to be used for any other use (without the Council's prior written consent).

### **7.2 Offensive Activities**

The Lessee must not carry on any offensive or dangerous activities on or from the Premises or create a nuisance or disturbance either:

- 7.2.1 for the Council; or
- 7.2.2 for the owners or occupiers of any adjoining property; and
- 7.2.3 must ensure at all times that activities conducted on or from the Premises will not bring any discredit upon the Council.

### **7.3 Use of Facilities**

- 7.3.1 The Lessee will ensure that the Services are used carefully and responsibly for their intended purposes and in accordance with any directions and instructions that may be given by the Council from time to time.
- 7.3.2 The Lessee will be responsible to repair or correct any damage or malfunction which results from any misuse or abuse of the Services by the Lessee.

### **7.4 Statutory Requirements**

The Lessee, at its own cost, must comply with all Statutory Requirements (including any obligations under the *Work Health and Safety Act 2012* (SA) and Regulations) and reasonable directives of the Council relating to:

- 7.4.1 the Lessee's use and occupation of the Premises; and
- 7.4.2 the nature of the Permitted Use conducted on the Premises by the Lessee.

## 7.5 Alcohol and Gaming

- 7.5.1 Unless the Lessee first obtains the written consent of the Council, the Lessee must not apply for:
- (a) a liquor licence under the *Liquor Licensing Act 1997*; or
  - (b) a gaming machine licence under the *Gaming Machines Act 1992*.
  - (c) If the Lessee obtains a licence (or licences) under this clause, the Lessee must not do (or fail to do) or allow any of its employees, agents, contractors, licensees or invitees to (or fail to):
  - (d) do anything that is in breach of the *Liquor Licensing Act 1997* and/or the *Gaming Machines Act 1992* (as the case may be) or of the conditions of the relevant licence;
  - (e) do anything that may result in the relevant licence being revoked or suspended;
  - (f) assign the licence;
  - (g) apply to remove the licence;
  - (h) allow a licence to be granted to another person in respect of the Premises or any part of the Premises; or
  - (i) apply to vary or revoke any conditions of the licence.

- 7.5.2 At or before the expiry or early termination of this Lease, the Lessee must:

- (a) give any notices the Council requires to renew or assign the licence;
- (b) allow those notices to be affixed as and for the period required by the *Liquor Licensing Act 1997* and/or the *Gaming Machines Act 1992* as the case may be;
- (c) assign the licence to the Council or the Council's nominees if required to do so by the Council; and
- (d) do anything else that may be required to affect the renewal or assignment of the licence.

## 7.6 Signs

The Lessee must not place any signs or advertisements on the outside (or inside if they can be seen from outside) of the Premises, except a sign or signs which are approved in writing by the Council and comply with any relevant Statutory Requirements.

## 7.7 Dangerous Equipment and Installations

The Lessee may only install or use within the Premises equipment and facilities which are reasonably necessary for and normally used in connection with the Permitted Use.

## 7.8 Fire Precautions

The Lessee must, at its own cost:

- 7.8.1 comply with all Statutory Requirements and directives of the Council relating to fire safety and procedures including any structural works or modifications or other building works which are required as a consequence of the Lessee's particular use of the Premises;
- 7.8.2 comply with any requirements and directives of the Council with regard to fire safety systems and procedures including fire evacuation drills and other procedures;
- 7.8.3 without limiting clauses 7.8.1 and 7.8.2, the Lessee will undertake testing and maintenance of the fire safety equipment;
- 7.8.4 upon inspection if testing and maintenance has not been attended to, allow Council, its employees, contractors, agents and other invitees of the Council prompt entry to enable such maintenance and testing to be undertaken; and
- 7.8.5 agree that Council will charge the Lessee a reasonable charge to provide such.

#### **7.9 Notice of Defect**

The Lessee must:

- 7.9.1 give the Council prompt notice of any circumstance or event which the Lessee should reasonably be aware might cause danger, risk or hazard to the Premises or to any person in the Premises; and
- 7.9.2 if required by the Council, promptly rectify any defect or want of repair to make the Premises safe from danger, risk or hazard.

#### **7.10 Security**

The Lessee must keep the Premises securely locked at all times when the Premises are not occupied and must provide a key to the Premises to the Council (or if the Council has engaged a manager, then to the manager) to be used only in the case of emergencies for the purpose of safety and preservation of the Premises.

#### **7.11 No Warranty**

The Council makes no warranty or representation regarding the suitability of the Premises (structural or otherwise) for the Permitted Use or any other purpose.

#### **7.12 COVID-19 Requirements**

Without limiting clause 7.4 in any way, in conducting the Permitted Use under this Lease, the Lessee must ensure compliance at all times (including by all persons attending the Premises in connection with the Permitted Use) with:

- 7.12.1 all relevant legislative requirements and emergency management directions in place in relation to the COVID-19 Pandemic (including as amended from time-to-time); and
- 7.12.2 all relevant directions, guidelines and codes of practice from any peak body related to the Permitted Use with respect to the COVID-19 Pandemic (including as amended from time-to-time).

### **8. INSURANCE**

#### **8.1 Lessee must Insure**

The Lessee must keep current during the Term:

- 8.1.1 public risk insurance for at least the amount in Item 8 (or any other amount the Council reasonably requires) for each claim;
- 8.1.2 all insurance in respect of the Improvements and the Lessee's Equipment for its full replacement value;
- 8.1.3 plate glass insurance if requested by Council against usual risks; and
- 8.1.4 other insurances required by any Statutory Requirement or which the Council reasonably requires for at least the amounts that Council reasonably requires.

## **8.2 Requirements for Policies**

Each policy the Lessee takes out under this clause 8 must:

- 8.2.1 be with an insurer and on terms reasonably approved by the Council;
- 8.2.2 be in the name of the Lessee and note the interest of the Council and any other person the Council requires;
- 8.2.3 cover events occurring during the policy's currency regardless of when claims are made; and
- 8.2.4 note that despite any similar policies of the Council, the Lessee's policies will be primary policies.

## **8.3 Evidence of Insurance**

The Lessee must give the Council certificates evidencing the currency of the policies the Lessee has taken out under this clause 8. During the Term the Lessee must:

- 8.3.1 pay each premium before it is due for payment;
- 8.3.2 give the Council certificates of currency each year when the policies are renewed and at other times the Council requests;
- 8.3.3 not allow any insurance policy to lapse or vary or cancel it without the Council's consent; and
- 8.3.4 notify the Council immediately if a policy is cancelled or if an event occurs which could prejudice or give rise to a claim under a policy.

## **8.4 Insurance Affected**

- 8.4.1 The Lessee must not do anything which may:
  - (a) prejudice any insurance of the Premises or the Land; or
  - (b) increase the premium for that insurance.
- 8.4.2 If the Lessee does anything (with or without the Council's consent) that increases the premium of any insurance the Council has in connection with the Premises or the Land, the Lessee must on demand pay the amount of that increase to the Council.

## 9. REPAIR AND MAINTENANCE

### 9.1 Repair

- 9.1.1 The Lessee must keep, maintain, repair and replace the Premises, the Improvements, the Lessee's Equipment and any Services situated within the Premises and which exclusively service the Premises or the Improvements in good repair and in accordance with the Maintenance Schedule in Annexure C.
- 9.1.2 If the Council requires the Lessee to do so, the Lessee must promptly repair any damage caused or contributed to by the act, omission, negligence or default of the Lessee.

## **9.2 Maintain and Replace**

The Lessee must maintain, repair or replace items in or attached to the Premises which are damaged or worn with items of the same or similar quality to those in use when they were last replaced with the Council's approval or, if they have not been so replaced, to those in use at the Commencement Date.

## **9.3 Alterations by Lessee**

The Lessee must not carry out any alterations or additions to the Premises without Council's consent and 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.

## **9.4 Structural Work**

Despite any other provision of this clause 9.4, the Lessee is not required to carry out any structural work to the Premises unless that work is requested by Council and is required as a result of:

- 9.4.1 the Lessee's use or occupation of the Premises;
- 9.4.2 the nature of the business conducted on the Premises by the Lessee; and
- 9.4.3 any deliberate or negligent act or omission of the Lessee.

## **9.5 Cleaning**

The Lessee must:

- 9.5.1 keep the Premises clean and tidy;
- 9.5.2 keep the Premises free of vermin, insects and other pests; and
- 9.5.3 not cause the Common Areas to be left untidy or in an unclean state or condition.

## **10. TRANSFERRING, SUBLetting, HIRING OUT AND SUBLetting**

The Lessee must not transfer, assign, hire out or sublet this Lease or otherwise part with possession without Council's prior written consent.

### **10.1 Charging**

The Lessee must not charge the Lessee interest in this Lease or the Lessee's Equipment without the Council's written consent and if the Council consents to a charge on the Lessee's Equipment then the Lessee must enter into a deed in a form required by the Council that ensures the charge is subject to the Council's rights under this Lease.

### **10.2 Deemed Assignment**

If the Lessee is a corporation (not being a company with its shares listed on any Stock Exchange in Australia) or an association, any change in the beneficial ownership of twenty per centum (20%) or more of the voting shares in the corporation or any change in the effective control of the corporation or association will be deemed to be an assignment of the Premises requiring the consent of Council under this Lease.

### **10.3 Costs**

The Lessee must pay all costs reasonably incurred by the Council (including the costs of any consultant or any legal fees) in relation to any dealing including in considering whether or not to grant any consent to a request by the Lessee under this clause 10.

## **11. COUNCIL'S OBLIGATIONS AND RIGHTS**

### **11.1 Quiet Enjoyment**

Subject to the Council's rights and to the Lessee complying with the Lessee's obligations under this Lease, the Lessee may occupy the Premises during the Term without interference from the Council.

### **11.2 Right to Enter**

The Council may (except in the case of emergency when no notice will be required) enter the Premises after giving the Lessee reasonable notice:

- 11.2.1 to see the state of repair of the Premises;
- 11.2.2 to inspect the state of repair of the Improvements;
- 11.2.3 to do repairs to the Premises or the Land or other works which cannot reasonably be done unless the Council enters the Premises;
- 11.2.4 to do anything the Council must or may do under this Lease or must do under any Legislation or to satisfy the requirements of any Statutory Authority; and
- 11.2.5 to show prospective lessees through the Premises.

### **11.3 Emergencies**

In an emergency the Council may:

- 11.3.1 close the Premises or the Land; and
- 11.3.2 prevent the Lessee from entering the Premises or the Land.

### **11.4 Works and Restrictions**

11.4.1 The Council may:

- (a) require the Lessee to carry out works to maintain, repair or replace the Improvements as required under this Lease;
- (b) install, use, maintain, repair, alter and interrupt the Services;
- (c) carry out works on the Premises and/or the Land (including extensions, renovations and refurbishment); and
- (d) close (temporarily or permanently) and restrict access to the Common Areas.

11.4.2 The Council must (except in cases of emergency) take reasonable steps to minimise interference with the Lessee's use and occupation of the Premises.

### **11.5 Right to Rectify**

Council may at the Lessee's cost do anything which the Lessee should have done under this Lease but which the Lessee has not done or which the Council reasonably considers the Lessee has not done properly.

### **12. OWNERSHIP OF IMPROVEMENTS**

For the avoidance of doubt and unless otherwise agreed in writing between the parties, the Lessee maintains ownership of the Improvements at all times.

### **13. DAMAGE OR DESTRUCTION**

#### **13.1 Termination for Destruction or Damage**

- 13.1.1 If the Premises is destroyed or is damaged so that the Premises is unfit for the Lessee's use then within three (3) months after the damage or destruction occurs, the Council must give the Lessee a notice either:
  - (a) terminating this Lease (on a date at least one (1) month after the Council gives notice); or
  - (b) advising the Lessee that the Council intends to repair the Premises so that the Premises are accessible and the Lessee can occupy and use the Premises.
- 13.1.2 If the Council gives a notice under clause 13.1.1(b) but does not carry out the intention within a reasonable time, the Lessee may give notice to the Council that the Lessee intends to end this Lease if the Council does not do whatever is necessary to make the Premises accessible and fit for use and occupation by the Lessee within a reasonable time (having regard to the nature of the required work).
- 13.1.3 If the Council does not comply with clause 13.1.1 or with the Lessee's notice under clause 13.1.2, the Lessee may end this Lease by giving the Council not less than one (1) month's notice.

#### **13.2 Reduction or Abatement of Rent**

- 13.2.1 The Yearly Amounts to be paid by the Lessee will, during the period the Premises are unfit or inaccessible, be reduced unless:
  - (a) the Premises are unfit or inaccessible; or
  - (b) an insurer refuses to pay a claim,
 as a result of a deliberate or negligent act or omission of the Lessee.
- 13.2.2 The level of the reduction (if any) will depend on the nature and extent of the damage.
- 13.2.3 If the level of the reduction (if any) cannot be agreed, it must be determined by a qualified licensed valuer with a minimum of five (5) years experience.

## **14. RENEWAL**

- 14.1 If a right of renewal has been granted to the Lessee as described in Item 4 and the Lessee wishes to exercise that right of renewal, then the Lessee must serve a written notice on the Council not less than six (6) and not more than twelve (12) months before the expiry of the Initial Term stating it requires a renewal of this Lease.
- 14.2 The Lessee will not be entitled to a right of renewal if:
  - 14.2.1 the Lessee has been in breach of this Lease at any time before giving notice of the Lessee's exercise of the right of renewal;
  - 14.2.2 the Lessee is in breach of this Lease at the time of giving that notice; or
  - 14.2.3 the Lessee is in breach or commits a breach of this Lease after giving notice but before commencement of the Renewal Term.

## **15. REDEVELOPMENT, ASSET RATIONALISATION AND DEMOLITION**

- 15.1 If as part of any redevelopment, asset rationalisation or other project conducted by the Council that includes the Premises (**Redevelopment**) or if for any other reason the Council wishes to demolish or acquire vacant possession of the Premises or any part of the Premises, then the Council will be entitled to terminate this Lease subject to the following provisions:
  - 15.1.1 the Council must provide the Lessee with details of the proposed Redevelopment sufficient to indicate a genuine proposal to carry out that Redevelopment within a reasonably practical time after this Lease is to be terminated;
  - 15.1.2 the Council may at any time after providing the Lessee with the information specified in clause 15.1.1, give the Lessee a written notice of termination of this Lease (**Termination Notice**) specifying the date on which this Lease is to come to an end, being a date not less than six (6) months after the Termination Notice is given. This Lease will, unless terminated earlier by the Lessee under clause 15.1.3, come to an end at midnight on the day specified in the Termination Notice;
  - 15.1.3 at any time after receiving a Termination Notice under clause 15.1.1, the Lessee may terminate this Lease by giving not less than 7 days' written notice to the Council; and
  - 15.1.4 when this Lease is terminated (whether by the Council under clause 15.1.2 or by the Lessee under clause 15.1.3), the rights and obligations of the Council and the Lessee hereunder will come to an end but if any breach by either party still exists at that time then the rights of the other party with regard to that existing breach will continue.

## **16. RIGHTS AND OBLIGATIONS ON EXPIRY**

### **16.1 Expiry**

This Lease will come to an end at midnight on the last day of the Term unless it is terminated earlier by the Council or the Lessee under any other provision of this Lease.

### **16.2 Handover of Possession**

Before this Lease comes to an end, the Lessee will:

- 16.2.1 unless requested otherwise by Council in writing, remove all of the Improvements and the Lessee's Equipment from the Premises and repair any damage caused by such removal;

- 16.2.2 no later than one (1) month before this Lease comes to an end, provide the Council with a written summary of all alterations and additions made to the Premises by the Lessee, whether those alterations and additions were authorised by the Council or not;
- 16.2.3 if required by the Council, remove and reinstate any alterations or additions made to the Premises by the Lessee to the standard as at the Commencement Date;
- 16.2.4 complete any repairs which the Lessee is obliged to carry out under this Lease; and
- 16.2.5 should this not occur, the Council may at its discretion undertake the works and charge the Lessee.

### **16.3 Abandoned Goods**

If, when this Lease comes to an end the Lessee leaves any Improvements, goods or equipment at the Premises, then the Council will be entitled to deal with and dispose of those Improvements, goods and equipment subject to and in accordance with the requirements of the Act.

### **16.4 Holding Over**

If, with the Council's consent the Lessee continues to occupy the Premises after the end of this Lease, the Lessee does so as a monthly tenant which:

- 16.4.1 either party may terminate on one (1) month's notice given at any time; and
- 16.4.2 is on the same terms as this Lease.

## **17. BREACH**

### **17.1 Payment Obligations**

- 17.1.1 The Lessee must make payments due under this Lease:
  - (a) without demand (unless this Lease provides demand must be made);
  - (b) without set off, counterclaim, withholding or deduction;
  - (c) to the Council or as the Council directs; and
  - (d) by direct debit or such other means as directed by the Council.
- 17.1.2 If a payment is stated to be due on a particular Payment Date (such as the next Payment Date or the first Payment Date after an event) and there is no such Payment Date, the Lessee must make that payment on demand.

### **17.2 Set Off**

The Council may, by notice to the Lessee, set off against any amount due and payable under this Lease by the Council to the Lessee, any amount due and payable by the Lessee to the Council under this Lease or under any other agreement or arrangement.

### **17.3 Council's Rights on Breach**

- 17.3.1 If the Lessee is at any time in breach of any of its obligations under this Lease and the Lessee fails to remedy that breach to the satisfaction of the Council after being requested by the Council to do so, the Council and anybody authorised by the

Council for that purpose may at any time thereafter come onto the Premises without notice and do all things necessary to remedy that breach.

- 17.3.2 The Lessee will be liable to pay or reimburse the Council for all costs and expenses incurred in that regard which the Council may recover from the Lessee as a debt due and payable on demand.

#### **17.4 Default, Breach and Re-Entry**

In the event that:

- 17.4.1 any moneys (or part of any moneys) payable under this Lease are unpaid for the space of seven (7) days after any day on which the same ought to have been paid (although no formal or legal demand has been made);
- 17.4.2 the Lessee commits, permits or suffers to occur any breach or default in the due and punctual observances and performance of any of the covenants, obligations and provisions of this Lease;
- 17.4.3 in the case of a Lessee being a company or association:
  - (a) a meeting of the directors or members of the Lessee is convened to pass a resolution that an administrator of the Lessee be appointed or that the Lessee be wound up voluntarily;
  - (b) any person appoints an administrator of the Lessee;
  - (c) an application is made to any court to wind up the Lessee;
  - (d) an application is made pursuant to section 411 of the Corporations Act;
  - (e) a Controller, Managing Controller, Receiver or Receiver and Manager is appointed to the Lessee or in respect of any property of the Lessee; or
  - (f) the Lessee is deregistered or dissolved;
- 17.4.4 in the case of a Lessee being a natural person:
  - (a) the Lessee commits an act of bankruptcy or a sequestration order is made against the Lessee;
  - (b) a creditor of the Lessee presents a creditor's petition against the Lessee under the *Bankruptcy Act 1966*;
  - (c) the Lessee presents a petition against himself or herself under the *Bankruptcy Act 1966*;
  - (d) the Lessee signs an authority under section 188 of the *Bankruptcy Act 1966*;
  - (e) the Lessee gives a debt agreement proposal to the Official Trustee under Part IX of the *Bankruptcy Act 1966* and that debt agreement proposal is accepted by the Lessee's creditors;
  - (f) the Lessee becomes subject to an order directing the Official Trustee or a specified registered Trustee to take control of his or her property before sequestration; or
  - (g) the Lessee is convicted of an indictable offence (other than a traffic offence);

- 17.4.5 execution is levied against the Lessee and not discharged within thirty (30) days;
- 17.4.6 any property in or on the Premises is seized or taken in execution under any judgment or proceedings;
- 17.4.7 the Premises are left unoccupied for one (1) month or more without the Council's consent,

then despite any other clause of this Lease, the Council at any time has the right to terminate the Lease and re-enter and repossess the Premises without prejudice to any action or other remedy which the Council has or might or otherwise could have for arrears of Rent or any other amounts or breach of covenant or for damages as a result of any such event and the Council shall be freed and discharged from any action, suit, claim or demand by or obligation to the Lessee under or by virtue of this Lease.

#### **17.5 Rights of Council not Limited**

The rights of the Council under this Lease and at law resulting from a breach of this Lease by the Lessee shall not be excluded or limited in any way by reason of the Council having or exercising any powers under this clause 17.

#### **17.6 Landlord and Tenant Act**

In the case of a breach or default of any term of this Lease where notice is required to be given pursuant to section 10 of the *Landlord and Tenant Act 1936*, such notices will provide that the period of fourteen (14) days is the period within which the Lessee is to remedy any such breach or default if it is capable of remedy or to make reasonable compensation in money to the satisfaction of the Council. No period of notices is required for the non-payment of Rent.

#### **17.7 Repudiation and Damages**

- 17.7.1 The Lessee acknowledges that the following obligations under this Lease are essential terms:
  - (a) the obligation to pay Rent;
  - (b) the obligation to pay Outgoings;
  - (c) the obligations and prohibitions in relation to use of the Premises;
  - (d) the obligations and restrictions in relation to additions and alterations to the Premises; and
  - (e) the restriction on assignment, subletting, mortgaging and licensing.
- 17.7.2 If the Council accepts payment of Rent or any other moneys late or does not act or exercise any rights immediately or at all in respect of any breach of an essential term, that conduct on the part of the Council will not be deemed to amount to a waiver of the essential nature of that essential term.
- 17.7.3 If the Lessee breaches any essential term, that conduct on the part of the Lessee will be deemed to constitute a repudiation of this Lease and the Council may at any time thereafter rescind this Lease by accepting that repudiation.
- 17.7.4 The Lessee agrees that if this Lease is terminated by the Council because of a breach by the Lessee of an essential term or if the Lessee repudiates this Lease and the Council accepts that repudiation thereby rescinding this Lease, the Lessee will be obliged to pay compensation to the Council including Rent and other moneys

which the Council would otherwise have received under this Lease for the balance of the Term had the Lessee not breached an essential term or repudiated this Lease. In those circumstances, the Council will be obliged to take reasonable steps to mitigate its losses and to endeavour to lease the Premises at a reasonable rent and on reasonable terms.

- 17.7.5 The rights of the Council under this clause 17.7 and any action taken by the Council hereunder do not exclude or limit any other rights or entitlements which the Council has under this Lease or at law in respect of any breach or repudiatory conduct on the part of the Lessee.

#### **17.8 Interest on Overdue Amounts**

If the Lessee does not pay an amount when it is due, it must pay interest on that amount on demand from when the amount becomes due until it is paid in full. Interest is calculated on outstanding daily balances at the Default Rate.

### **18. INDEMNITY AND RELEASE**

#### **18.1 Risk**

The Lessee occupies and uses the Premises and the Improvements at the Lessee's risk.

#### **18.2 Indemnity**

The Lessee is liable for and indemnifies the Council against all actions, liabilities, penalties, claims or demands for any loss, damage, injury or death incurred or suffered directly or indirectly including in connection with:

- 18.2.1 any act or omission of the Lessee;
- 18.2.2 the overflow or leakage of water or any other harmful agent into or from the Premises;
- 18.2.3 any fire on or from the Premises;
- 18.2.4 loss or damage to property or injury or death to any person caused by the Lessee, the use of the Premises or the Improvements by the Lessee or otherwise relating to the Premises or the Improvements;
- 18.2.5 a breach of this Lease by the Lessee; or
- 18.2.6 the Lessee's use or occupation of the Premises or the Improvements.

#### **18.3 Release**

The Lessee releases the Council from all actions, liabilities, penalties, claims or demands for any damage, loss, injury or death occurring in the Premises or the Improvements, except to the extent that they are caused by the Council's negligence.

#### **18.4 Indemnities are Independent**

Each indemnity is independent from the Lessee's other obligations and continues during this Lease and after this Lease ends.

## **19. GOODS AND SERVICES TAX**

- 19.1 If GST applies to impose tax on the Agreed Consideration or any part of it or if the Council is liable to pay GST in connection with this Lease or any goods, services or other things supplied under this Lease then:
  - 19.1.1 the Agreed Consideration for that supply is exclusive of GST;
  - 19.1.2 the Council may increase the Agreed Consideration or the relevant part of the Agreed Consideration by a percentage amount which is equal to the GST Rate; and
  - 19.1.3 the Lessee shall pay the increased Agreed Consideration on the due date for payment by the Lessee of the Agreed Consideration.
- 19.2 Where the Agreed Consideration is to be increased to account for GST under this clause 19, the Council shall on or before the date on which the Agreed Consideration is payable, issue a tax invoice to the Lessee.
- 19.3 If the Lessee does not comply with its obligations under this Lease or with its obligations under the GST Legislation in connection with this Lease and as a result the Council becomes liable for penalties or interest for late payment of GST, then the Lessee must pay the Council on demand an amount equal to the amount of the penalties and interest.

## **20. GENERAL**

### **20.1 Costs**

The Lessee must, on request, pay or reimburse to the Council:

- 20.1.1 one half of all other preparatory costs incurred by the Council. For the purposes of this sub-clause, 'preparatory costs' has the meaning described in the Act, namely, legal and other expenses incurred by the Council in connection with the preparation, negotiation, stamping and registration of this Lease including the costs of attendances on the Lessee by the Council or a solicitor acting for the Council;
- 20.1.2 all costs including legal and other expenses incurred by the Council in connection with the preparation, negotiation, revision, execution and registration of any extension of this Lease; and
- 20.1.3 all legal and other costs and expenses incurred by the Council in consequence of any actual or threatened breach by the Lessee hereunder or in exercising or enforcing (or attempting to do so) any rights or remedies of the Council hereunder or at law or otherwise arising in consequence of any actual or threatened breach by the Lessee.

### **20.2 Waiver**

If the Council accepts or waives any breach by the Lessee, that acceptance or waiver cannot be taken as an acceptance or waiver of any future breach of the same obligation or of any other obligation under this Lease.

### **20.3 Notice**

- 20.3.1 Without excluding any other form of service, any notice required to be given or served will be sufficiently given or served as follows:
  - (a) in the case of the Lessee, if left at the Premises or if the Lessee has vacated the Premises, then if posted by pre-paid post to the last known address of the Lessee;

(b) in the case of the Council, if posted by pre-paid post to the Council at its principal place of business in South Australia (which is taken to be the address stated in this Lease unless the Lessee is or ought reasonably be aware that that is not the Council's principal place of business at the relevant time).

20.3.2 Notice served by pre-paid post will be deemed to have been given or served three (3) Business Days after posting.

#### **20.4 Severance**

If any part of this Lease is found to be invalid or void or unenforceable, then that part will be severed from this Lease and the remainder of this Lease will continue to apply.

#### **20.5 Entire Agreement**

The Council and the Lessee acknowledge and agree that this Lease contains and represents the entire agreement reached between them with regard to the Premises and that no promises, representations or undertakings other than those contained in this Lease, were made or given or relied upon and any previous agreements are null and void and have been superseded by this Lease.

#### **20.6 Resumption**

If the Council receives notice of resumption or acquisition of the Premises or the Land (or any part of the Land affecting the Premises) from or by any Statutory Authority or any governmental or semi-governmental body, then the Council may terminate this Lease by giving not less than three (3) months' written notice to the Lessee. When such termination takes effect, the rights and obligations of the Council and the Lessee hereunder will come to an end but if any breach by either party still exists at that time then the rights of the other party with regard to that existing breach will continue.

**EXECUTED as an AGREEMENT**

**COUNCIL**

**THE COMMON SEAL of THE  
CORPORATION OF THE CITY OF  
NORWOOD PAYNEHAM & ST PETERS**  
was affixed here in the presence of:

.....  
Signature of Mayor

.....  
Signature of Chief Executive Officer

.....  
Date

**LESSEE**

**THE COMMON SEAL of NP&SP  
COMMUNITY GARDEN ASSOCIATION  
INC. ABN 87 128 760 456 was affixed in  
accordance with its Constitution in the  
presence of:**

.....  
Authorised Officer

.....  
Authorised Officer

.....  
Date

## ANNEXURE A

### SPECIAL CONDITIONS

#### **1. Keeping of Livestock**

- 1.1 The Lessee is permitted to keep up to 10 chickens and hens on the Premises but no roosters.
- 1.2 No other livestock is to be kept on the Premises without the prior written consent of the Council, which consent may be withheld at the Council's absolute discretion.
- 1.3 The Lessee must comply with any conditions, requirements or instructions that the Council may issue from time-to-time in regard to the keeping of livestock on the Premises.

#### **2. Supply of Water: Stormwater Harvesting & Reuse System**

- 2.1 The Council has established a Stormwater Harvesting & Reuse System (the **System**) at the Land with a service line connected to the Premises.
- 2.2 The Council has also supplied an indirect water service to the Premises from the SA Water mains (**Mains Water**).
- 2.3 At the Council's cost each water service will have a flow meter to measure the volumes of water consumed by the Lessee and the Council will cause the flow meters to be read at least once per month and will supply the records of these readings to the Lessee upon request.
- 2.4 The Council is prepared to supply the Lessee with water from the System up to a set volume per annum determined by the Council (the **Annual Quota**), which will be advised in writing to the Lessee by 1 October each year for the ensuing twelve (12) months.
- 2.5 The Annual Quota will be set taking into account seasonal conditions, the amount of stormwater able to be recharged into the System over the past winter season, the likely demand on the System to irrigate the Land and the likely yield of reclaimed stormwater which satisfies the requirements of the Environment Protection Authority for reclaimed stormwater of this nature.
- 2.6 If the Council fails to advise the Lessee of an Annual Quota by 1 October in each year, then the Annual Quota will be deemed to be seven hundred kilolitres (700kL).
- 2.7 Once the Annual Quota has been exceeded by the Lessee or if the quality of the reclaimed stormwater is perceived to be unsatisfactory, or for any other cause, the Council may at its absolute discretion turn off the reclaimed stormwater supply from the System, leaving the Lessee reliant upon mains water and other water supplies that the Lessee may obtain access to.
- 2.8 If the Council turns off the reclaimed water supply from the System, the Council will immediately advise the Lessee that the supply has been turned off and the circumstances leading to this, and the Council will cause the flow meters to be read at that time and reread when the reclaimed stormwater supply is resumed.

#### **3. Charges for Water Supplied**

- 3.1 Irrespective of the volume determined in the Annual Quota, the Council will not charge the Lessee for the first 700kL of reclaimed stormwater consumed in each calendar year ending on 30 September (the **Water Allowance**).

- 3.2 Where the Annual Quota is less than the Water Allowance in any year, the Council will not charge the Lessee for the amount of mains water consumed by the Lessee over and above the Annual Quota, up to the difference between the Annual Quota and the Water Allowance.
- 3.3 Having regard to Special Condition 2.8 above, the amount of mains water used by the Lessee in those circumstances will be deemed to be supplied from the System and included in the Annual Quota and the Water Allowance.
- 3.4 At its discretion, the Council may require the Lessee to pay for the reclaimed stormwater so used over and above the Water Allowance as an Outgoing, provided the rate per kilolitre charged will be no greater than the non-residential customer usage charge per kilolitre set by the supplier of mains water applicable at the date that the demand for payment is sent by the Council. For the year ending 30 June 2021, this rate was \$2.775 per kL.
- 3.5 Excluding any volumes to be included in the Annual Quota as outlined in Special Condition 2 or Special Condition 3, the Lessee will pay as an Outgoing the cost for the mains water so used at the non-residential customer usage charge per kilolitre (kL) set by the supplier of mains water applicable at the date that the demand for payment is set by the Council. For the year ending 30 June 2021, this rate was \$2.775 per kL.

#### 4. Retention of Shade Structure Frames

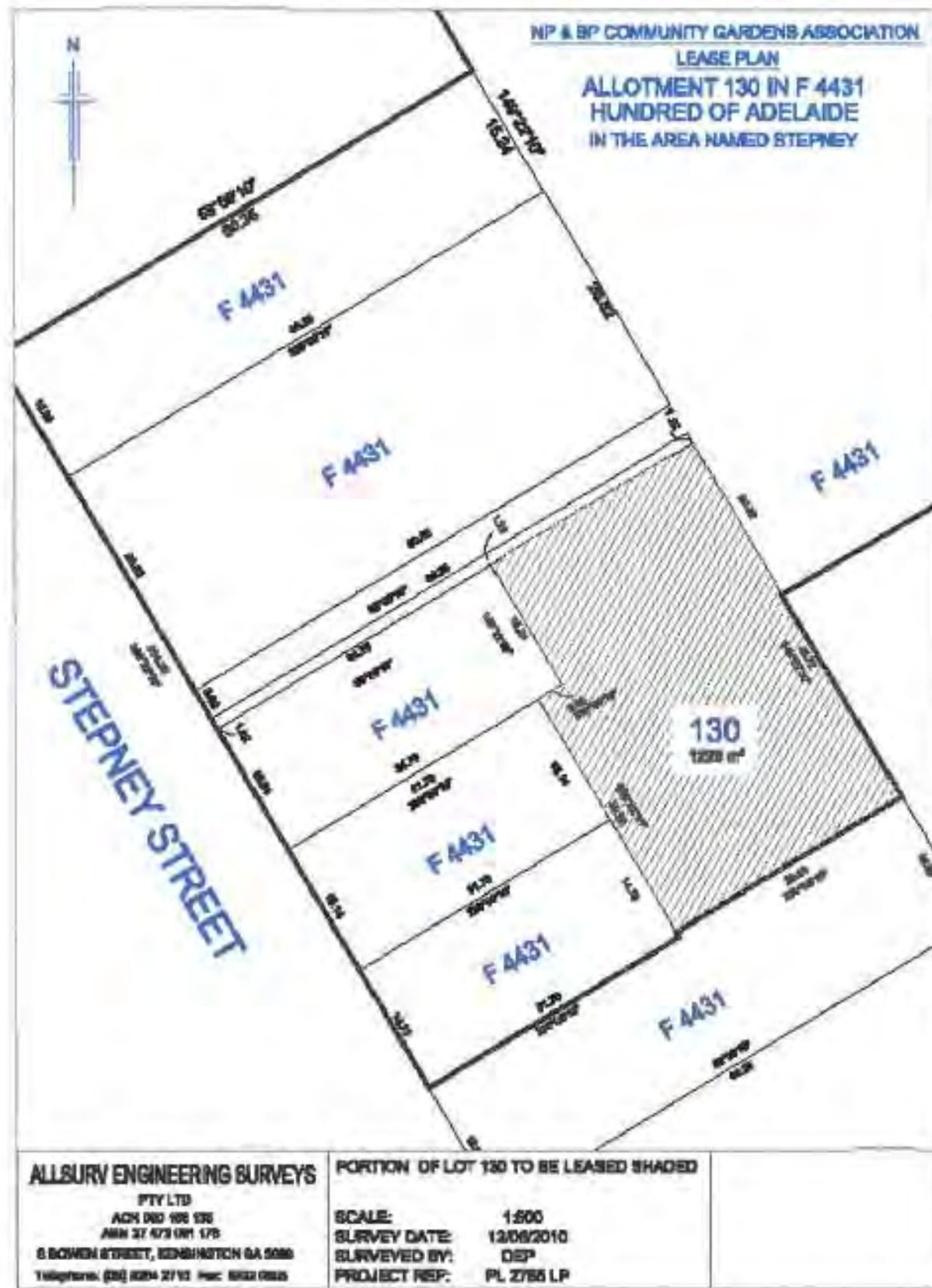
- 4.1 The Lessee will not dispose of the two (2) shade structure frames that were initially installed on the Premises by the St Peters Bowling Club Inc. with Government financial assistance, unless written permission is first obtained from the Council.

#### 5. Licence

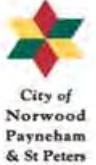
- 5.1 The Lessee has agreed to grant to the Council a licence in the form attached as **Annexure D**.

## ANNEXURE B

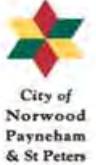
## PLAN



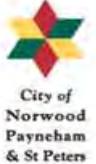
**ANNEXURE C**  
**MAINTENANCE SCHEDULE**



Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.								
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments	
1	<b>LEGISLATIVE RESPONSIBILITIES, E.G. OCCUPATIONAL HEALTH, SAFETY &amp; WELFARE (OHS&amp;W), DUTY OF CARE AND PUBLIC LIABILITY</b>							
2	Owner's responsibilities	Legislative requirements	Ensure compliance with OHS & W Act and Regulations & Codes	As required	Council	Council	Land only	
3								
4	Occupier's responsibilities	Legislative requirements	Ensure compliance with OHS & W Act and Regulations & Codes	As required	Lessee	Lessee	Use of the land and building	
5								
6	Risk Management	Risk Management Plan	Prepare and adopt an All Risks Management Plan. Implement the Plan. Provide current copies of the Plan to the Council and keep the Council informed of compliance/non-compliance with the Plan.	Development of Plan prior to occupation of the Premises and review as required by experience, or annually, whichever occurs first.	Lessee	Lessee	Council to verify adequacy of the Plan	
7		Identify hazards	On-going monitoring of potential hazards of any kind. In the event that a hazard is identified, position clear signage immediately to warn building users of the risk THEN notify the Council. Rectify the situation as soon as practicable.	As required	Lessee	Lessee	Council to verify adequacy of the implementation of the Plan as part of its annual inspection and review	
8								
9	Chemical Register	Provide and maintain a register of all chemicals used or brought onto the site	Record all chemicals and keep MSDS sheets for these. Registers to be made available to the Council.	Ongoing	Lessee	Lessee	Council to verify adequacy of the Chemical Register as part of its annual inspection and review	
10		Monitor	Check that register is being maintained properly	Annually	Council	Council		
11								
12	Hazardous Substances	Storage management	Seek written approval from Council before storing hazardous chemicals on-site. Store all hazardous chemicals in accordance with the appropriate AS. Do not store excess amounts of hazardous chemicals.	As required Ongoing Ongoing	Lessee Lessee Lessee	Lessee Lessee Lessee		
13								
14								
15								
16	Asbestos Register	Provide Asbestos Register Make accessible	Ensure that the Register is provided to the Lessee Ensure that the Register is available on site at all times.	Lease Commencement As required	Council Lessee	Council Lessee	Not Applicable Not Applicable	
17		Contact Council	Lessee to Contact Council BEFORE ANY works take place within the building. Approval is required by Council before any works are commenced.	As required	Lessee	Lessee	Not Applicable	
18								
19		Maintain up to date register	Maintain up to date register in line with the relevant Australian Standard.	Ongoing	Council	Council	Not Applicable	
20								



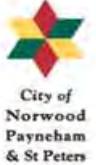
Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.							
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
21	Pest Control	Vermin & Pest Control	Eradication of domestic pests & vermin, e.g. mice, cockroaches & black ants (European wasps and termites excepted)	Ongoing	Lessee	Lessee	Lessee to notify the Council
22		European wasps	Treatment of any nests and infestations.	As required	Lessee	Lessee	Lessee to notify the Council
23		Termites	Reporting infestations	Ongoing	Lessee	Lessee	Lessee to notify the Council
24			Prevention measures and treatment of nests & infestations	Ongoing	Lessee	Lessee	Lessee to notify the Council
25							
26	Storage	Storage management	All storage areas must be well organised. Avoid over filling storage areas. Store goods/equipment so as to minimise risk.	Ongoing	Lessee	Lessee	
27							
28	Hire Agreements	Use hire agreement.	The Lessee must ensure that all groups using the premises sign a Council provided hire agreement.	Ongoing	Lessee	Lessee	
29							
30	<b>SERVICE CHARGES</b>						
31	Electricity	Connection	If there is any initial charge for new occupant	As required	Lessee	Lessee	
32		Usage	Ongoing usage costs	As required	Lessee	Lessee	
33							
34	Water	Charges	Payment of base water supply charge and levies (if separately charged)	As required	Council / Lessee	Council / Lessee	Council - to pay SA Water supply charge for Linde Reserve Lessee - to pay SA Water supply charge for the Premises
35							
36	Sewer	Usage	Usage Costs	As required	Lessee	Lessee	Refer to Special Conditions 2 and 3.
37		Connection	If there is any initial charge for any connection	As required	Council	Council	
38		Charges	Payment of base sewer rate (if levied)	As required	Lessee	Lessee	To be confirmed
39	Gas	Connection	If there is any initial charge for new occupant	As required	Lessee	Lessee	Not applicable
40		Usage	Ongoing usage costs	As required	Lessee	Lessee	Not applicable
41							
42	Telephone / data	Equipment, switchboard systems	Installation of equipment and cabling, both to the site and within the premises, including any upgrades and modifications	As required	Lessee	Lessee	
43		Connection	Lessee to pay any connection costs or installation of new lines	As required	Lessee	Lessee	
44		Usage	Ongoing usage costs including for specific lines for security	As required	Lessee	Lessee	
45							



Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.							
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
46	<b>Essential Safety Provisions (ESP's) and other statutory requirements for buildings</b>	Supply/installation, maintenance and checking	Ensuring compliance with all legislation associated with buildings	As required	Lessee	Lessee	Not applicable
47	<b>INSURANCE</b>						
48	<b>Relief from Insurance Excess Requirement</b>						
50	Graffiti attack	Insurance Excess	Payment of insurance excess as a result of damage / loss to the Premises (i.e. the land) or the building.	Council / Lessee	Council / Lessee	Any insurance excess as a result of damage / loss to the Premises (i.e. the land) will be covered by the Council and the Council will carry out repairs (unless caused by the Lessee or its hirers).	
51	Vandalism and malicious damage (exterior only)	Insurance Excess	Payment of insurance excess as a result of damage / loss to the Premises (i.e. the land) or the building.	Council / Lessee	Council / Lessee	Any insurance excess as a result of damage / loss to the building will be covered by the Lessee and the Lessee will carry out repairs.	Refer to comment above.
52	Burglary (including property damage)	Insurance Excess	Payment of insurance excess as a result of damage / loss to the Premises (i.e. the land) or the building.	Council / Lessee	Council / Lessee		Refer to comment above.
53	Fire, water damage and all other property damage, including being hit by vehicles	Insurance Excess	Payment of insurance excess as a result of damage / loss to the Premises (i.e. the land) or the building.	Council / Lessee	Council / Lessee		Refer to comment above.
54	All other claims	Insurance Excess	Payment of insurance excess as a result of all other claims in relation to the Premises (i.e. the land) or the building.	Council / Lessee	Council / Lessee		Refer to comment above.
55	<b>CLEANING</b>						
57	Building internals	Cleaning	Ensure that the Premises are cleaned regularly & thoroughly by competent cleaners and ensure that at all times the Premises are kept in a clean, neat & tidy condition appropriate for the intended use.	Weekly	Lessee	Lessee	
58	External areas	Cleaning	Ensure that the outside areas are kept in a clean, neat & tidy condition appropriate for the intended use.	Ongoing	Lessee	Lessee	

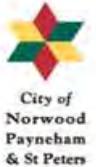


	<b>Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.</b>						
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
59							
60		<b>EXTERNAL BUILDING FABRIC</b>					
61	<b>Annual Audit/Inspection</b>	Inspection of building (internal & external)	Inspection to confirm compliance with maintenance obligations by the Lessee and to raise any issues for action by the Lessee.	Annually	Council	Council	
62	<b>External walls / External painting</b>	Monitor graffiti	Notify Graffiti Removal Group in the event of an attack.	Ongoing	Lessee	Lessee	
63		Remove graffiti	Remove or paint over graffiti.	As required	Lessee	Lessee	
64		Re-paint	Lessee to undertake re-painting as required.	As required	Lessee	Lessee	



Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.							
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
65	<b>External/internal windows</b>	Cleaning – windows and screens	Clean all windows (including screens) on a periodic basis.	Quarterly	Lessee	Lessee	
66		Broken glass		As required	Lessee	Lessee	
67		Glass broken maliciously		As required	Lessee	Lessee	
68		Operation	smooth and proper operation of windows and associated mechanisms	As required	Lessee	Lessee	
69		Frames	To be maintained in serviceable order, well painted/protected from weather (if appropriate) and replaced when necessary	As required	Lessee	Lessee	
70	<b>Roof – framing &amp; cladding</b>	Monitor leaks	Notify Council if leaks appear.	Ongoing	Lessee	Lessee	
71		Repair or replace	rectify leaks	As required	Lessee	Lessee	
72							
73	<b>Roof – gutters &amp; downpipes</b>	Monitoring effectiveness	Visual inspection for integrity, damage & cleaning requirement.	Ongoing	Lessee	Lessee	
74		Cleaning of gutters	As required.	As required	Lessee	Lessee	
75		Painting	As required to prevent deterioration.	As required	Lessee	Lessee	
76		Poor condition	Repair or replace	As required	Lessee	Lessee	
77							
78	<b>External doors</b>	Installation & operation of the solid external doors	Maintain integrity of the doors	As required	Lessee	Lessee	
79		Installation & operation of fly screen doors	Maintain integrity of the doors	As required	Lessee	Lessee	
80		Keys	key cutting required as a result of lost/damaged keys or operational demands of Lessee	As required	Lessee	Lessee	
81		Door operation (Hinges)	Lessee to lubricate hinges as required.	As required	Lessee	Lessee	
82		Door operation (General)	Ongoing monitoring of operating condition & locking integrity. Notify Council immediately in the event of any failure.	Ongoing	Lessee	Lessee	
83							
84		Lock maintenance and replacement	Lock management is the responsibility of the Lessee.	Ongoing	Lessee	Lessee	
85							

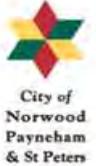
Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.							
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
86	External building signage	Approval	Council to be notified of new signage. Lessee to apply to the Council for Lessor approval	As required	Lessee	Lessee	
87		Installation	Lessee to install in accordance with lease requirements and relevant statutory requirements (i.e. planning, building, by-laws etc.) when installing or replacing signage		Lessee	Lessee	
88		Maintenance	Lessee to maintain, replace, keep in good appearance, condition and working order and abide by all lease requirements and relevant statutory requirements (i.e. planning, building, Community Land Management Plans, by-laws etc.)	As required	Lessee	Lessee	
89	<b>INTERNAL BUILDING FABRIC</b>						
90	Internal walls & ceilings – solid and/or gypsum	Manage against damage/markings	Ensure that use/activities are undertaken in a suitable environment so as to minimise potential damage. Refer to cleaning below.	Ongoing	Lessee	Lessee	
91		Repairs	Lessee responsible for the cost of repairs or replacement.	As required	Lessee	Lessee	
92	Internal doors – including operable walls	Lock & key issues	Same as external doors.		Lessee	Lessee	
93		Manage against damage/markings	Ensure that use/activities are undertaken in a suitable environment so as to minimise potential damage. Refer to cleaning below.	Ongoing	Lessee	Lessee	
94		Repairs	Lessee responsible for the cost of repairs.	As required	Lessee	Lessee	
95							
96							
97							



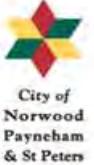
Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.							
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
98	Floor finishes (includes stairs where applicable)	Monitor for trip/slip hazards	On-going monitoring of potential slip/trip hazards. In the event that a hazard is identified, position clear signage immediately to warn building users of the risk. Notify Council should hazard relate to structural movement or building fabric.	As required	Lessee	Lessee	
99		Cleaning (including stain removal) and/or polishing	To be undertaken as part of a formal cleaning regime.	As required	Lessee	Lessee	
100		Strip back & re-seal of hard floors	Not Applicable.	Not Applicable	Not Applicable	Not Applicable	
101		Repairs & replacement	Repair and replace carpets and other floor coverings.	As required	Not Applicable	Not Applicable	
102							
103	Wall finishes	Cleaning	Where nature of finish permits, wash marks off walls.	As required	Lessee	Lessee	
104		Painting	Lessee to undertake re-painting as required.	As required	Lessee	Lessee	
105							
106	Ceiling finishes	Painting	Lessee to undertake re-painting as required.	As required	Lessee	Lessee	
107							
108	Internal fittings, fixings & built-in joinery	Repairs & replacement	Repair and replace fixtures.	As required	Lessee	Lessee	
109							
110	<b>GROUNDS</b>						
111	Annual Audit/Inspection	Inspection of grounds	Inspection to confirm compliance with maintenance obligations by the Lessee and to raise any issues for action by the Lessee.	Annually	Council	Council	
112	Garden beds and vegetation	Gardening and general maintenance	General garden maintenance of all vegetation, plants and garden beds on the Premises including watering, weeding, trimming etc.	Ongoing	Lessee	Lessee	
113	Lawns	Installation and maintenance	Maintain in good, neat condition, weed free and mown	As required	Lessee	Lessee	Not Applicable
114	Tree management	Assessment of condition	Monitor aesthetics and stability, especially with respect to potential personal injury or building damage. Notify Council of issues.	As required	Lessee	Lessee	
115		Remove, prune or treat	Undertake tree maintenance as agreed with the Council	As required	Lessee / Council	Lessee / Council	Lessee - fruit trees Council - all other trees
116		Protection	Exercise caution with vehicles associated with the activity that enter / exit the site adjacent to existing mature trees.		Lessee / Council	Lessee / Council	Lessee - fruit trees Council - all other trees
117		Major trimming or removal	Trim or remove trees as advised by arborist	As required	Lessee / Council	Lessee / Council	Lessee - fruit trees Council - all other trees
118							



<b>Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.</b>							
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
119	<b>Fencing (including gates)</b>	Site perimeter fencing and gates	Install, repair, maintain and replace as necessary and if applicable, in accordance with the <i>Fences Act 1975</i> . Refer below if there is contributory negligence by the Lessee.	As required	Council	Council	Perimeter fencing means the fencing around the border of the whole site being leased and may comprise a standard fence as used in the neighbourhood, or the standard type of reserve fencing specified by the Council.
120		Site perimeter fencing	Repair any damage caused by Lessee, e.g. materials, including fill placed on or against fence, attachments, etc..	As required	Council	Lessee	
121		Special purpose fencing and gates	Install, repair, maintain and replace as necessary any special purpose fencing that is different from a standard neighbourhood fence, or the standard reserve fencing specified by the Council.	As required	Lessee	Lessee	
122		Internal fencing	Responsible for supply, repair and maintenance.	As required	Lessee	Lessee	
123		Trellises on fences	Responsible for supply, repair and maintenance.	As required	Lessee	Lessee	
124		Locks	Responsible for supply, repair and maintenance.	As required	Council	Council	
125							
126	<b>Paths &amp; Paved Areas</b>	Keep clean	Keep free of rubbish and tree/garden debris.	As required	Lessee	Lessee	
127		Repairs & replacement	Undertake repairs as required in order to maintain integrity & minimise public risk.	As required	Lessee	Lessee	
128		Identify trip hazards	On-going monitoring of potential slip/trip hazards. In the event that a hazard is identified, position clear signage immediately to warn building users of the risk THEN notify Council of the details, including date discovered and date fixed.	As required	Lessee	Lessee	
129							
130	<b>Site Signage</b>	Signs necessary for site management (i.e. statutory, parking signs)	Update details, remove graffiti, repair or replace as required.	As required	Council	Council	
131							
132	<b>Irrigation Infrastructure</b>	Maintenance of irrigation infrastructure on-site (e.g. drippers, pipes, sprinklers etc.)	Responsible for supply, repair and maintenance.	As required	Lessee	Lessee	
133							

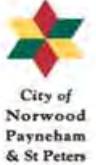


	<b>Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.</b>						
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
134	<b>STORMWATER DRAINS</b>						
135	Open Stormwater Drains	Construction & Maintenance	Install and keep in good working order	As required	Council	Council	
136		Regular inspection and cleaning	Keep free of tree/garden debris & litter	Weekly	Lessee	Lessee	
137	Stormwater drainage systems (sumps and pipes)	Construction & Maintenance	Install and keep in good working order	As required	Council	Council	
138		Regular inspection and cleaning	Keep free of blockages and silt	Quarterly	Lessee	Lessee	
139							
140	<b>STORMWATER HARVESTING &amp; REUSE SYSTEM</b>						
141	Infrastructure	Supply, repairs and maintenance	Provision of a service line to supply water from the Council's Stormwater Harvesting & Reuse System at Linde Reserve to the Premises.	As required	Council	Council	
142	Water consumption	Usage charges	Pay charges for consumption	As required	Lessee	Lessee	Refer to Special Conditions 2 and 3.
143							
144	<b>SA WATER MAINS WATER IRRIGATION SYSTEM</b>						
145	Irrigation Mains	Supply, repairs and maintenance	Provision of a mains water (SA Water) supply, either from the SA Water main meter with a subsidiary flow meter in the line to measure the usage of mains water by the Lessee, or a direct metered supply from SA Water	As required	Council	Council	
146	Water consumption	Usage charges	Pay charges for supply and consumption	As required	Lessee	Lessee	Refer to Special Conditions 2 and 3.
147							
148	<b>RAINWATER TANKS</b>						
149	Rainwater tanks & filters	Supply, repairs and maintenance	Maintain in good working order, including cleaning the filters and tanks. Rainwater tank located at 66 Nelson Street next door, but plumbed to this tenancy at 68 Nelson Street.	As required	Lessee	Lessee	
150	Supply pipes and fittings	Supply, repairs and maintenance	Install and maintain in good working order the water delivery system from the roads to the collection tanks.	As required	Lessee	Lessee	
151	Water Quality - Operation	Operation	Operate and manage the rainwater system in compliance with any regulatory requirements and/or guidelines (including testing)	As required	Lessee	Lessee	
152	Rainwater Distribution System	Supply, repairs and maintenance	Maintain in good working order the pumps, pipes, valves (including any required back flow prevention valves), sinks, taps and other fittings used in the distribution and disposal of collected rainwater.	As required	Lessee	Lessee	
153							



Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.

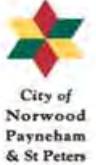
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
154		<b>AIR CONDITIONING</b>					
155	Air conditioning systems	Maintenance contract	Includes major cleaning and general maintenance.	As required	Lessee	Lessee	Not Applicable
156	Air conditioning systems	Repairs & replacement	As advised from time to time by the Contractor, or the Lessee	As required	Lessee	Lessee	Not Applicable
157	Air conditioning filters	Clean	Clean filters as per the operating manual	As required	Lessee	Lessee	Not Applicable
158							



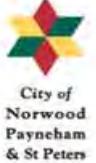
Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.								
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments	
159	<b>PLUMBING MAINTENANCE</b>							
160	General plumbing (water & sewer)	Toilet fittings, taps, sinks, drains, pipes etc.	Keep clean, maintain in good repair and free from blockages.	As required	Lessee	Lessee		
161		Toilet fittings, sinks, drains, pipes etc.	Unblock	As required	Lessee	Lessee		
162		Toilet fittings, sinks, drains, pipes etc.	Repair/replace as required for fair wear and tear.	As required	Lessee	Lessee		
163		Toilet fittings, sinks, drains, pipes etc.	Repair/replace as required if damaged or prematurely failing due to lack of maintenance or negligence, etc.	As required	Lessee	Lessee		
164	Hot water services (includes solar)	Relief valve	Keep relief valve clear	Annually	Lessee	Lessee		
165		Repair or replace	Repair or replace as required	As required	Lessee	Lessee		
166	<b>ELECTRICAL SUPPLY &amp; MAINTENANCE</b>							
168	Solar or wind generation systems	Supply	Supply & installation	As decided	Council	Lessee	Not Applicable	
169		Operation and maintenance	Maintenance, including testing and inspections	As required	Council	Lessee	Not Applicable	
170	Main Switchboard	Main electrical connection and main distribution board	Supply main electrical connection and main distribution board	Initial installation	Lessee	Lessee		
171		Maintenance, including testing and inspections	Checking and maintenance/repair of electrical installation	As required	Lessee	Lessee		
172		Upgrade	Upgrade if a result of increased power requirements	As required	Lessee	Lessee		
174	Electrical distribution network & sub-boards	Maintenance, including testing and inspections	Checking and maintenance/repair of electrical installation	As required	Council	Council	Not Applicable	
175		Upgrade	Upgrade if a result of increased power requirements	As required	Council	Lessee	Not Applicable	
177	RCDs	Regular test by identified resource	Test for correct operation monthly. Document test as required.	Monthly	Council	Council		
178		Electrician testing & maintenance	Contract for inspection and test as per AS 3190	As required	Council	Council		
179	Tagging and testing	In-service safety inspection and testing of electrical equipment	Maintain regulatory compliance as per AS 3760. Inspection & testing to be coordinated by Council for Council owned fixtures and fittings. Lessee to arrange tagging and testing of Lessee owned electrical equipment unless otherwise arranged with Lessor.	Annually	Lessee	Lessee		
180								
181								



Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.							
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
182							
183	<b>Building lighting (internal &amp; external)</b>	Installation	Installation of all lights on building (internal and external, including floodlighting, security lighting etc.) in accordance with relevant statutory requirements	As required	Lessee	Lessee	
184		Alterations and new fittings	Changes or additions to existing lighting is required	As required	Lessee	Lessee	
185		Maintenance	Lessee to maintain, replace, keep in good appearance, condition and working order (including globe replacement, motion detectors, switches etc.)	As required	Lessee	Lessee	
186		Damaged fittings	Repair/replace as required	As required	Lessee	Lessee	



Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.							
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
187	<b>External lighting</b>	Installation	Installation of all external lights on the Premises (including floodlighting and security lighting) in accordance with relevant statutory requirements. Lessee to apply to the Council for Council approval prior to installation.	As required	Lessee	Lessee	
188		Alterations and new fittings	Changes or additions to existing lighting as required.	As required	Lessee	Lessee	
189		Maintenance	Lessee to maintain, replace, keep in good appearance, condition and working order (including globe replacement, motion detectors, switches etc.)	As required	Lessee	Lessee	
190		Damaged fittings	Repair/replace as required	As required	Lessee	Lessee	
191							
192	<b>ESSENTIAL SAFETY PROVISIONS (ESP'S)</b>						
193	<b>ESP's include: building fire safety systems, fire extinguishers, fire blankets, fire hose reels, exit lighting, emergency lighting, emergency egress points, etc. and other statutory safety requirements for buildings.</b>						
194	<b>General</b>	Initial Installation: Supply & install ESP equipment	Ensure that required ESP equipment is supplied, installed and working and that the premises comply at the beginning of the occupancy (not a continuing occupancy).	As required	Lessee	Lessee	Not Applicable
195		Coordinate testing, servicing and maintenance for all ESP's & ensure compliance with the Development Act 1993	A Form 3 certificate (as required pursuant to Regulation 76 of the Development Act 1993) will be completed by a certified contractor annually as proof that the required testing and maintenance has been carried out.	Ongoing	Lessee	Lessee	Not Applicable
196	<b>Exit lighting</b>	Notify Council if inoperative	If an exit light is damaged or not working the Council must be contacted immediately.	Ongoing	Lessee	Lessee	
197		Repair/replace	Repair/replace immediately	As required	Lessee	Lessee	
198							
199	<b>Fire extinguishers, fire blankets, fire hose reels, etc.</b>	Tampering	Manage against tampering. Ensure that fire safety equipment is not moved from its dedicated location <b>or</b> tampered with.	Ongoing	Lessee	Lessee	
200		Repair/replace	Repair/replace immediately	As required	Lessee	Lessee	
201							
202	<b>Emergency exit doors</b>	Monitor operation	Ongoing monitoring of operating condition & locking integrity. Notify Council immediately in the event of any failure.	Ongoing	Lessee	Lessee	
203		Repair/replace	Repair/replace immediately	As required	Lessee	Lessee	
204							
205	<b>Emergency egress points &amp; paths of travel to exit doors</b>	Keep clear at all times (internally and externally)	Ensure that emergency egress points are kept clear at all times. That is, prevent blocking by furniture or stored items.	Ongoing	Lessee	Lessee	
206							



	<b>Council will schedule item replacements, reconditioning and painting in line with its Asset Management Plan, budget allocations and portfolio priorities.</b>						
LineNo	Item	Issue	Task Description	Timeliness	Who to Do	Who to Pay	Comments
207	<b>SECURITY - Council Installed &amp; Maintained</b>						
208	<b>Security system</b>	Maintain the security system.	Maintain the security system.	Annually	Council	Council	Not Applicable
209							
210	<b>Security contract</b>	Repairs & replacement	As required	As required	Council	Council	Not Applicable
211							
212	<b>SECURITY - Lessee Installed &amp; Maintained</b>						
213	<b>Security system</b>	Maintain the security system. Council to be kept informed	Maintain the security system. Provide current details of the security system, including names of security company and access codes to the Council	Annually As required	Lessee	Lessee	Not Applicable
214					Lessee	Lessee	Not Applicable
215	<b>Security contract</b>	Repairs & replacement	As required	As required	Lessee	Lessee	Not Applicable
216							

**ANNEXURE D**  
**LICENCE AGREEMENT FOR ELECTRICITY CONDUIT**

# LICENCE AGREEMENT

## Land

Linde Reserve (Linde Community Garden)

## Licensor

NP&SP Community Garden Association Inc.

## Licensee

The Corporation of the City of Norwood Payneham & St Peters

## Commencement Date

2 April 2021

## Expiry Date

31 March 2026

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



City of  
Norwood  
Payneham  
& St Peters

## SCHEDULE

<b>ITEM 1</b> Land	The whole of the land comprised in Certificates of Title Volume 5774 Folio 726, Volume 6109 Folio 870, Volume 5888 Folios 44, 57, 72, Volume 5612 Folio 599, Volume 5799 Folios 115, 117, 119, 121, Volume 989 Folio 10, Volume 5495 Folio 429, Volume 5515 Folio 208 and Volume 5694 Folio 773 and known as 'Linde Reserve'.
<b>ITEM 2</b> Premises	The portion of the Land comprised in Certificate of Title Volume 5694 Folio 773 and being the hatched area shown on the plan attached as Annexure B and known as 'Linde Community Garden'.
<b>ITEM 3</b> Licensed Area	The portion of the Premises comprising a one (1) metre wide strip of land abutting the north eastern boundary of the Premises for a distance of thirty eight (38) metres from the northern corner of the Premises.
<b>ITEM 4</b> Term	Four (4) years and 364 days, commencing on 2 April 2021 and expiring at midnight on 31 March 2026.
<b>ITEM 5</b> Times of Use	All hours.
<b>ITEM 6</b> Licence Fee and Time of Payment	One Dollar (\$1.00) per annum (GST exclusive) payable on demand.
<b>ITEM 7</b> Permitted Use	Electricity supply purposes.

**THIS AGREEMENT** is made the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

## BETWEEN

**NP&SP COMMUNITY GARDEN ASSOCIATION INC.** ABN 87 128 760 456 of PO Box 395, Stepney SA 5069 (Licensor)

**AND**

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

## **BACKGROUND:**

- A. The Council is the registered proprietor of or has the care, control and management of the Land.
  - B. The Council has granted to the Licensor the attached lease to use the Premises for the purposes of the Linde Community Garden (**Lease**).
  - C. The Works have been installed in and on the Premises by the Council to connect the solar panels on the adjacent St Peters Child Care Centre site to the electricity supply service located on the Land.
  - D. The Council has requested and the Licensor has agreed to grant the Council a licence to use the Licensed Area for the Permitted Use.
  - E. The Council and the Licensor wish to record the terms of their agreement in this Licence.

## 1. Dictionary

#### In this Licence:

**Council** means the party described as the 'Council' in this Licence and where the context permits includes the employees, contractors, agents and other invitees of the Council.

**Land** means the land described in Item 1 of the Schedule.

**Licence Fee** means the fee set out in Item 6 of the Schedule.

**Licensed Area** means the area described in Item 3 of the Schedule and includes the Works.

**Licensor** means the party described as the 'Licensor' in this Licence and where the context permits includes the employees, contractors, agents and other invitees of the Licensor.

**Permitted Use** means the use described in Item 7 of the Schedule.

**Premises** means the area described in Item 2 of the Schedule.

**Term** means the Term described in Item 4 of the Schedule and any period during which the Council holds over or remains in occupation of the Licensed Area.

**Times of Use** means the times set out in Item 5 of the Schedule.

**Works** means all fixtures and fittings, plant, equipment, services, chattels and other goods installed or situated in or on the Licensed Area by the Council and includes (without limitation) the electricity conduit and service pit.

## **2. Interpretation**

In this Licence, unless the context otherwise requires:

- 2.1 reference to any legislation includes subordinate legislation and all amending or substituting legislation;
- 2.2 words in the singular are capable of including the plural and vice versa and words importing one gender are to be read as including the other genders where appropriate;
- 2.3 the special terms created and used in the Lease shall mutually apply in this Licence Agreement, unless the context dictates otherwise.
- 2.4 any reference to a natural person will also apply to a body corporate and vice versa;
- 2.5 all moneys payable by the Council to the Licensor under this Licence shall be recoverable as a debt;
- 2.6 any consents must be obtained in writing and if permitted by this Licence before any work, alteration or activity is undertaken;
- 2.7 headings are for convenience only and shall not affect the construction or interpretation of this licence; and
- 2.8 the Background is accurate and forms part of this Licence.

## **3. Grant**

The Licensor grants and the Council accepts a licence of the Licensed Area for the Term and during the Times of Use as set out in this Licence.

## **4. Terms and Conditions**

### **4.1 Licence Fee**

The Council will pay the Licence Fee to the Licensor at the times and in the manner specified in Item 6 of the Schedule.

### **4.2 Permitted Use**

The Council agrees not to use or allow the Licensed Area to be used for any purpose or activity other than the Permitted Use.

### **4.3 Maintenance**

The Council will at its own cost and expense during the Term keep, maintain and replace the Works in good, safe and proper repair and condition and in accordance with any applicable industry or health and safety standards.

### **4.4 Access to Licensed Area**

- 4.4.1 The Licensor acknowledges that the rights conferred on the Council under this Licence may be relied upon by the Council's employees and contractors using the Council's property with the Council's consent.
- 4.4.2 For the purposes of ensuring continuity of supply and compliance with any legislation, codes or standards or otherwise with the terms of this Licence, the Council may enter the Premises and inspect the Works.

4.4.3 After the Council has accessed and used the Licensed Area as permitted under this Licence, the Premises is to be secured by the Council immediately.

4.4.4 The Council must take all reasonable steps to minimise disruption to the Licensor in undertaking the Permitted Use, except as is reasonably required for the purpose of undertaking the Permitted Use.

#### **4.5      Emergencies**

In an emergency, the Council may:

4.5.1 close the Licensed Area or the Premises; and

4.5.2 prevent the Grantor from entering the Licensed Area or the Premises.

#### **4.6      Statutory Requirements**

The Council will comply (at its own cost and expense in all things) with all applicable legislation, regulations, by-laws, codes of practice, guidelines and Council policies relating to the Permitted Use or the Licensed Area, including any applicable industry or health and safety standards in relation to the Permitted Use.

#### **4.7      Access and Entry by Licensor**

4.7.1 The Council acknowledges that the Licensed Area is entered on and used from time to time by the Licensor (including its members and contractors) and that the Licensed Area may be used and developed by the Licensor for purposes of the Linde Community Garden, provided that no permanent improvements (removable paving excepted) are placed within the Licensed Area and only annual plants are planted within the Licensed Area.

4.7.2 Notwithstanding the right of access specified in Clause 4.7.1, the Council shall allow the Licensor to come onto the Licensed Area for the purpose of inspecting its condition and state of repair.

4.7.3 If the Licensor finds that any part of the Licensed Area needs repairing and for which the Council is responsible, then the Licensor may notify the Council by notice in writing.

4.7.4 If the Council has not carried out the work required by the notice, to a standard reasonably acceptable to the Licensor within the time set out in the notice, which unless in the case of an emergency will not be less than fourteen (14) days, then the Licensor may come onto the Licensed Area at a reasonable hour to carry out the repairs. The cost of the repairs and any other reasonable expenses incurred by the Licensor will be recoverable from the Council as a debt.

4.7.5 In the case of an emergency no notice need be given by the Licensor.

#### **4.8      Alterations and Additions by Council**

4.8.1 The Council may not carry out or permit to be carried out any alterations or additions to the Licensed Area or the Works of any kind except for the purposes of ensuring continuity of electricity supply and compliance with any legislation, codes or standards and otherwise with the terms of this Licence, provided at all times that the Works cannot extend outside of the Licensed Area.

4.8.2 The Council will liaise with the Licensor in respect to any work giving at least fourteen (14) days written notice to the Licensor of any likely disturbance being made to the Premises, unless urgent work is required.

#### **4.9      Ownership of Improvements**

- 4.9.1     Despite any principle of law to the contrary, during and after expiry or earlier termination of the Term, ownership of the Works will remain at all times with the Council.
- 4.9.2     The Licensor must not interfere or permit any interference with any part of the Works without the prior written consent of the Council, which may be given or withheld at the Council's absolute discretion.

#### **4.10     Handover of Area**

Upon the expiration or earlier determination of the Term, the Council will cease using the Licensed Area for the Permitted Use and, at the Council's discretion in all respects, retain or remove all of the Works and repair any damage caused by such removal.

#### **4.11     Insurance**

The Council is a member of the Local Government Association Mutual Liability Scheme (Scheme). The Scheme provides indemnity for civil liability claims subject to the rules of the Scheme. Indemnity is unlimited subject to the terms of the South Australian Government Treasurer's Indemnity. If the Council ceases to be a member of the Scheme, the Council will immediately, pursuant to the provisions of the *Local Government Act 1999* (SA), effect public liability insurance to a minimum level of cover of twenty million dollars (\$20,000,000).

#### **4.12     Indemnity and Release**

- 4.12.1    The Council occupies and uses the Licensed Area at the Council's risk.
- 4.12.2    The Council is liable for and indemnifies the Licensor against all actions, liabilities, penalties, claims or demands for any loss, damage, injury or death incurred or suffered directly or indirectly in connection with the granting of the Licence or the undertaking of the Permitted Use except to the extent caused or contributed to by the negligence or default of the Licensor.
- 4.12.3    The Council releases the Licensor from all actions, liabilities, penalties, claims or demands for any damage, loss, injury or death occurring in the Licensed Area except to the extent that they are caused by the Licensor's negligence or default.
- 4.12.4    Each indemnity is independent from the Council's other obligations and continues during this Licence and after this Licence ends.

#### **4.13     Notification of Accidents and Hazards**

The Council will give the Licensor prompt notice in writing of any accident on the Licensed Area or item that is in need of repair or anything which could present a hazard or otherwise damage the Licensed Area or any person, which is not of a minor or trivial nature.

#### **4.14     Expiration of Licence**

- 4.14.1    This Licence will immediately expire on the earlier of the expiration of the Term or the termination of this Licence, or the termination of the Lease.
- 4.14.2    If the Council continues to occupy the Licensed Area after the end of this Licence, the Council does so on a monthly recurring basis which either party may terminate on one (1) month's notice given at any time, and is on the same terms as this Licence.

#### 4.15 **Breach**

- 4.15.1 If the Council or the Licensor is at any time in breach of any of its obligations under this Licence, the other party and anybody authorised by the party for that purpose may:
- (a) give notice specifying the breach and requiring the defaulting party to remedy the breach within a reasonable period of time, being at least fourteen (14) days, unless the other party determines that a shorter period should apply to protect the health or safety of the public;
  - (b) at any time thereafter come onto the Area without notice and do all things necessary to remedy that breach; and
  - (c) terminate this Licence by giving written notice to the defaulting party which will be effective immediately unless specified otherwise in the notice.
- 4.15.2 The defaulting party will be liable to pay or reimburse the other party for all reasonable costs and expenses incurred in connection with any action taken by the party under clause 4.15.1, which the party may recover from the defaulting party as a debt due and payable on demand.
- 4.15.3 The Council and the Licensor must immediately notify the other party if they breach any provision of this Licence.

#### 4.16 **Waiver**

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

#### 4.17 **Notice**

Any notice which is required to be given by either party must be given by delivering it or posting it to the other party at the address appearing in the Schedule or other place previously nominated. Notices to the Council must be addressed to the Chief Executive Officer or such other party as the Council may notify the Licensor in writing from time to time.

#### 4.18 **Severance**

If any part of this Licence is found to be invalid or void or unenforceable, then that part will be severed from this Licence and the remainder of this Licence will continue to apply.

#### 4.19 **Entire Agreement**

The Council and the Licensor acknowledge and agree that this Licence contains and represents the entire agreement reached between them with regard to the Area and that no promises, representations or undertakings, other than those contained in this Licence, were made or given or relied upon.

#### 4.20 **Conditional Licence**

This Licence is subject to the Council obtaining at its own expense any necessary approvals or consents.

#### 4.21 **Special Conditions**

The Licensee acknowledges and agrees that the Special Conditions (if any) form part of this Licence and to the extent there is any inconsistency between the Special Conditions and any other term of this Licence, the Special Conditions shall prevail.

**4.22 GST**

- 4.22.1 All monies payable by the Council to the Licensor pursuant to this Licence do not include any GST.
- 4.22.2 If any payment made under this Licence constitutes a taxable supply within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999* ("the GST Act"), the Council shall also pay an amount on account of GST equal to the amount paid multiplied by the current GST rate or the amount assessed by the Australian Tax Office as being payable (whichever is the highest) ("GST Amount").
- 4.22.3 Upon receipt of the GST Amount, the Licensor shall provide the Council with a tax invoice in a form compliant with Act.
- 4.22.4 For the purposes of this Clause, "GST" has the same meaning as that term in Section 195-1 of the GST Act.

**4.23 Resumption**

If the Council receives notice of resumption or acquisition of the Licensed Area, the Premises or the Land (or any part of the Premises or Land affecting the Licensed Area) from or by any statutory authority or any governmental or semi-governmental body, then the Council may terminate this Licence by giving not less than three (3) months written notice to the Licensor. When such termination takes effect, the rights and obligations of the Council and the Licensor hereunder will come to an end but if any breach by either party still exists at that time then the rights of the other party with regard to that existing breach will continue.

**EXECUTED as an AGREEMENT****Licensor**

**THE COMMON SEAL of NP&SP  
COMMUNITY GARDEN ASSOCIATION  
INC. ABN 87 128 760 456 was affixed in  
accordance with its Constitution in the  
presence of:**

.....

Authorised Officer

.....

Authorised Officer

.....

Date

**Council**

**THE COMMON SEAL of THE  
CORPORATION OF THE CITY OF  
NORWOOD PAYNEHAM & ST PETERS  
was affixed here in the presence of:**

.....

Signature of Mayor

.....

Signature of Chief Executive Officer

.....

Date

# **Attachment B**

## **Linde Community Garden Lease to NP&SP Community Garden Association Inc.**

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



**City of  
Norwood  
Payneham  
& St Peters**

B

## LINDE COMMUNITY GARDEN, STEPNEY



# **Attachment C**

## **Linde Community Garden Lease to NP&SP Community Garden Association Inc.**

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

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



**City of  
Norwood  
Payneham  
& St Peters**

C1

## LINDE COMMUNITY GARDEN, STEPNEY



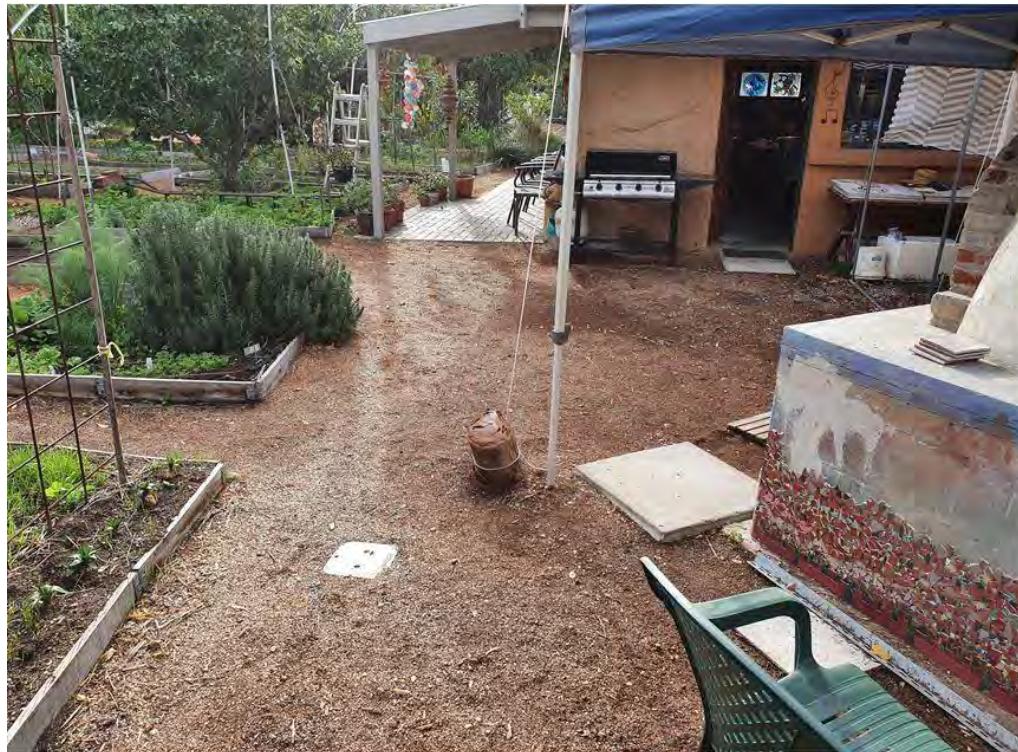
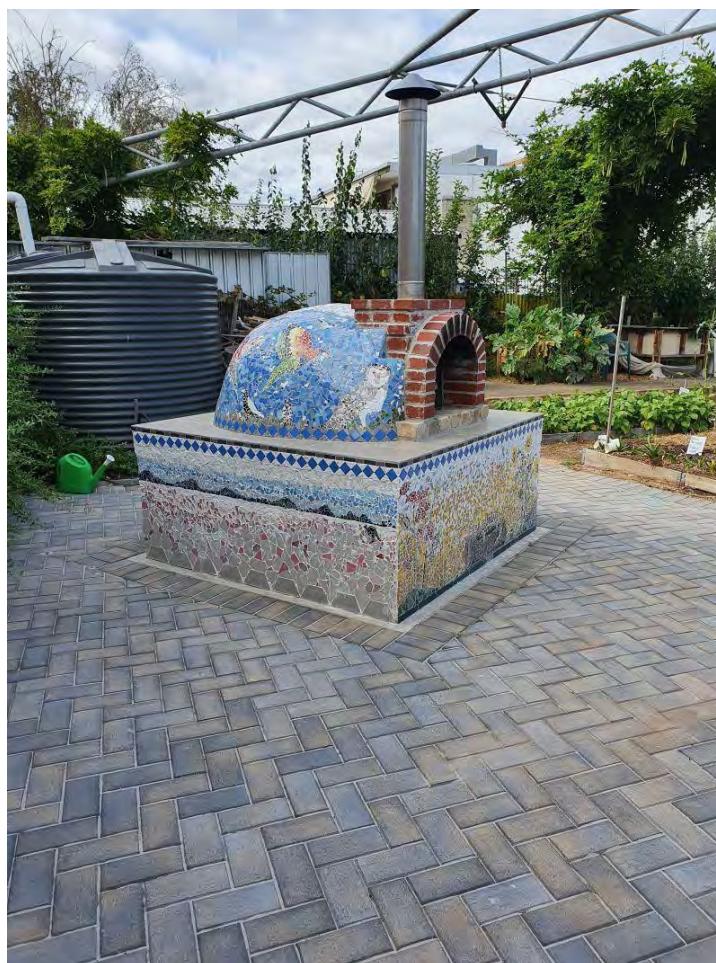
## LINDE COMMUNITY GARDEN, STEPNEY

**Before paving:**



**Paving completed around wicking beds:**



**LINDE COMMUNITY GARDEN, STEPNEY****Pizza oven area – before paving:****After paving & mosaic installed on pizza oven:**

## 12. ADOPTION OF COMMITTEE MINUTES

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

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### PURPOSE OF REPORT

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

- Cultural Heritage Committee – (15 March 2021)  
(A copy of the Minutes of the Cultural Heritage Committee meeting is contained within **Attachment A**)
- Business & Economic Development Committee – (16 March 2021)  
(A copy of the Minutes of the Business & Economic Development Committee meeting is contained within **Attachment B**)
- Special Meeting of the Norwood Parade Precinct Committee – (23 March 2021)  
(A copy of the Minutes of the Special Meeting of the Norwood Parade Precinct Committee is contained within **Attachment C**)

### ADOPTION OF COMMITTEE MINUTES

- **Cultural Heritage Committee**

That the minutes of the meeting of the Cultural Heritage Committee held on 15 March 2021, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

- **Business & Economic Development Committee**

That the minutes of the meeting of the Business & Economic Development Committee held on 16 March 2021, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

- **Special Meeting of the Norwood Parade Precinct Committee**

That the minutes of the Special Meeting of the Norwood Parade Precinct Committee held on 23 March 2021, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

# **Attachment A**

## **Adoption of Committee Minutes**

### **Cultural Heritage Committee**

---

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

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Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
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**City of  
Norwood  
Payneham  
& St Peters**

# Cultural Heritage Committee Minutes

**15 March 2021**

## **Our Vision**

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

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

---

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**City of  
Norwood  
Payneham  
& St Peters**

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**VENUE** Cultural Heritage Centre, 2/101 Payneham Road, St Peters

**HOUR** 6.00pm

**PRESENT**

**Committee Members** Cr Christel Mex (Presiding Member)  
Cr Kester Moorhouse  
Cr Carlo Dottore  
Cr Evonne Moore  
Cr Scott Sims  
Cr Sue Whitington

**Staff** Lisa Mara (General Manager, Governance & Community Affairs)  
Denise Schumann (Cultural Heritage Adviser)

**APOLOGIES** Nil

**ABSENT** Nil

**TERMS OF REFERENCE:**

*The Cultural Heritage Committee is established to fulfil the following functions:*

- *to act in an advisory role on the management and execution of the Council's Cultural Heritage Program; and*
- *to do anything necessary, expedient or incidental to performing or discharging the functions of the Committee as listed herein or to achieving its objectives.*

**1. APPOINTMENT OF PRESIDING MEMBER**

*Cr Whitington moved that Cr Christel Mex be appointed Presiding Member for this Committee.  
Seconded by Cr Sims and carried unanimously.*

**2. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE CULTURAL HERITAGE COMMITTEE HELD ON 16 SEPTEMBER 2019**

*Cr Moore moved that the minutes of the meeting of the Cultural Heritage Committee held on 16 September 2019 be taken as read and confirmed. Seconded by Cr Dottore and carried unanimously.*

**3. PRESIDING MEMBER'S COMMUNICATION**  
Nil

**4. QUESTIONS WITHOUT NOTICE**  
Nil

**5. QUESTIONS WITH NOTICE**  
Nil

**6. WRITTEN NOTICES OF MOTION**  
Nil

**7. STAFF REPORTS**

## 7.1 HISTORIC PLAQUES AND SIGNS PROGRAM

---

**REPORT AUTHOR:** Cultural Heritage Adviser  
**GENERAL MANAGER:** General Manager, Governance & Community Affairs  
**CONTACT NUMBER:** 8334 0262  
**FILE REFERENCE:** qA1401  
**ATTACHMENTS:** A - C

---

### PURPOSE OF REPORT

The purpose of this report is to present information to the Cultural Heritage Committee regarding the Council's Historic Plaques and Signs Program for the Committee's consideration.

### BACKGROUND

The Historic Plaques and Signs Program has played an important role in contributing to the cultural identity of the City. The aim of the Program has been to create various modes of interpretative signage which have celebrated the unique and distinctive history of the City.

The key objective has been to enrich the community's understanding of the importance of a sense of place and the need to preserve and celebrate history as a part of community life. The Historic Plaques and Signs Program generated greater awareness of the City's built and natural heritage resources and cultivated an appreciation of the value of such resources.

The installation of various modes of historical interpretive signage has also contributed to branding the City as a cultural heritage tourism destination.

The Historic Plaques and Signs Program has operated since 1995 and includes the following components:

1. The Parade Cultural Walk Plaques; and
2. The Historic Signs Trail.

A new component, the Local Heritage Place Plaques, will be implemented in 2021-2022.

The rapidly changing urban environment of the City combined with the length of time since the Historic Plaques and Signs Program was first implemented means it is appropriate to examine the program and to determine future priorities.

In addition, the issue of ageing signage and its maintenance and replacement needs to be addressed.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives in *CityPlan 2030* are:

*Outcome 2: Cultural Vitality*

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

*Objectives:*

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

### FINANCIAL AND BUDGET IMPLICATIONS

The Council has allocated \$5000 to the Historic Plaques and Signs Program, which allows for a limited number of signs to be installed or replaced each year.

### EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

## SOCIAL ISSUES

The Historic Plaques and Signs Program contributes to the growing awareness of the cultural heritage values associated with significant sites across the City and enhances the community's understanding and appreciation of a particular place.

## CULTURAL ISSUES

The Cultural Heritage Program is committed to cultural diversity and any new interpretive signage developed by the City would adopt relevant and appropriate cultural protocols.

## ENVIRONMENTAL ISSUES

The Historic Plaques and Signs Program embraces the values of environmental sustainability in the manufacture of all products associated with the program.

Any new elements of the program would be required to meet environmental materials data objectives and would comply with Australian Standards across all areas of design and fabrication.

## RESOURCE ISSUES

The Cultural Heritage Adviser and other staff from the organisation as required are involved in the implementation of this Program.

## RISK MANAGEMENT

Not Applicable.

## COVID-19 IMPLICATIONS

Not Applicable

## CONSULTATION

- **Elected Members**  
Not Applicable.

- **Community**  
Not Applicable.

- **Staff**  
Not Applicable.

- **Other Agencies**  
Not Applicable.

## DISCUSSION

The Historic Plaques and Signs Program has operated since 1995 and has contributed to the City's sense of place and its diverse cultural identity. A summary of each component of the program is set out below.

### The Parade Cultural Walk

The aim of The Parade Cultural Walk was to assist in increasing visitation and to provide an aesthetic feature to raise the profile of The Parade as an historic precinct.

The Parade Cultural Walk includes a series of large circular bronze plaques located within the footpath, designed with specific characteristics to distinguish them from any other form of interpretive signage in South Australia.

The concept of The Parade Cultural Walk was to raise the profile of the precinct by introducing a series of historical characters who would tell their story in bronze and reinforce the heritage brand of the City.

The Parade Cultural Walk contributed to the perception that The Parade was different, that it was a unique precinct thereby enhancing its appeal to visitors.



*John Joseph Wood, Norwood Oval, Cultural Walk Plaque (2009)*

In line with Council's decision to fund The Parade Cultural Walk, it was determined that nominations for a plaque had to be assessed against specific criteria and a determination of its merit for inclusion in the program had to be made according to its eligibility and cultural heritage significance.

The principles contained in *The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter)* 1999, were used as benchmark to assess applications, which includes the following:

- Historic Value  
The association with an important event, person, place, period, movement or outcome.
- Social Value  
The qualities by which a person has become a focus of spiritual, political, national or other cultural sentiment to a majority or minority group.
- Scientific Value  
The contribution to the development of the scientific process or scientific outcomes.
- Artistic or Aesthetic Value  
The contribution to the arts or artistic accomplishment.

Nominations for The Parade Cultural Walk were required to demonstrate that the person or business had:

- made an important contribution to South Australian history (or in some cases Australian history)
- an historical association with The Parade
- represented a long-standing family business on The Parade of more than fifty years or three generations.

There are currently twenty-five (25) plaques installed on The Parade between Portrush Road and Fullarton Road, Norwood, which comprise The Parade Cultural Walk.

A list of The Parade Cultural Walk plaques is contained within **Attachment A**.

The Parade Masterplan which was adopted by the Council in 2019, proposes to retain The Parade Cultural Walk plaques and sets out that the plaques will be integrated within the new streetscape.

As part of the implementation of The Parade Masterplan, an audit of the plaques will be undertaken to determine if the plaque requires replacing or if the plaque can be reinstalled in its current condition.

The Parade Cultural Walk has been a successful cultural heritage initiative which has contributed to the recognition of The Parade as an iconic main street with distinctive characteristics and a unique sense of place and history.

#### Historic Signs Trail

In 2001, the Council was successful in securing a grant of \$30,000 as part of the Commonwealth Government's Centenary of Federation Grant Scheme, to develop the 'Centenary of Federation Historic Signs Trail' now referred to as *The Historic Signs Trail*.

A number of key locations were identified using the thematic framework developed by the Australian Heritage Commission for the identification, assessment, interpretation and management of heritage places at the national, state and local level.

The aim of the project was to build greater community awareness of the cultural heritage values of significant sites across the City. Through the provision of interpretive signage, visitors would gain a better understanding, and a richer appreciation, of a particular place and its cultural heritage significance.

The signs were required to be durable, low maintenance, resistant to environmental weathering and graffiti and to meet Australian standards regarding fabrication and materials.



Norwood Town Hall Interpretive Sign

The Historic Signs Trail represented an important cultural heritage and tourism strategy in branding the image and character of the City. Following the success of the first stage of the project, the Council continued to fund the implementation of the Historic Signs Trail across the City.

In 2001, the installation of large format interpretive signage was quite unique in Local Government and meant that it featured in numerous articles in the media and at State History Conferences. The project was the subject of enquiries by the SA Tourism Commission, SA History Trust, and was used as a model by other local councils, and other tourism groups, seeking to implement similar interpretive signage projects.

Thirty (30) interpretive signs were installed across the City as part of the Historic Signs Trail from 2001 until 2013. The signs combined text and historic photographs to convey the meaning and the heritage value of a particular site.

A list of the interpretive signs which form the Historic Signs Trail is contained within **Attachment B**.

The signs are now nearing the end of their asset life and therefore, it would be appropriate to consider a new design for the signs as opposed to simply replacing the existing signs.

This would provide the opportunity to develop a more contemporary approach to interpretive signage as part of the City's cultural heritage brand.

All signage is vulnerable to weathering and vandalism. The Historic Signs Trail has been in place for nearly 20 years, however, it is apparent that a number of the signs are showing signs of degradation from exposure to weather and ultraviolet rays which breakdown the protective film and impacts on the resolution of text and graphics, causing fading and peeling.

In recent years, some of the prints have been replaced, however most of the existing sign-plates now require replacement.

However, prior to the replacement of the 30 signs, the Historic Signs Trail will be reviewed to determine if the signs are still relevant some twenty years later and, if so, how this trail may look moving forward.

#### Local Heritage Place Plaques Program

The Local Heritage Place Plaque is essentially a 'marker' specifically used to identify a building which has been classified as Local Heritage Place in the Council's Development Plan. It will consist of text which provides for historical information which identifies the building as a Local Heritage Place and if relevant, information regarding anyone of significance who may have resided at the property.

The primary objective of the Local Heritage Place Plaques Program is to provide a positive means of improving the community's understanding and appreciation of the City's built heritage.

Compared with the costs of producing the standard bronze plaques (landscape A4) the vitreous enamel plaques are a cost-effective alternative to the former bronze plaque program.

An example of the plaque will be presented at the meeting.

An example of the plaque used by the City of Adelaide for this purpose is contained within **Attachment C**.

The enamel plaques are easy to install and have little impact on the heritage fabric of the selected building or fence.

The cost of manufacturing is costed at \$200 per unit.

The Council has adopted the following the strategy in respect to the implementation of the Local Heritage Place Plaques Program, namely;

- 1.1 that plaques be installed on Local Heritage Places, as contained within the Council's Development Plan; and
- 1.2 plaques be installed, where possible, on front fences of Local Heritage Place properties.

In addition, the Council resolved that the installation of plaques on Local Heritage Places commence in The Avenues Policy Area as designated within the Council's Development Plan and that a minimum of six (6) and not more than twelve (12) Local Heritage Place Plaques, be installed during a financial year.

With the design of the plaque now finalised this program can now be implemented.

## **OPTIONS**

Nil

## **CONCLUSION**

The Historic Plaques and Signs Program has showcased the City's rich cultural heritage and its unique sense of place.

It has been proven that interpretive signage assists in increasing public engagement within the City. It achieves this through the appreciation and understanding of the natural and built environment and tells the story of who, what, and why, contributing to a sense of well-being and belonging.

This report has documented the various elements that make up the program, and has drawn attention to the issue of maintenance, refurbishment and replacement - particularly with respect to the Historic Signs Trail.

## **COMMENTS**

Nil

## **RECOMMENDATION**

That the Cultural Heritage Committee recommends the following to the Council:

1. That the Council notes that a review of the Historic Signs Trail will be undertaken.
  2. That the Council notes that the Local Heritage Place Plaques Program will be implemented in accordance with the strategy previously adopted by the Council, namely:
    - 2.1 that plaques be installed on Local Heritage Places, as contained within the Council's Development Plan; and
    - 2.2 plaques be installed, where possible, on front fences of Local Heritage Place properties.
  3. That the Program commence with the installation of plaques on Local Heritage Places located within the Avenues Policy Area as designated within the Council's Development Plan.
  4. That a minimum of six (6) and not more than twelve (12) Local Heritage Place Plaques, be installed during the 2021-2022 financial year.
-

Cr Moore moved:

*That the Cultural Heritage Committee recommends the following to the Council:*

1. *That the Council notes that a review of the Historic Signs Trail will be undertaken.*
2. *That the Council notes that the Local Heritage Place Plaques Program will be implemented in accordance with the strategy previously adopted by the Council, namely;*
  - 2.1 *that plaques be installed on Local Heritage Places, as contained within the Council's Development Plan; and*
  - 2.2 *plaques be installed, where possible, on front fences of Local Heritage Place properties.*
3. *That the Program commence with the installation of plaques on Local Heritage Places located within the Avenues Policy Area as designated within the Council's Development Plan.*
4. *That a minimum of six (6) and not more than twelve (12) Local Heritage Place Plaques, be installed during the 2021-2022 financial year.*
5. *That a report be prepared by staff to examine the potential for heritage enamel plaques to be provided for historic buildings across the City in addition to the Local Heritage Places Plaques Program.*

Seconded by Cr Moorhouse and carried unanimously.

**8. OTHER BUSINESS**

Nil

**9. NEXT MEETING**

Monday 21 June 2021

**10. CLOSURE**

There being no further business the Presiding Member declared the meeting closed at 7.32pm.

---

**Cr Christel Mex**  
**PRESIDING MEMBER**

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

# **Attachment B**

## **Adoption of Committee Minutes**

### **Business & Economic Development Committee**

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

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**City of  
Norwood  
Payneham  
& St Peters**

# Business & Economic Development Committee Minutes

**16 March 2021**

## **Our Vision**

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

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

---

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**City of  
Norwood  
Payneham  
& St Peters**

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**VENUE** Mayors Parlour, Norwood Town Hall

**HOUR** 6.15pm

**PRESENT**

**Committee Members** Cr Carlo Dottore (Acting Presiding Member)  
Cr Scott Sims  
Cr Garry Knoblauch  
Cr John Callisto  
Professor Richard Blandy  
Ms Skana Gallery

**Staff** Mario Barone (Chief Executive Officer)  
Keke Michalos (Manager, Economic Development & Strategic Projects)  
Stacey Evreniadis (Economic Development Co-ordinator)  
Tyson McLean (Economic Development & Strategic Projects Officer)

**APOLOGIES** Mayor Robert Bria (Presiding Member), Ms Trish Hansen

**ABSENT** Mr John Samartzis

**TERMS OF REFERENCE:**

*The Business & Economic Development Committee is established to fulfil the following functions:*

- *To assist the Council to facilitate and promote economic growth and development in the City of Norwood Payneham & St Peters.*
- *To provide advice to the Council and recommend actions, including the conduct of studies associated with business and economic development, as required, in order to facilitate the identification of opportunities, issues, strategies and actions.*
- *Provide advice to the Council where necessary, to facilitate the creation of business networks (both within South Australia and Australia), which provide benefits for the City of Norwood Payneham & St Peters.*
- *To oversee the strategic planning, the implementation of projects (including those identified in the Council's Business & Economic Development Strategy) and marketing and promotion associated with businesses and economic development.*

**1A. APPOINTMENT OF ACTING PRESIDING MEMBER**

*Cr Knoblauch moved that Cr Carlo Dottore be appointed Acting Presiding Member for this meeting.  
Seconded by Cr Callisto and carried unanimously.*

**1B. CONFIRMATION OF MINUTES OF THE BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE MEETING HELD ON 10 NOVEMBER 2020**

*Cr Callisto moved that the minutes of the Business & Economic Development Committee meeting held on 10 November 2020 be taken as read and confirmed. Seconded by Cr Sims and carried.*

**2. PRESIDING MEMBER'S COMMUNICATION**

Nil

**3. STAFF REPORTS**

### 3.1 PROGRESS REPORT ON THE 2021–2026 ECONOMIC DEVELOPMENT STRATEGY

---

**REPORT AUTHOR:** Economic Development Coordinator  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4616  
**FILE REFERENCE:** qA69306  
**ATTACHMENTS:** A - E

---

#### PURPOSE OF REPORT

The purpose of this report is to provide the Business & Economic Development Committee, with a progress report on the *2021-2026 Economic Development Strategy*.

#### BACKGROUND

In 2020, Council Staff, with the assistance of the Business & Economic Development Committee worked on the preparation of the Council's *2021-2026 Economic Development Strategy*, which is designed to guide economic development within the City, identify the priority areas for the next five (5) years and articulate the Council's role in supporting business and economic development.

Following significant research, sector workshops and consultation with the business community, the *Draft 2021-2026 Economic Development Strategy* was developed and presented to the Committee at its meeting held on 16 June 2020. At that meeting the Committee endorsed the Draft Strategy as being suitable to present to the Council for its consideration and endorsement to be released for community consultation and engagement.

Subsequently, the *Draft 2021-2026 Economic Development Strategy* was presented to the Council at its meeting held on 6 July 2020. At that meeting, the Council endorsed the *Draft 2021-2026 Economic Development Strategy* as being suitable to release for community consultation and engagement.

Following the conclusion of the consultation period, the results of the consultation and the revised final document were presented to the Committee at its meeting held on 15 September 2020. The Committee resolved to forward it to the Council for its endorsement. Subsequently, at its meeting held 6 October 2020, the Council endorsed the *2021-2026 Economic Development Strategy*.

This report provides an update of the key Strategies and Actions that have been progressed by the Council Staff since the *2021-2026 Economic Development Strategy* was adopted.

#### RELEVANT STRATEGIC DIRECTIONS & POLICIES

The *2021-2026 Economic Development Strategy* is the Council's blueprint to guide the growth of the City's economy over the next five (5) years. The Strategy sits within the Council's decision making framework and has been developed to align with other key strategic and policy documents.

The key strategies that have been used to inform, or that will work in conjunction with the *2021-2026 Economic Development Strategy* are listed below:

- *Growth State*
- *The 30-Year Plan for Greater Adelaide*
- *Norwood, Payneham and St Peters (City) Development Plan*
- *CityPlan 2030: Shaping Our Future – Mid Term Review*
- *Kent Town Economic Growth Strategy 2020 - 2025*
- *Norwood Parade Annual Business Plan*
- *Smart City Plan*.

## **FINANCIAL AND BUDGET IMPLICATIONS**

The Council's 2020-2021 Economic Development budget has been used to deliver the actions set out in the Table contained in **Attachment A**. Due to the significant concerns regarding the economic implications of the COVID-19 Pandemic, the Council allocated an additional \$150,000 in the 2020-2021 financial year, bringing the total budget for Economic Development to \$250,000.

A total budget of \$100,000 to deliver the Economic Development Agenda in the 2021-2022 financial year, will be proposed to the Council. The intent is that this budget will be used to fund the remaining actions in Year 1 of the Strategy.

## **EXTERNAL ECONOMIC IMPLICATIONS**

The success of the *2021-2026 Economic Development Strategy* may be impacted by the broader economic environment and worldly events such as the COVID-19 Pandemic. Whilst the Strategy acknowledges and addresses the Pandemic, specifically in Year 1, it does not state that COVID related initiatives cannot be delivered in Years 2-5 if the support in those areas is still required. This is why the Strategy needs to remain flexible and be able to respond to external economic issues as they arise.

## **SOCIAL ISSUES**

Economic development impacts on both the business sector and the local community. Whilst the key focus of this Strategy is on the business sector, the two (2) are intrinsically linked and the prosperity of the local economy relies on creating a holistic environment where people want to invest, work, do business, live, shop and socialise.

## **CULTURAL ISSUES**

Cultural and creative activity is increasingly recognised as important components of economic growth. Economic growth and sustainability through employment, vibrancy and growth are all important factors in achieving cultural vitality.

## **RISK MANAGEMENT**

In establishing the Strategic Framework for the *2021-2026 Economic Development Strategy*, the Council took into consideration the economic and demographic profile of the City, the views of the business community and partners and the key influences and trends that have, and will, impact on the City's economy. In doing so, the Council has ensured that the Strategy appropriately addresses the wide range of opportunities and challenges facing businesses and economic growth in the City. The biggest risk to the Council and the business community is not delivering on the Actions outlined in the Strategy.

## **ENVIRONMENTAL ISSUES**

A vital component in meeting the aspirations of current and future businesses in the City of Norwood Payneham & St Peters is ensuring that issues relation to environmental sustainability are considered alongside those of economic sustainability. A sustainable environment impacts on business investment decisions and is a key asset in the success of local businesses. The Council will continue to promote environmental programs such as 'Plastic Free SA' to local businesses and aims to increase the awareness amongst businesses of sustainable business practices and the importance of the circular economy.

## **RESOURCE ISSUES**

This Strategy has been prepared internally by Council Staff, however it will require additional support, from both internal and external resources to ensure its timely implementation.

## COVID-19 IMPLICATIONS

Prior to the COVID-19 Pandemic, the Council's *Economic Development Strategy* focused on growth, attraction and understanding the needs of business. However, the effects on businesses due to the Pandemic have been substantial, and therefore it was essential that the *Economic Development Strategy* take into consideration the economic and social impacts that the Pandemic has caused and that these issues be reflected in the Actions.

The Council's *2021-2026 Economic Development Strategy* will play a significant role in the rebounding ability of the business community for a long period of time. The Strategy including its Vision, Outcomes, Objectives, Strategies and Actions, has been designed to help businesses recover and rebuild from the COVID-19 Pandemic and plan for sustainability and growth for when the economy reaches some level of normality. As a result of the impacts of the COVID-19 Pandemic, the *2021-2026 Economic Development Strategy* includes the overarching strategy of *Recover and Rebuild*, which cuts across all four (4) themes. This has been designed to assist the Norwood Payneham & St Peters business community in its recovery and rebuild phase and acknowledges that many businesses are currently in a mode of survival, rather than growth.

The fourteen (14) Actions set out in the *Recover and Rebuild* stage, are of the highest priority. The intent is that these actions will be delivered as part of Year 1 of the Strategy's implementation.

## DISCUSSION

The implementation of the *2021-2026 Economic Development Strategy*, has only recently commenced following the adoption of the Strategy by the Council on 6 October 2020. However, to ensure that it is delivered in a timely manner, Council Staff have developed a reporting structure that will be presented to the Business & Economic Development Committee at each of its meetings to track the progress of the Strategy's implementation and to provide direction and guide the Staff in its implementation.

The table contained in **Attachment A**, outlines progress on the Actions under each of the four (4) key themes that are currently being delivered in Year 1 of the Strategy or are 'Ongoing' Actions for the duration of the five (5) year Strategy. It should be noted that Actions that are yet to commence have not been included at this stage.

The Table whilst detailed, should be read in conjunction with the *2021-2026 Economic Development Strategy* to obtain a better understanding of the individual Action and the Objective that the Council is proposing to achieve.

## CONCLUSION

The *2021-2026 Economic Development Strategy* recognises the leadership role of the Council in setting a clear direction for economic development within the City and in supporting the business sector. Developing the Strategy with clear direction and focus provides the foundation for the Council to implement successful actions and initiatives and establish partnerships with different stakeholders (i.e. Federal and State Governments, developers, businesses and residents) in order to ensure the successful longevity of the City's business and economic sector.

## COMMENTS

Notwithstanding that the COVID-19 Pandemic has had a significant impact on the economy at a local, national and international level, there is a significant opportunity for the Council to now implement its Vision for the City's business and economic sector. The primary focus at this stage is on growth, attraction and understanding the needs of business during the transition out of the COVID-19 Pandemic and beyond.

## RECOMMENDATION

That the report be received and noted.

---

*Cr Knoblauch moved:*

*That the report be received and noted.*

*Seconded by Cr Sims and carried.*

### 3.2 CITY WIDE BUSINESS ADVISORY SERVICE PROGRAM

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**REPORT AUTHOR:** Economic Development & Strategic Projects Officer  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4512  
**FILE REFERENCE:** A135414  
**ATTACHMENTS:** A - C

---

#### PURPOSE OF REPORT

The purpose of this report is to present options for a *Business Advisory Service Program* to the Business & Economic Development Committee for its consideration.

#### BACKGROUND

As part of the recently endorsed 2021-2026 *Economic Development Strategy*, the Council committed to exploring the opportunity to establish a *Business Advisory Service Program* for businesses within the City of Norwood Payneham & St Peters. This action is identified as a Year 1 priority given its importance in rebuilding business confidence and the local economy following the effects of the COVID-19 Pandemic.

The intent of a *Business Advisory Service Program* is to provide local businesses with access to a range of professional services including, but not limited to:

- financial management and forecasting;
- insurance advice;
- grant support;
- tenancy disputes;
- legal advice;
- human resource management, including employee wellbeing and retention, mental health and workplace culture;
- information technology;
- marketing strategies;
- planning advice; and
- business planning development.

The Council currently provides training and development workshops targeted specifically to businesses within the City, however these workshops are not designed to offer the same level of advice as a *Business Advisory Service Program* nor are they intended to be a one-on-one advisory service that can identify and solve the problems of a particular business.

Whilst the need for a *Business Advisory Service Program* has been considered for some time, investigations into its viability have only commenced since it was identified in the Council's 2021-2026 *Economic Development Strategy* as a priority Action for Year 1 of the Strategy.

Statistics released by the Australian Small Business and Family Enterprise Ombudsman in July 2019, highlighted that in Australia:

- small business accounts for almost 98% of businesses;
- small business contributes towards 35% of Australia's gross domestic profit;
- small business employs approximately 2.2million people, which equates to approximately 44% of Australia's workforce;
- over one third (35%) of small business owners are women; and
- micro and small businesses are more likely than large businesses to innovate and bring new goods and services to the market.

Statistics also show that approximately 45-50 percent of small businesses fail within their first five (5) years of operation. The most common reason why small businesses fail is financial mis-management, however a lack of capital or funding, retaining an inadequate management structure, a lack of or ineffective business model, failure to understand customer behaviour and unsuccessful marketing initiatives are also key reasons why small businesses do not succeed.

In order to be successful, businesses need to be resilient to change, agile and business owners need the ability to mitigate business specific risks whilst simultaneously bringing their product and/or service to the market at a price point that meets the demands of their consumers. What the COVID-19 Pandemic has highlighted is that many small business owners are so focussed on delivering their product that they are blindsided by all of the other costs and requirements of running a business (ie the business administration). With a strong focus on their area of expertise, many businesses find it difficult to evolve and adapt to changing external factors. Put simply business owners 'don't know what they don't know' until it is too late.

The intent of the proposed *Business Advisory Service Program* is to establish a service which will assist business owners understand all aspects of running a business in order to prevent unviable businesses from starting up and to assist in preventing struggling businesses from collapsing. Anyone can register an ABN and start a business without any qualifications whatsoever and unfortunately, this is often the case. The social and economic consequences of putting one's life savings into an unviable business venture can be catastrophic when families lose their houses, for example. Given the large number of small businesses within the City of Norwood Payneham & St Peters and the significant contribution that they make to the economy as well as the social and cultural fabric, it is important that a robust advisory service is available to support businesses and encourage them to thoroughly research the viability of their business proposals before they invest the money.

The intent of this report is to outline options for the Committee's consideration on how this service can be delivered and to seek the Committee's advice on how to proceed with this initiative. To assist the Committee with its considerations some of the models that have been adopted by other councils have been outlined in the Discussion Section of this Report.

## RELEVANT STRATEGIC DIRECTIONS & POLICIES

The implementation of a *Business Advisory Service Program* would align with Council's strategic framework document, *CityPlan 2030*. Specifically, it would align with the general aspiration for the pillar of 'Economic Prosperity' in that the program would assist in facilitating '*A dynamic and thriving centre for business and services*' by providing businesses with the opportunity to learn, adapt and grow through utilisation of an advisory service program.

Additionally, the *Business Advisory Service Program* would directly meet Action CV 3.0.3 outlined in the Council's *2021-2026 Economic Development Strategy*, which states, '*Explore opportunities for the Council to provide a Business Advisory Service Program*'. Council Staff have explored the potential establishment of an advisory service program for businesses in the City and the Council must now determine whether to proceed with establishing a program and/or engaging a provider based on the advice of the Committee.

## COVID-19 IMPLICATIONS

The COVID-19 Pandemic has had a significant impact on businesses within the City of Norwood Payneham & St Peters, as well as businesses all around the world. The Pandemic highlighted that many businesses had an inability to adapt to change, operate efficiently and construct solutions to problems. Examples include but are not limited to, businesses managing their own balance sheets in a manner that makes the data difficult to decipher when the impacts of COVID-19 are accounted for, businesses not understanding the options available to them when negotiating a tenancy concern, and businesses not having an up-to-date and easily accessible website, which was an important asset to have during the peak of the Pandemic given the impact of restrictions placed on brick and mortar business operations.

## DISCUSSION

The need to provide a Business Advisory Service is not a new concept and over the years has been delivered in a range of formats by different levels of government.

Outlined below for the Committee's consideration is a brief overview of the former Eastside Business Enterprise Centre (EBEC) and the services offered by the Office of the Small Business Commissioner. This is followed by an overview of some of the services provided by other Council's across Australia. It should be noted that this is not intended to be an extensive list.

### **Eastern Business Enterprise Centre (EBEC)**

The Council was previously a member of the Eastside Business Enterprise Centre (*EBEC*), which operated in the eastern region for over 17 years. The role of the EBEC was to provide free or low cost small business advisory services to home based, micro, small and medium sized businesses in the eastern region, as well as advice and assistance to people looking at establishing or purchasing a business. Membership of EBEC comprised of the Town of Walkerville and the Cities of Burnside, Campbelltown, Unley, Prospect and Norwood Payneham & St Peters.

The Eastside Business Enterprise Centre was established as a not for profit small, independent and non-aligned business service centre, which operated largely on the basis of a funding arrangement between the Federal Government, State Government and the Eastern Region Council's listed above.

EBECs' charter was to provide a one-stop shop for intending and existing small businesses seeking to grow and develop. When it was originally established it was part of a national network of 132 Business Enterprise Centres which foster local economic development and job creation.

The advantages of the EBEC model was that it provided a complementary role to that of the Council by actively dealing with individual business operators and supporting them in the establishment and growth of their business, which at that point in time the Council on its own was not in a position to provide.

However in 2018, the City of Norwood Payneham & St Peters withdrew its involvement due to a range of factors, including the withdrawal of funding from both the State and Federal Governments, which resulted in a reduced service offering.

*The EBEC* was subsequently replaced by *Propel SA*, which provides limited support to businesses within the member Councils of Burnside, Campbelltown and Walkerville. Currently *Propel SA* has membership options available that allow businesses to access discounted business advisory and support services, discounted and complimentary workshops, business tool kits and working documents, physical and digital assets to recognise their membership and for an additional cost, one-on-one mentoring packages.

### **Office of the Small Business Commissioner**

The *Office of the Small Business Commissioner* offers very specific and tailored services as well as legislative support, to ensure small businesses have a competitive and fair operating environment to grow. As an advocate for the small business sector, services and legislative support are offered for dispute resolution, mediation, industry code enforcement and compliance, Work, Health and Safety codes of practices, leasing, bonds, building and construction industry security of payment and farm debt. The majority of this advice is offered free of charge given it is directly related to publicly accessible documents such as Acts and Codes. Fees are charged for services such as mediation etc. The Council currently directs businesses to the *Office of the Small Business Commissioner* via its website.

## **Examples of Business Advice Offered by Other Metropolitan Adelaide Councils**

### Adelaide City Council

The City of Adelaide currently offers support to businesses in their Council area through a two (2) year partnership with *Business SA*. Eligible businesses (all start-ups and small to medium sized businesses) receive access to ten (10) specialised services and advice portals from *Business SA*, however a number of these have limits as to how many times they can be accessed each year (yearly limit outlined below) and if these limits are exceeded then the business can continue to access them at their own cost, albeit at a discounted rate.

The ten (10) services and advice that City of Adelaide businesses can access are:

- business advice hotline (service accessible three time a year);
- accounting, statutory and compliance information (once a year);
- tenants' landlord advisory service (once a year);
- mental health support services (once a year);
- digital capability coaching (once a year);
- grants and tenders support (once a year);
- learning webinars, seminars and virtual conferences;
- access to 'Chamber' networking events;
- access to the Business SA today newsletter subscription; and
- access to Business SA resource library.

### City of Charles Sturt

The City of Charles Sturt has partnered with the *Adelaide Business Hub*, which is a not-for profit organisation, to provide support to their business community. For a business located in the City of Charles Sturt who is wanting support, they can call the *Adelaide Business Hub* help line and speak to a qualified business advisor. This is offered to businesses at a subsidised rate. The Council's total contribution to this service is unknown.

### City of Port Adelaide Enfield

The City of Port Adelaide Enfield also partner with the *Adelaide Business Hub* and fund business advisors to then provide free and confidential one-on-one support to any business operating in the Council area. They also offer access to the business help line.

### Campbelltown City Council

The City of Campbelltown similarly to the City of Burnside and the Town of Walkerville, work in partnership with *Propel SA*, which is a modified version of the former *Eastside Business Enterprise Centre* (EBEC). *Propel SA* provides guidance across all industry sectors and stages of business development to help achieve growth, expand networks and build success within the business community. The Campbelltown City Council cover the cost (usually \$360) of a 12 month membership with *Propel SA* for any business who complete the registration form.

### Southern Adelaide Region (Cities of Marion, Holdfast Bay, Mitcham and Onkaparinga and the District Council of Yankalilla)

The Southern Adelaide Region established the *Southern Adelaide Business Advisory Service*, which was created to provide advice and support on starting a new business, to undertake a 'business health check', one-on-one consultations, and provide growth services. Similar to the EBEC concept, this advisory service was jointly funded by the State Government and the four (4) Southern Adelaide Region Councils. However due to increasing cost of providing this service the Councils involved ceased funding.

Some of the Councils involved in the original Advisory Service have now replaced their offering with the *Southern Business Mentoring Program*, which is an online webinar series that is provided free to eligible businesses. The webinars cover a variety of topics and businesses can register to view any of them.

This advisory service has since been revamped, changing its name to the *South Australian Business Advisory Service* (SABAS). Unlike previously where the focus was on the Southern Region, SABAS is now an independent service provider that services the whole of South Australia. Their objective is to work with businesses to solve the critical issues that businesses, both large and small, face. Given their independence *South Australian Business Advisory Service* (SABAS) could be a provider that the Council approaches to submit a proposal for the introduction of an advisory service in the City of Norwood Payneham & St Peters.

## Examples of Business Advice Offered by Interstate Councils

### City of Darebin (Victoria)

As a result of the COVID-19 Pandemic, the City of Darebin established the *Business Recovery Program* for businesses looking to strengthen, develop and grow their business to navigate the Pandemic and for the post Pandemic economy. This program provided a one-on-one confidential service where the business was connected with an industry expert who would undertake an assessment of the business and provide advice and a development strategy tailored specifically for the business. The industry expert would also identify market opportunities, business strengths and develop strategies to allow the business to expand future capacity. Business could register to be part of this program, however the program has since closed its registration portal.

The City of Darebin also refers businesses to the *Darebin Enterprise Centre Ltd* which is a not-for-profit organisation that can provide assistance and support for start-ups and small businesses to then allow them to grow. This is similar to the former EBEC model

### Hobsons Bay City Council (Victoria)

The Hobsons Bay City Council has partnered with the *Small Business Mentoring Service (SBMS)* to offer a free 90 minute mentoring session for a business located within the Council area. Follow up sessions are then paid for by the business.

The Hobsons Bay City Council has also created an online business forum on Facebook that allows businesses to ask questions, share initiatives and connect with each other. Other businesses can then provide advice on a question asked, however the Council has partnered with a number of local mentors and industry experts to then provide independent advice to a business's question. Businesses need to 'Join' the Facebook group and there is currently 690 group members. It is however, unclear as to the regularity of a mentor or expert responding to a question and whether a payment is made per response.

### North Sydney Council

The North Sydney Council does not have a dedicated advisory support program, but instead directs businesses to other information sources based on the information they require (ie the Australian Government, New South Wales Government, North Sydney Council, Chambers of Commerce or any Other Organisation). The North Sydney Council section contains information on training and workshops that they offer, how to access their electronic newsletters and also how to contact the 'Duty Planner' for planning enquiries. All of these services are similar to those being offered by the City of Norwood Payneham & St Peters.

## OPTIONS

There are a number of options that the Committee can pursue including undertaking further investigations into alternative options or combining a range of options. It is intended that these options will be discussed in detail with the Committee at its meeting.

### **1. Expand the number of Workshops which are delivered**

Historically, the Council has conducted two (2) separate training and development series for the City's business community – the *Growth Workshops* and the *Eastside Startup Series*. The *Growth Workshops* program was designed to provide existing businesses with advice and training through interactive workshops on social media, marketing, content planning, as well as topics around business and the COVID-19 Pandemic.

The *Eastside Startup Series* is a program that the Council developed and delivered in conjunction with Adelaide based company LeapSheep in 2018 and 2019. The series of events were designed to help local startups and entrepreneurs with high-level strategic education to aid future growth. Whilst this program did not attract a large amount of attendees, it did attract the appropriate target audience, which was the objective for this program. A 2020 program for the *Eastside Startup Series* was not curated due to the COVID-19 Pandemic.

In November 2020, Council Staff undertook a review of the event content, format, engagement and attendance of the *Growth Workshops* and the *Eastside Startup Series*. The findings from the review showed that there was a desire for a more comprehensive program, a mix of event formats (in person and online) as well as for the events to be held at a variety of times to accommodate all industries. Therefore the 2021 program has been carefully curated, guided by the feedback received from business owners and employees and the desire from the Council Staff to develop a new and exciting program for the business community. The series includes eleven (11) events across ten (10) months, which is the most comprehensive and varied program that the Council, through the Economic Development Unit, has developed.

The series of events and workshops has been designed to target specific sectors ie retailers, hospitality owners, fitness and wellness centres, startup entrepreneurs, creatives and professional service businesses. The majority of the events are free of charge for business owners and employees operating within the City.

Whilst there is an opportunity to expand the number of events and workshop offered the generic and high level nature of the content of the workshops may not always assist businesses in their time of crisis. The events and workshops are currently offered to existing businesses only, the Council could expand the availability of the events and workshops to include new businesses, which are considering locating within the City of Norwood Payneham & St Peters.

Whilst it is recommended that this initiative be retained and expanded as required, it is not considered a suitable replacement for a Business Advisory Service.

## **2. Partner with an External Provider to deliver a Business Advisory Service**

One of the options for the Council is to partner with an external provider to deliver a Business Advisory Service. Examples of four (4) advisory service providers currently on offer are *Business SA*, *One Stop Shop (Business Advisors)*, *BIAS* and *LeapSheep*. In order to help better understand their offering Council Staff met with all four (4) advisory service providers. A summary of each of their offerings is outlined below.

Should the Committee and subsequently the Council, resolve to adopt this option then a detailed Project Brief will be developed and distributed to a range of advisory service providers inviting them to submit a proposal.

### ***Business SA***

*Business SA* is South Australia's peak Chamber of Commerce and Industry body. It has a significant presence and is well known to businesses throughout the State. *Business SA* has the role of ensuring that employers achieve fair outcomes on industrial relations matters whilst also working to create a conducive economic environment for businesses to succeed. This environment is created through the wide range of services, products, advice and training that they offer.

Businesses can become *Business SA* members for an annual fee, which allows them to access a 'menu' of offerings (whether it be a service, product, advice or training) based on the level of their membership subscription package. Alternatively Councils can partner with *Business SA* to deliver this initiative. Under this scenario, *Business SA* would provide the Council with a select number of 1-year memberships based on the fee paid by the Council. The Council would then offer these membership packages to interested businesses within the Council area, at no cost or at a reduced cost.

The number of memberships and the amount that the Council pays to *Business SA* to initiate the membership would be based on selecting one (1) of two (2) options. The Council could choose to offer a number of memberships based on covering the entire 1-year membership for businesses, or the Council could choose to offer more memberships and subsidise the cost of a 1-year membership. The Council would also be required to select a certain number of products and services from the *Business SA* membership 'menu', as contained within **Attachment A**, that businesses would have strict access to.

When the 1-year membership provided by the Council ends, the business would then need to determine if they continue with the membership and pay the annual fee or unsubscribe from the membership.

*Business SA* confirmed that as of 9 December 2020, the City of Norwood Payneham & St Peters had 182 businesses registered as members, forming 5% of their total membership base. Therefore, for those businesses within the Council area that are already *Business SA* members, this program would be of no value, unless they were to unsubscribe from their membership to receive a year free/subsidised.

The other disadvantage of this option is that the membership would be limited to a select number of businesses and how these businesses were selected could result in significant criticism from the broader business community.

*Business SA* has indicated that the minimum investment from the Council would need to be in the vicinity of \$24,000.

#### ***One Stop Shop (Business Advisors)***

*One Stop Shop (Business Advisors)* provide guidance for businesses to navigate what they believe are thirty (30) different areas involved in operating and effectively running a business, some of which are outlined within **Attachment B**. The Directors of this business use their years of experience as Business Advisors with the City of Adelaide to provide expert advice and guidance to businesses. When they are unable to provide the necessary support directly to a business, they use their extensive list of contacts to fill the void.

Unlike *Business SA*, *One Stop Shop (Business Advisors)* is open to the way in which it would partner with the Council to deliver an advisory service program. Options include creating an online form on the Council website for businesses to register an interest in receiving advisory support. Based on the information provided in the completion of the form, *One Stop Shop (Business Advisors)* would then instigate a conversation with the business and arrange to meet with them.

The second option involves having *One Stop Shop (Business Advisors)* walk the main precincts in the Council area and visit each business to discuss any questions or concerns that businesses may have.

Both options would include initiating follow up meetings if and when necessary. As for the way payment would work for either of these options, *One Stop Shop (Business Advisors)* were flexible to negotiate what would best suit the Council and ensure the program is viable into the future.

#### ***BIAS***

*BIAS* focusses on delivering straightforward business improvement strategies to help a business 'survive', 'cruise' or 'grow', based on their 'Business Bible', an essential guide for improving business performance and ultimate business success, as contained within **Attachment C**. The team at *BIAS* specialise in accounting with over 80 years combined experience in the profession, which forms the majority of the advisory service they provide. Notwithstanding this, they have acquired relevant skill sets over time to provide expanded business advice in other relevant areas of business operations.

Given that *BIAS* mainly specialise in accounting elements associated with a business's ongoing operation (i.e. budgets, cash flow forecasts, bookkeeping), when a business is in a position where it requires assistance in another area outside of the *BIAS* offering, *BIAS* would rely on the connections they have formed with other industry leaders to then refer the business to them to obtain the advice they are after.

The cost associated with this service would need to be negotiated with *BIAS* and will probably be dependent upon the number of one-on-one consults the Council is wanting to offer the business community (either on a monthly or yearly basis) to then be redeemed with *BIAS*. Businesses would be given access to the full array of services offered by *BIAS*.

To access the service businesses in the Council area would need to register for the program through an online form.

### **LeapSheep**

*LeapSheep* is a local Adelaide company delivering services worldwide. *LeapSheep* provide bespoke support to start-ups, and small to medium established businesses in the development of business models, strategies, skills, resources and connections.

In 2018 and 2019, the Council collaborated with *LeapSheep* to deliver the ‘Eastside Startup Series’, which focussed on the start-up, Small Medium Enterprises (SMEs) and entrepreneur sector and was designed to highlight and build a robust start-up community in a strategic and proactive way. Given that Entrepreneurship and Small Medium Enterprises (SMEs) continue to be significant drivers of economic activity in South Australia, it is important for the Council to provide support services to these businesses, particularly following the effects of the COVID-19 Pandemic.

*LeapSheep*’s ‘Business Building Support Service’ provides current and potential business owners with access to expert advice, which will assist them to:

- understand the type of business they have;
- understand the type of business they aspire to have; and
- provide them with the knowledge and guidance to grow their business by identifying potential opportunities and trends for success.

The *LeapSheep* team is world-class, with expertise and experience across several sectors. They have an extensive database, including influential corporate contacts, investors and advisors and provide opportunity for businesses to connect and collaborate in a professional manner.

For an agreed number of connects and cost per month, *LeapSheep* will offer a one-on-one mentoring session to each business that signs-up via the Council’s website. The business will then be contacted by one of *LeapSheep*’s Advisors to organise a meeting. The business will have access to the templates and supporting documents used in the session. Following the business’ one-on-one mentoring session, they will have the option to subscribe to *LeapSheep*’s ‘Business Builder’ monthly service, which includes further mentoring and workshops.

### **Advantages of a Business Advisory Service Program**

A *Business Advisory Service Program* would allow businesses to receive specific information and direction from experts in the fields that they require assistance in, whether it be legal advice, business planning advice or assistance in creating and managing a cash flow spreadsheet etc. The business workshops currently offered by the Council can often help start the conversation for a business in a basic format, however when follow up assistance or monitoring of progress is needed, an advisory program would be more advantageous to a business.

A *Business Advisory Service Program* offers one-on-one consultation between the business and the advisor, allowing the business to feel more comfortable and open with what they discuss, leading to honest and direct feedback about what needs to be done to assist with the concern they have.

By establishing a *Business Advisory Service Program*, the Council would become more aware of the issues and complications businesses in the Council area are facing, either through information collection via an online form or from the business advisor reporting back to the Council. This then allows the Council to be more strategic when determining future training and development, events, promotion and general allocation of budgets to support businesses.

### **Disadvantages of a Business Advisory Service Program**

The provision of a *Business Advisory Service Program*, through an external provider or combination of providers, will require an allocation of funding. This is then likely to only be utilised by those businesses in the City which are facing difficulty and those willing to seek assistance (even though it will be available to all businesses) and therefore, it is unlikely that the program will be accessed by the majority of businesses in the City.

Given that the Council's contribution towards establishing an advisory service program is likely to only ensure that a business has access to an initial meeting with the provider, or in the case of *Business SA*, a year membership, follow up meetings and ongoing membership renewal is likely to result in the cost being placed back on the business. This has the potential to discourage follow up appointments or membership renewals, even though the business may still need to access advice or a service.

The one-on-one nature of a *Business Advisory Service Program* could result in a loss in connection between businesses seeking support and the 'middle-person', which would be Council's Economic Development Unit. Strong and strict communication processes would need to be established to ensure the connection continues.

**3. Introduce a Concierge Service which is run by the Council with the support of a panel of experts.**

One of the options that has been investigated by staff is that of introducing a Business Concierge Service for businesses starting up in the Council area. Under this model a new business will contact the Council's Business Concierge and a meeting will be set up with one (1) representative from different units across the Council (ie Economic Development, Planning, Building and Environmental Health etc) to provide the business owner with the advice they require.

The Business Concierge would be the business owner's one point of contact within the Council and will guide and assist the business owner through the process of establishing a new business from the beginning through to the very end.

Whilst this model is based on supporting new business it could be expanded to include advice to existing businesses.

To ensure that this model operates effectively the Council would need to establish a panel of experts which would be willing to provide advice to businesses. An agreement could be reached that the panel of experts offers the first meeting free of charge in the hope that the business owner will then seek additional meetings and/or advice. Alternatively the Council could subsidise the first meeting with the specific panel expert to encourage both businesses to register on the panel and for businesses to use the service. Where practicable the panel will comprise of specialist panel members located with the City of Norwood Payneham & St Peters.

The difficulty of this model is the significant resource allocation required to establish and deliver the service to a standard that provides significant benefit to new and existing business owners. It will also require the Council to establish a panel of experts that are willing to meet with the individuals to provide the necessary advice.

**4. Propel SA**

Under this scenario will resolve to become a member of Propel SA (formerly EBEC). Whilst this is a viable option the limited offering that this service now provides would not provide the best value to the City's business community. On this basis this option is not recommended.

**5. Do nothing**

Notwithstanding the possibility of this option, it is not recommended given that the business sector is a key contributor to the vibrancy of the City and the attractiveness of living, working and recreating in this City. A healthy economy leads to a healthy community therefore it is vital that the Council supports its businesses as much as it can.

It is therefore recommended that the Committee support the concept of engaging an independent advisory service provider or potentially a couple of independent service providers to deliver the Business Advisory Service for a period of 12 months.

## CONCLUSION

Investigating potential options for establishing a *Business Advisory Service Program* for businesses within the City of Norwood Payneham & St Peters, is a key action in the Council's 2021-2026 *Economic Development Strategy*. The impacts of the COVID-19 Pandemic, together with ever changing consumer habits, has made 'doing business' challenging and has highlighted to business owners and operators the need to be robust and agile, and the areas where improvement can be made to enhance the way in which they operate.

Business Advisory Services play an important role in ensuring businesses are provided with industry and problem specific information that is beneficial to them.

As outlined in this report, significant research as well as meetings with potential advisory service providers have been held to enable staff to gain a better understanding of what is available and what could be beneficial for the City's business sector, to ensure that if an investment is to be made by the Council, the best programs and services are offered. Other providers outside of the four (4) contacted by Council Staff do exist and will be contacted if the Committee feels that partnering with an External Provider to deliver a Business Advisory Service would be beneficial.

The analysis of the advantages and disadvantages of an advisory service program raises valid points for both sides of the argument, however the analysis into other council offerings, demonstrates that the majority of Councils tend to offer some sort of advisory support or service to their business communities.

## COMMENTS

One of the greatest challenges that the Council faces with the delivery of any of these types of programmes is the ability of business owners to recognise that they need assistance and to proactively seek that assistance.

## RECOMMENDATION

1. That the report be received and noted.
  2. That the Business & Economic Development Committee supports the introduction of a Business Advisory Service for the City of Norwood Payneham & St Peters through an external provider and notes that a procurement process will now be undertaken.
- 

*Cr Callisto moved:*

1. *That the report be received and noted.*
2. *That the Business & Economic Development Committee supports the introduction of a Business Advisory Service for the City of Norwood Payneham & St Peters through an external provider and notes that a procurement process will now be undertaken.*

*Seconded by Cr Knoblauch and carried.*

**4. OTHER BUSINESS**

Nil

**5. NEXT MEETING**

Tuesday 15 June 2021

**6. CLOSURE**

There being no further business the Acting Presiding Member declared the meeting closed at 6.48pm.

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**Mayor Robert Bria**  
**PRESIDING MEMBER**

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

# **Attachment C**

## **Adoption of Committee Minutes**

### **Special Meeting of Norwood Parade Precinct Committee**

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

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**City of  
Norwood  
Payneham  
& St Peters**

# Special Meeting of the Norwood Parade Precinct Committee **Minutes**

**23 March 2021**

## **Our Vision**

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

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

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

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**City of  
Norwood  
Payneham  
& St Peters**

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**VENUE** Mayors Parlour, Norwood Town Hall

**HOUR** 6.17pm

**PRESENT**

**Committee Members** Mayor Robert Bria (Presiding Member)  
Cr Sue Whitington  
Cr Fay Patterson  
Cr John Callisto  
Cr Carlo Dottore  
Ms Annie Lovejoy  
Mr Joshua Baldwin  
Mr Ross Dillon  
Mr Rimu Good

**Staff** Keke Michalos (Manager, Economic Development & Strategic Projects)  
Stacey Evreniadis (Economic Development Co-ordinator)  
Tyson McLean (Economic Development & Strategic Projects Officer)

**APOLOGIES** Mr Hao Wu, Mr Terry Dalkos, Mr Phillip Rollas

**ABSENT** Nil

**TERMS OF REFERENCE:**

*The Norwood Parade Precinct Committee is established to fulfil the following functions:*

- *To develop and recommend to the Council in each financial year, an Annual Business Plan and Budget for The Parade Precinct.*
- *The Budget developed by the Norwood Parade Precinct Committee must be considered in conjunction with the Annual Business Plan. The amount recommended to the Council, to be approved by the Council, should meet the objectives set out in the Annual Business Plan.*
- *To oversee the implementation of the Annual Business Plan as approved.*
- *To oversee the implementation of the approved Marketing and Promotional Plan for The Parade.*
- *To assist in the development and promotion of a vibrant cultural and leisure tourism destination for businesses, residents and visitors.*
- *To facilitate and encourage networking and communication.*

**1. CONFIRMATION OF MINUTES OF THE NORWOOD PARADE PRECINCT COMMITTEE MEETING HELD ON 16 FEBRUARY 2021**

*Ms Annie Lovejoy moved that the minutes of the Norwood Parade Precinct Committee meeting held on 16 February 2021 be taken as read and confirmed. Seconded by Cr Callisto and carried unanimously.*

**2. PRESIDING MEMBER'S COMMUNICATION**

Nil

**3. NORWOOD PARADE PRECINCT NEWS**

Nil

**4. STAFF REPORTS**

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#### 4.1 PROGRESS REPORT ON THE IMPLEMENTATION OF THE 2020-2021 ANNUAL BUSINESS PLAN

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**GENERAL MANAGER:** Chief Executive Officer  
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**FILE REFERENCE:** qA59232  
**ATTACHMENTS:** A

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#### PURPOSE OF REPORT

The purpose of this report is to provide the Norwood Parade Precinct Committee, with a progress report on the implementation of the 2020-2021 Annual Business Plan.

#### BACKGROUND

At its meeting held on Tuesday 17 March 2020, the Committee endorsed the Draft 2020-2021 Annual Business Plan for the Norwood Parade Precinct and resolved to forward it to the Council for its endorsement. Subsequently, at its meeting held Monday 6 April 2020 the Council endorsed the Draft 2020-2021 Annual Business Plan 'in principle' for the purposes of consultation with The Parade business community, which was temporarily suspended in light of the COVID-19 Pandemic.

At its meeting held Monday 6 July 2020, the Council adopted the Annual Business Plan, Budget and Declaration of Rates for 2020-2021, which includes the following in respect to The Parade Separate Rate:

*Waiving of The Parade Development Separate Rate for businesses within the Norwood Parade Business Precinct.*

As a result of the Council waiving The Parade Separate Rate, the Draft 2020-2021 Annual Business Plan was not released for consultation with The Parade business community. For the 2020-2021 financial year, the Council has allocated an amount of \$215,000, which is equivalent to the Separate Rate amount raised in the 2019-2020 financial year.

This report provides an update of the key strategies and deliverables that have been progressed by staff. A summary of the overall budget and expenditure to date is contained in **Attachment A**.

#### DISCUSSION

##### **1 STRATEGY: MARKETING & COMMUNICATIONS**

###### **1.1 NORWOOD MALL BUSINESSES**

On 1 March 2021, the redevelopment of the former Coles property commenced and the Coles carpark was fenced off. As a result, amongst other things, this has affected foot traffic through Norwood Mall, which in-turn has affected consumer spending for the retail businesses located in Norwood Mall, which do not form part of the redevelopment. Council Staff are working in partnership with the property owners, business owners and the Australasian Property Development & Rocca Property Group, to design and install new directional signage and will explore other temporary infrastructure options as issues arise in an attempt to support the businesses affected.

A ‘Norwood Mall’ series of articles is currently being prepared, which will include a profile on each business that is situated within the Mall or facing the pre-existing Coles carpark. This series will include ten (10) articles, with accompanying photos, which includes the following businesses:

- Pasta Chef;
- OptoMED Norwood;
- Hanger Lane;
- Uncle Albert’s Café;
- One Systems;
- J’adore Lingerie;
- Norwood Shoe Repairs;
- Ford Dry Cleaners;
- Norwood Health Foods; and
- Diamond Nails & Beauty.

The articles will be published on The Parade website, and shared across The Parade’s social media accounts. A schedule will be developed, for the roll-out of this initiative.

This series is just the first targeted initiative that has been developed to support the businesses in Norwood Mall, and the Council Staff will continue to work closely with this group of business owners, as well as other businesses in the retail sector to assist them to survive during this construction period and then thrive. A budget of \$4,000 has been allocated to deliver the Norwood Mall business articles.

Council Staff will present ideas to further promote the businesses located in Norwood Mall to the Committee at its meeting held on 23 March 2021, for discussion and endorsement.

## COMPETITIONS

### 1.2 PROMOTION OF THE TOURISM SECTOR BUSINESSES

At its meeting held 16 February 2021, the Committee identified business sectors that are still experiencing difficulty, as a result of the COVID-19 Pandemic. Not surprisingly, the travel sector continues to be the most affected, due to restricted international travel. Whilst intrastate and interstate travel is popular, most travellers are capable of booking their own flights and accommodation, which has caused additional hardship for the travel agents on The Parade and more broadly within the City of Norwood Payneham & St Peters. Following the Committee meeting held on 16 February 2021, Council Staff visited the four (4) travel agents on The Parade that are still in operation and discussed opportunities on how the Committee can assist the sector. Guided by the comments which have been received, Council Staff have considered various options, three (3) of which are outlined below.

In two (2) of the three (3) options, potential customers will be encouraged to book their trips at one of the four (4) travel agencies on The Parade. Once the trip has been booked, the customer must submit their receipt on The Parade website to enter. The third option focuses solely on marketing and promotions.

It should be noted that first and foremost, this is a Federal and State Government issue and what the Council can do is simply complementary. In October 2020, the South Australian Tourism Commission launched the SA’s Great State travel voucher scheme, which gave up to \$100 off hotels and holiday spots in South Australia. The \$4m Great State voucher scheme allowed around 50,000 vouchers to be issued, which were fully reserved in 90 minutes. The booking period was between 15 October and 21 October 2020, and the travel period was between 15 October and 11 December 2020. The scheme injected nearly \$10 million into South Australia’s visitor economy.

Due to the hugely popular Great State travel voucher scheme, a second round was launched in January 2021 and bookings closed on 31 January 2021, with the travel period running until 31 March 2021. The second round of vouchers were reserved in 39 minutes, with almost 75,000 vouchers being allocated. Whilst there was a large number of vouchers that were allocated as a part of the second round of the scheme, on 30 January 2021 it was recorded that approximately 26,000 (just over one-third) of the vouchers had been redeemed.

The issue with the scheme that the South Australian Tourism Commission developed, was that South Australian's rushed to secure a voucher, then realised that it was too limiting in what they could book, resulting in a low redemption rate. The Council Staff have taken this issue into consideration and propose that the Committee considers options that encourage consumers to make initial investment before they receive any form of reward.

Whilst this initiative has supported part of the tourism sector, it has not provided direct support to travel agencies. These businesses have had to rely predominantly on JobKeeper and grants provided by the Federal Government.

### **Option 1 - Spend & Save**

The first option that has been considered is a 'Spend & Save' model, which could include three (3) tiers, Bronze, Silver and Gold. The reimbursement amount will depend on the total amount spent with the travel agency i.e. the more you spend the greater reward you receive. For example, if you spend \$500 you get \$100 back and if you spend \$1,000 you get \$200 back. Whilst this option would be extremely attractive to consumers, logically this option will be challenging to manage due to the potential number of entries that may be received. Further to this the Council will not be able to guarantee an even influx of customers who book with each travel agent to then access the reimbursement offered. This means that potentially, all customers may choose to book through one (1) or two (2) of the travel agencies, therefore benefiting some more than others.

The other risk with this option is that similarly to the State Government's initiative, funding may be consumed within a very short period of time, resulting in a lack of funding for the entire length of the initiative, which has been considered to be a four (4) week period.

### **Option 2 - Mini-Competition - Massive Prizes**

The second option that has been considered is a four (4) week mini-competition which will aim to encourage customers to visit any of the four (4) travel agencies along The Parade to book a trip to then go in the running to win a voucher with one (1) of the travel agencies along The Parade, which can be used at a later date.

When booking a trip, customers will be required to spend a minimum of \$200 or more in one transaction. They must then keep their receipt as proof of payment and enter online via The Parade website. In doing so they will go in the draw to win one (1) of four (4) weekly vouchers valued at \$1,000 each. The total number of vouchers will be evenly distributed amongst the four (4) travel agencies.

The total prize pool will consist of a weekly \$1,000 voucher to each of the four (4) travel agencies to be drawn over a four (4) week period. Therefore each week there will be a \$1,000 voucher winner for HelloWorld Norwood, Top Deck Travel, Travel Associates Norwood and Phil Hoffman Travel Norwood. The total competition cost will equate to \$16,000 (excluding marketing and promotion).

One of the benefits of this model is that it will result in an even distribution of \$4,000 in vouchers to each travel agency, as opposed to Option 1, which does not provide a mechanism to evenly distribute the vouchers.

Another benefit of this option is that given there will be four (4) \$1,000 vouchers on offer as a prize each week for four (4) weeks, customers will be encouraged to enter as they are likely to have a high chance of winning. This model may even encourage customers to visit an alternate travel agent if they think they have a better chance of winning a voucher with another business who may have less foot traffic.

In general, this mini-competition will also then encourage more customers to book a trip with the travel agencies located along The Parade, which will in turn assist a business sector that has been negatively impacted upon by the COVID-19 Pandemic.

In addition to the prize winnings, this mini-competition will require a budget to be allocated for marketing and promotion to ensure the public are aware of the prizes they can win. Accountability will also be placed on the four (4) travel agencies to market and promote the mini-competition via their communication channels (i.e. Facebook pages and websites), because the more customers they are able to book with them to then enter the draw, the better the result for them, which is the primary objective of this initiative.

It is recommended that \$22,000 be allocated to the Mini-Competition – Massive Prizes initiative from the 2020-2021 Marketing & Communications budget to support the travel agencies on The Parade. The \$22,000 includes marketing and promotion, a lottery license and a total of \$16,000 in vouchers as prizes. This initiative will achieve a total of 16 winners of \$1,000 vouchers.

This is the preferred option, however the details and logistics associated with its delivery will need to be resolved.

### **Option 3 – Marketing Campaign**

The third option that is proposed is to allocate a total of \$10,000 to the marketing and promotion of the four (4) travel agencies on The Parade. This option, like option 1 and 2, will encourage customers to book through one of the four (4) travel agencies on The Parade. Whilst this initiative helps to promote travel agencies, the fact there is no incentive or direct benefit for the customer, it loses its attractiveness. Another challenge of this option is that it will be hard to track if the sales generated during the campaign dates, is as a result from this promotion.

#### **1.3 POST A PIC & WIN**

The Parade is South Australia's leading mainstreet, offering a diverse range of brands, products and services. To showcase the businesses and all that they have to offer, it is proposed to run a 'Post a Pic & Win' competition for the month of May 2021 via Instagram. The competition will encourage visitors to The Parade to post a photo or video at a business or on the street, via the Story function on Instagram. The user must tag 'The Parade, Norwood', so that the Council is notified of the post and will be able to share it to The Parade Instagram profile. Information on user-generated content and the benefits are discussed below.

User-generated content is any form of content, such as photos, text, audio, that has been posted by users on online platforms such as social media, accounts and other marketing channels. For many brands, Instagram is the primary platform for user-generated content. Users create and share posts featuring brands, exposing products and services to their audience. The majority of content that is shared on The Parade Instagram account is generated by the businesses, but what is more powerful is customers and visitors to The Parade sharing content, which boosts the credibility of The Parade.

Statistics show that consumers are 2.4 times more likely to view user-generated content as authentic compared to content created by brands. Whether it's a product, a service or an experience, consumers want to know what to expect before they order. For example, 30 percent of millennials would not go to a restaurant if the location's Instagram presence was unprofessional or non-existent. The main benefit of user-generated content is the impact on purchasing decisions, with nearly 80 percent of people saying that it has a high impact on their own behaviours.

The Instagram story function allows content to be live on a profile for 24 hours, and has the staying power if the content is saved to a 'Highlights' album, which remains on the profile, until removed. This allows people to view the user-generated content at any time and is a powerful marketing tool for the brand.

All users that participate in this initiative and adhere to the Terms and Conditions, will receive a \$20 gift voucher to a business of their choice on The Parade. This will be limited to strictly one entry per person.

Taking the above information into consideration, it is worth exploring this initiative, which will both create user-generated content and hopefully attract and achieve new 'followers' for The Parade Instagram account.

It is proposed that the Committee allocates \$3,000 to the 'Post a Pic & Win' initiative from the 2020-2021 Marketing & Communications budget, which includes \$1,000 to promote the initiative.

## **2 STRATEGY: IDENTITY & BRAND**

### **2.1 MERCHANDISE**

A budget of \$5,000 has been allocated in the *2020–2021 Norwood Parade Annual Business Plan* for merchandise. Based on the popularity of The Parade, Norwood branded notebooks a quantity of 250 have been re-ordered.

The Parade, Norwood branded merchandise that is currently in stock, is listed below:

- notebooks;
- reusable coffee cups;
- leather look black bags;
- black shopping bags;
- large magnetic clips; and
- selfie ring lights.

The Parade, Norwood branded merchandise items are distributed to The Parade retailers and used at various Council events all-year round. The next event that merchandise will be distributed at is the *Food Secrets at the Green* event, which will be held on Sunday 16 May 2021 at Norwood Green.

### **RECOMMENDATION**

1. That the Committee notes the status of the 2020-2021 Annual Business Plan Budget contained in Attachment A, be noted.
  2. That the allocation of \$22,000 from the Marketing & Communications 2020-2021 budget to deliver the "Mini-competition, Massive Prizes" initiative to support the travel agencies on The Parade, be endorsed.
  3. That the allocation of \$3,000 from the Marketing & Communications 2020-2021 budget to deliver the 'Post a Pic & Win' initiative, be endorsed.
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*Cr Callisto moved:*

1. *That the Committee notes the status of the 2020-2021 Annual Business Plan Budget contained in Attachment A, be noted.*
2. *That the allocation of \$22,000 from the Marketing & Communications 2020-2021 budget to deliver the "Mini-competition, Massive Prizes" initiative to support the travel agencies on The Parade, be endorsed.*
3. *That the allocation of \$3,000 from the Marketing & Communications 2020-2021 budget to deliver the 'Post a Pic & Win' initiative, be endorsed.*

*Seconded by Cr Whitington and carried unanimously.*

**5. NEXT MEETING**

Tuesday 4 May 2021

**6. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 7.09pm.

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**Mayor Robert Bria**  
**PRESIDING MEMBER**

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

- 13. OTHER BUSINESS**  
(Of an urgent nature only)
  
- 14. CONFIDENTIAL REPORTS**  
Nil
  
- 15. CLOSURE**