

# Council Meeting Minutes

**4 August 2025**

## **Our Vision**

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

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

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City of  
Norwood  
Payneham  
& St Peters

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**VENUE** Council Chambers, Norwood Town Hall

**HOUR** 7.00pm

**PRESENT**

**Council Members** Mayor Robert Bria  
Cr Kester Moorhouse  
Cr Hugh Holfeld  
Cr Josh Robinson  
Cr Kevin Duke  
Cr Scott Sims  
Cr Grant Piggott  
Cr John Callisto  
Cr Christel Mex

**Staff** Mario Barone (Chief Executive Officer)  
Carlos Buzzetti (General Manager, Urban Planning & Environment)  
Andrew Hamilton (General Manager, Community Development)  
Lisa Mara (General Manager, Governance & Civic Affairs)  
Jenny McFeat (Manager, Governance)  
Eleanor Walters (Manager, Urban Planning & Sustainability)  
Geoff Parsons (Manager, Development & Regulatory Services)  
Navian Iseut (Manager, Arts, Culture & Community Connections)  
Natalia Axenova (Chief Financial Officer)  
Giulia Flowers (Executive Assistant, Chief Executive's Office)  
Tina Zullo (Administration Assistant, Governance & Civic Affairs)

**APOLOGIES** Cr Garry Knoblauch, Cr Connie Granozio, Cr Victoria McFarlane

**ABSENT** Nil

**1. KAURNA ACKNOWLEDGEMENT**

**2. OPENING PRAYER**

The Opening Prayer was read by Cr Hugh Holfeld.

**3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 7 JULY 2025**

*Cr Sims moved that the Minutes of the Council meeting held on 7 July 2025 be taken as read and confirmed. Seconded by Cr Callisto and carried unanimously.*

**4. MAYOR'S COMMUNICATION**

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Monday, 7 July	<ul style="list-style-type: none"><li>Presided over a Council meeting, Council Chamber, Norwood Town Hall.</li></ul>
Tuesday, 8 July	<ul style="list-style-type: none"><li>Presided over a meeting of the Business &amp; Economic Development Advisory Committee, Mayor's Parlor, Norwood Town Hall.</li></ul>
Wednesday, 9 July	<ul style="list-style-type: none"><li>Participated in a tour of the Council area with Her Excellency The Honourable Frances Adamson AC, Governor of South Australia and Mr Rod Buntén.</li></ul>
Thursday, 10 July	<ul style="list-style-type: none"><li>Attended a meeting with Ms Gina Marchetti (Chair) and Mr Dom Lagana (Member) of the Adelaide Italian Festival Committee, Mayor's Office, Norwood Town Hall.</li></ul>

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Monday, 14 July	<ul style="list-style-type: none"> <li>• Attended a meeting of the Audit &amp; Risk Committee, Norwood Town Hall.</li> </ul>
Wednesday, 16 July	<ul style="list-style-type: none"> <li>• Attended the Official Poster Launch for the 2025 Adelaide Italian Festival, Altavilla Ipirna Sports and Social Club, Beulah Park.</li> </ul>
Thursday, 17 July	<ul style="list-style-type: none"> <li>• Attended a meeting of the Eastern Region Alliance (ERA) Mayors and Chief Executive Officer's Group, City of Prospect offices, Prospect.</li> </ul>
Saturday, 19 July	<ul style="list-style-type: none"> <li>• Attended the pre-match function followed by the Norwood versus Woodville-West Torrens football match, Norwood Oval.</li> </ul>
Sunday, 20 July	<ul style="list-style-type: none"> <li>• Attended the Feast Day of Prophet Elias at the Greek Orthodox Parish of Prophet Elias for Norwood and Eastern Suburbs, Norwood.</li> </ul>
Wednesday, 23 July	<ul style="list-style-type: none"> <li>• Attended an Information Session: Information Technology (IT) Strategy, Mayor's Parlour, Norwood Town Hall.</li> </ul>
Thursday, 24 July	<ul style="list-style-type: none"> <li>• Attended the Parade Traders Forum, Mayor's Parlour, Norwood Town Hall.</li> </ul>
Monday, 28 July	<ul style="list-style-type: none"> <li>• Attended an Information Session: Quadrennial Public Artwork, Mayor's Parlour, Norwood Town Hall.</li> </ul>
Monday, 28 July	<ul style="list-style-type: none"> <li>• Attended an Information Session: Stobie Pole Art, Mayor's Parlour, Norwood Town Hall.</li> </ul>
Thursday, 31 July	<ul style="list-style-type: none"> <li>• Attended a Farewell Reception for former Cr Sue Whittington, Mayor's Parlour, Norwood Town Hall.</li> </ul>
Friday, 1 August	<ul style="list-style-type: none"> <li>• Eastern Region Alliance (ERA) Mayor's Monthly breakfast, Adelaide.</li> </ul>

**5. DELEGATES COMMUNICATION**  
Nil

**6. ELECTED MEMBER DECLARATION OF INTEREST**

Cr Piggott declared an interest in relation to Item 13.3 of the Agenda.  
Mayor Bria declared an interest in relation to Item 13.8 of the Agenda.

**7. ADJOURNED ITEMS**  
Nil

**8. QUESTIONS WITHOUT NOTICE**  
Nil

**9. QUESTIONS WITH NOTICE**  
Nil

**10. DEPUTATIONS**

## 10.1 DEPUTATION – PROPOSED CATS BY-LAW

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**REPORT AUTHOR:** Manager, Governance  
**GENERAL MANAGER:** General Manager, Governance & Civic Affairs  
**CONTACT NUMBER:** 8366 4593  
**FILE REFERENCE:** qA1041  
**ATTACHMENTS:** Nil

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### SPEAKER/S

Ms Evonne Moore.

### ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

### COMMENTS

Ms Evonne Moore has written to the Council requesting that she be permitted to address the Council in relation to the proposed Cats By-law.

In accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, Ms Evonne Moore has been given approval to address the Council.

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Ms Evonne Moore addressed the Council on this matter.

## 10.2 DEPUTATION – PROPOSED CATS BY-LAW

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**REPORT AUTHOR:** Manager, Governance  
**GENERAL MANAGER:** General Manager, Governance & Civic Affairs  
**CONTACT NUMBER:** 8366 4593  
**FILE REFERENCE:** qA1041  
**ATTACHMENTS:** Nil

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### **SPEAKER/S**

Ms Lisa Roberts-Daintree.

### **ORGANISATION/GROUP REPRESENTED BY SPEAKER/S**

C.A.T.S Inc. (Cats Assistance to Sterilise Incorporated)

### **COMMENTS**

Ms Lisa Roberts-Daintree has written to the Council requesting that she be permitted to address the Council in relation to the proposed Cats By-law.

In accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, Ms Lisa Roberts-Daintree has been given approval to address the Council.

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Ms Lisa Roberts-Daintree addressed the Council on this matter.

### 10.3 DEPUTATION – PROPOSED CATS BY-LAW

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**REPORT AUTHOR:** Manager, Governance  
**GENERAL MANAGER:** General Manager, Governance & Civic Affairs  
**CONTACT NUMBER:** 8366 4593  
**FILE REFERENCE:** qA1041  
**ATTACHMENTS:** Nil

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#### **SPEAKER/S**

Mr John Legg.

#### **ORGANISATION/GROUP REPRESENTED BY SPEAKER/S**

Not Applicable.

#### **COMMENTS**

Mr John Legg has written to the Council requesting that he be permitted to address the Council in relation to the proposed Cats By-law.

In accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, Mr John Legg has been given approval to address the Council.

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Mr John Legg addressed the Council on this matter.

**11. PETITIONS**

Nil

**12. WRITTEN NOTICES OF MOTION**

Nil

**13. STAFF REPORTS**

*Cr Moorhouse moved:*

*That Item 13.7 be brought forward for consideration.*

*Seconded by Cr Sims and carried.*



## 13.7 PROPOSED BY-LAWS

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<b>REPORT AUTHOR:</b>	Manager, Governance
<b>GENERAL MANAGER:</b>	General Manager, Governance & Civic Affairs
<b>CONTACT NUMBER:</b>	8366 4593
<b>FILE REFERENCE:</b>	qA166868
<b>ATTACHMENTS:</b>	A - D

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### PURPOSE OF REPORT

The purpose of the report is to present the proposed *City of Norwood Payneham & St Peters By-laws* to enable the Council to consider making the By-laws.

### BACKGROUND

Section 246 of the *Local Government Act 1999* (the Act) provides the statutory power for the Council to make By-laws. The general power to make By-laws is provided to the Councils for the good rule and government of the area, and for the convenience, comfort and safety of its community. By-laws are designed to address specific issues within a Council's local area or community that are not covered by broader laws, providing Councils with the power to respond to local needs and maintain order.

Pursuant to the Act, the Council is required to review and remove or replace (as necessary) its By-laws every eight (8) years. The current 2018 By-laws have therefore been reviewed to ensure the By-laws can be made and submitted to the South Australian Parliament for consideration by the Legislative Review Committee of Parliament in the required time frame to enable the new By-laws to take effect from January 2026.

Kelley Jones Lawyers was engaged to commence the process required for the review of the By-laws. In addition to reviewing the current six (6) 2018 By-laws, a proposed Cats By-law has been prepared for the Council's consideration.

At its Meeting on 7 April 2025, the Council endorsed the following seven (7) By-laws for the purposes of community consultation:

- *By-law 1 – Permits and Penalties* provides a By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws;
- *By-law 2 – Moveable Signs* provides a By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety in the Council's area;
- *By-law 3 – Roads* provides a By-law for the management, control and regulation of activities on roads and other land in the Council's area;
- *By-law 4 – Local Government Land* provides a By-law to manage and regulate the access to and use of Local Government land and certain public places;
- *By-law 5 – Dogs* provides a By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area;
- *By-law 6 – Waste Management* provides a By-law to regulate the removal of domestic waste, recyclables and green organic waste from premises in the Council's area; and
- *By-law 7 – Cats* provides a By-law to limit the number of cats that can be kept on premises and for the management and control of cats in the Council's area through managing nuisance cats, a potential registration process and the potential confinement of cats.

A copy of the proposed, certified By-laws is contained within **Attachment A**.

## 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

The proposed By-laws have been prepared and consultation has been undertaken in accordance with the requirements of the *Local Government Act 1999* and the *Dog and Cat Management Act 1995*.

## CONSULTATION

- **Elected Members**

An Elected Member Information Briefing Session on the proposed By-laws was held on Monday, 14 March 2025.

- **Community**

As required by the legislation, the community has been consulted and provided with the opportunity to comment on the proposed By-laws.

- **Staff**

Consultation on the proposed By-laws has taken place with relevant staff.

- **Other Agencies**

The proposed *By-law 5 – Dogs* and *By-law 7 – Cats* were referred to the Dog & Cat Management Board, as required by the *Dog and Cat Management Act 1995*. The proposed *By-law 4 – Local Government Land* and *By-law 5 – Dogs* were also referred to the Department of Infrastructure and Transport as a matter of convention.

## DISCUSSION

In addition to the *Local Government Act 1999* (the Act), the *Dog and Cat Management Act 1995* and *Harbors and Navigation Act 1993*, provide powers for the Council in relation to By-laws for certain circumstances.

In accordance with Section 247 of the Act a By-law made by a Council must:

- (a) *be consistent with the objectives of the provision that authorises the by-law and accord with the provisions and general intent of the enabling Act; and*
- (b) *adopt a means of achieving those objectives that does not—*
  - i. unreasonably burden the community; or*
  - ii. make unusual or unexpected use of the power conferred by the enabling Act (having regard to the general intent of the Act); and*
- (c) *avoid restricting competition to any significant degree unless the council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the By-law can only be reasonably achieved by the restriction; and*
- (d) *avoid unreasonable duplication or overlap with other statutory rules or legislation; and*
- (e) *avoid regulating a matter so as to contradict an express policy of the State that provides for the deregulation of the matter; and*
- (f) *avoid breaching principles of justice and fairness; and*
- (g) *be expressed plainly and in gender neutral language.*

In addition to the above legislative principles, Section 248 of the Act provides the rules that need to be adhered to in relation to By-laws. These are that a By-law made by a Council must not:

- (a) *exceed the power conferred by the Act under which the by-law purports to be made; or*
- (b) *be inconsistent with this or another Act, or with the general law of the State; or*
- (c) *without clear and express authority in this or another Act—*
  - (i) have retrospective effect; or*
  - (ii) impose a tax; or*
  - (iii) purport to shift the onus of proof to a person accused of an offence; or*
  - (iv) provide for the further delegation of powers delegated under an Act; or*
- (d) *unreasonably interfere with rights established by law; or*
- (e) *unreasonably make rights dependent on administrative and not judicial decisions.*

## Making of By-laws

Section 249 of the Act prescribes the process that the Council must follow when making its By-laws, which includes that the Council must have regard to the following:

- the seven (7) By-laws attached to the certificates of validity;
- the response from the Dog and Cat Management Board;
- the outcome of community consultation; and
- the National Competition Policy Report.

Each of these are explained in further detail below.

### **Certificate of Validity**

Before the Council can make the By-laws, a legal practitioner must certify that the By-laws can be made by virtue of the statutory powers available to the Council and that the By-laws are not in conflict with the Act. Certificates of Validity for each of the proposed By-laws are also required under Section 249(4) of the Act for submission to the Legislative Review Committee after the By-laws have been formally made by the Council.

Certification takes the form of the prescribed requirements contained within Form 10 of the *Local Government (General) Regulations 2013* and includes the following:

- the details of the legal practitioner;
- a description of the By-law sufficient to properly identify it;
- the name of the council proposing to make the By-laws;
- a description of the statutory provision under which the Council has the power to make the by-law;
- the date of execution of the certificate; and
- the signature of the legal practitioner.

These Certificates have been prepared and signed by Ms Cimon Burke of Kelledy Jones Lawyers and form part of the By-laws documentation contained in **Attachment A**.

### **Referrals**

In accordance with Section 90(5) of the *Dog & Cat Management Act 1995*, a copy of both the proposed Dog and Cat By-laws were forwarded to the Dog & Cat Management Board (the Board) for its consideration. The Manager, Dog and Cat Management (having been delegated the power of the Board to make recommendations on the draft By-laws) was satisfied that the Council's proposed *By-law 5 – Dogs* and *By-law 7 – Cats* are broadly consistent with those of other Councils and had no recommendations and provided no comment.

A copy of the Board's response is contained in **Attachment B**.

Copies of the proposed Local Government Land and Dogs By-laws were also provided to the Department of Infrastructure and Transport (DIT) for comment. Although not a legal requirement, referral to DIT is still undertaken to provide them with the opportunity to comment on relevant by-laws. No issues were raised by DIT in relation to the proposed By-laws.

### **Consultation**

Community consultation on the draft By-laws commenced on Saturday, 17 May 2025, with the publishing of a Notice in *The Advertiser* and concluded on 13 June 2025. The community consultation process was conducted in accordance with Section 249 of the Act and the Council's *Community Consultation Policy*.

In addition to the Notice in *The Advertiser*, consultation on the By-laws was also promoted via the Council's website (consultation page), an article on the Council's website, an article in *Look East*, Council's Social Media platforms and a poster in the Council's three (3) libraries. For the duration of the consultation period, a copy of each proposed By-law was available to view at the Council's Principal Office.

In total, 19 submissions have been received.

One (1) submission was in response to the proposed *By-law 5 – Dogs* and specifically related to restricting dog ownership in Strata, Community and Torrens Title dwellings.

There were 18 submissions received in relation to the proposed *By-law 7 – Cats*. Of the 18 submissions, 17 were not supportive of the By-law (and other cat management practices e.g. the *Dog and Cat Management Act 1995*) and one (1) was supportive.

A copy of all the submissions that have been received are contained within **Attachment C**.

For those submissions that were not supportive of the *By-law 7 – Cats*, a summary of the primary concerns that have been raised in the submissions is set out below:

- fear of registration, restrictions on cat numbers and/or the confinement of cats may lead to more feral cats;
- the increased compliance resources and costs for the Council; and
- the increased costs for cat owners to manage containment of cats within their property.

In addition, the submission from Cats Assistance to Sterilise (CATS) and others, state that the focus should be on managing overbreeding of cats and not on the management practices set out in the By-law. In general, CATS are not supportive of the *Dog & Cat Management Act 1995*.

In response to the submission from CATS, the objective of the Cats By-law is not to “curb overbreeding”. In this regard, CATS has worked with this Council for a number of years to assist with desexing and the management of stray cats in the City. This work undertaken by CATS is acknowledged and valued by the Council and as Elected Members are aware, the Council supports CATS financially to undertake this work.

CATS have stated that CATS will not continue to work with the Council if this Cat By-law is adopted by the Council.

Notwithstanding this, as set out above, the Council values the work of CATS as evidenced by the ongoing support the Council has provided to subsidise the work of CATS.

Efforts to reduce stray cat numbers is an important component of the Council's approach to cat management and the introduction of a Cat By-law provides other supporting strategies for the responsible management of cats.

The submission in support of the Cats By-law, included the following reasons:

- funds raised through cat registration can assist with educating and informing the community about responsible cat ownership including the health benefits of cat confinement for the cat; and
- the reduction in the threat to native vertebrates (mammals, birds, reptiles and frogs) in built environments by restricting the number of roaming cats through confinement.

### ***National Competition Policy Report***

Section 247(c) of the Act requires that a By-law made by a Council must avoid restricting competition to any significant degree, unless the Council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the By-law can only be reasonably achieved by the restriction.

Accordingly, any restriction on competition contained in a proposed By-law must be identified before the Council is in a position to make that by-law.

The Council's legal practitioner therefore considered each of the seven (7) proposed By-laws in the context of the *National Competition Policy* and Section 247(c) of the Act, and subsequently prepared the *National Competition Policy Report* which is contained within **Attachment D**.

In summary, the proposed *By-Law 1 – Permits and Penalties*, *By-law 5 – Dogs*, *By-law 6 – Waste Management* and *By-law 7 – Cats* have been identified as not restricting competition. The proposed *By-law - Moveable Signs*, *By-law 3 – Roads* and *By-law 4 - Local Government Land* have been identified as containing provisions that do restrict, or have the potential to restrict, competition to a degree. However, it was concluded that the benefits to the community of these By-laws outweigh the potential restrictions on competition.

### **Final steps**

For the By-laws to be formally made, Section 249 of the Act requires that a resolution is passed by the Council at a meeting where at least two thirds of the Members of the Council are present and by an absolute majority of all Members of the Council. Since the Council currently comprises 12 Elected Members, at least 8 Elected Members must be present and the resolution must be supported by at least 7 Members.

Once the By-laws are made, the Chief Executive Officer must sign the By-laws. The By-laws are required to be published in the *SA Government Gazette* (the Gazette). The Council must also publish a notice of the making of the By-laws in *The Advertiser*. The By-laws will commence four (4) months after the date they are published in the Gazette.

### **Referral to Legislative Review Committee**

It is a requirement of the *Legislative Instruments Act 1978* that all subordinate legislation is presented to the Legislative Review Committee of the South Australian Parliament (the Committee) to review after being made. This requirement applies to the Council's By-laws and the Council's lawyers will therefore attend to this referral on the Council's behalf.

The Committee has the role of reviewing By-laws to ensure they do not offend the scrutiny principles, which include that the By-laws must not:

- exceed the power conferred by the Act under which the By-law is made;
- be inconsistent with the *Local Government Act 1999* or any other Act, or general law of the State;
- unless authority is conferred by the Act –
  - have retrospective effect,
  - impose a tax,
  - purport to shift the onus of proof to a person accused of an offence, or
  - provide for the further delegation of powers delegated under an Act;
- unreasonably interfere with rights established by law; or
- unreasonably make rights dependent on administrative and not judicial decisions.

The Council's legal practitioner has considered these matters when certifying the proposed By-laws to be made by the Council. In certifying the By-laws, the Council's legal practitioner confirms that they are satisfied the By-laws are consistent with the *Local Government Act 1999* and are within the Council's powers to make.

If the Committee has concerns regarding a by-law, it may propose a motion to Parliament for the By-law to be disallowed. In practice, any concerns that the Committee may have will be raised with the Council in the first instance. The Council will not hear from the Committee unless it has concerns regarding the By-laws as made or any of them.

### **OPTIONS**

The Council's current 2018 By-laws expire on 1 January 2026 and it is recommended that new By-laws are in effect before this date. This is to ensure a smooth transition and to avoid having a period where no By-laws are in operation.

Whilst the decision to make By-laws is at the discretion of the Council, it is recommended that the Council makes new By-laws to assist in managing public spaces in the interests of the wider community. Indeed, in the absence of By-laws the Council would have limited ability to resolve and address unauthorised conduct on its land.

By-laws 1 – 6 have been in place for many years and only minimal changes have been made following the review process. These changes are not material and ostensibly relate to consistency in language between the By-laws and updated legislative requirements.

The Council may choose not to introduce a Cats By-law, however, it is recommended that the Council make the proposed Cats By-law to assist in promoting and encouraging responsible cat ownership by limiting the number of cats that can be kept on premises, and by requiring cat owners to manage cats so they do not create a nuisance.

In addition, the Council can also give consideration to, at a later date, adopting a cat registration scheme under the By-law and, to activating Clause 9 of the By-law, which would require cat owners to contain cats on their premises at all times. Should the Council resolve to activate this Clause (which would require a resolution of the Council at a later date), it will not apply to any cat born before 1 January 2026 (which limitation takes into account the legal principles that a by-law cannot operate to unreasonably interfere with rights at law and cannot operate retrospectively).

In short, the cat registration and containment components are not activated with the making of the Cats By-law at this time. The Council may, at their discretion activate the cat registration and containment clauses at a future time.

## CONCLUSION

The review of the Council's By-laws ensures compliance with the *Local Government Act 1999* and ensures that the Council's By-laws are still relevant and required.

As such, it is recommended that each of the By-laws be made by the Council as drafted.

## COMMENTS

Nil.

## RECOMMENDATION

1. In exercise of the powers contained in section 246 of the *Local Government Act 1999* (the Act), having satisfied the consultation requirements of the Act and having had regard to the outcome of the comments from the Dog and Cat Management Board in relation to By-Laws 5 and 7 (as contained in Attachment B), the community consultation process and submissions received and contained in Attachment C, the National Competition Policy Report contained in Attachment D and the Certificates of Validity provided by the Council's legal practitioner, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as contained in Attachment A:
  - By-law 1 - Permits and Penalties;
  - By-law 2 - Moveable Signs;
  - By-law 3 - Roads;
  - By-law 4 - Local Government Land;
  - By-law 5 - Dogs;
  - By-law 6 - Waste Management; and
  - By-law 7 – Cats.
2. That the Chief Executive Officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly made By-laws, including making any minor editorial or grammatical changes that may be necessary prior to publication of the By-laws in the *SA Government Gazette*.

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*Cr Sims moved:*

1. *In exercise of the powers contained in section 246 of the Local Government Act 1999 (the Act), having satisfied the consultation requirements of the Act and having had regard to the outcome of the comments from the Dog and Cat Management Board in relation to By-Laws 5 and 7 (as contained in Attachment B), the community consultation process and submissions received and contained in Attachment C, the National Competition Policy Report contained in Attachment D and the Certificates of Validity provided by the Council's legal practitioner, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as contained in Attachment A:*
  - *By-law 1 - Permits and Penalties;*
  - *By-law 2 - Moveable Signs;*
  - *By-law 3 - Roads;*
  - *By-law 4 - Local Government Land;*
  - *By-law 5 - Dogs;*
  - *By-law 6 - Waste Management; and*
2. *That the Chief Executive Officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly made By-laws, including making any minor editorial or grammatical changes that may be necessary prior to publication of the By-laws in the SA Government Gazette.*

*Seconded by Cr Duke and carried unanimously.*

*Cr Sims moved:*

1. *In exercise of the powers contained in section 246 of the Local Government Act 1999 (the Act), having satisfied the consultation requirements of the Act and having had regard to the outcome of the comments from the Dog and Cat Management Board in relation to By-Law 7 (as contained in Attachment B), the community consultation process and submissions received and contained in Attachment C, the National Competition Policy Report contained in Attachment D and the Certificates of Validity provided by the Council's legal practitioner, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-law as contained in Attachment A:*
  - *By-law 7 – Cats.*
2. *That the Chief Executive Officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly made By-law, including making any minor editorial or grammatical changes that may be necessary prior to publication of the By-law in the SA Government Gazette.*
3. *That staff prepare a report for the January 2026 Council meeting that outlines:*
  - *a detailed explanation of the need for registration and confinement of Cats;*
  - *how many complaints have been raised in the last two years regarding cats;*
  - *how long Council has supported Cats Assistance to Sterilise (C.A.T.S);*
  - *what plans are in place if C.A.T.S. discontinue its desexing program; and*
  - *a recommendation and timeline on the implementation of registration and potential future confinement of cats.*

*Seconded by Cr Robinson and lost.*

*Cr Piggott moved:*

1. *In exercise of the powers contained in section 246 of the Local Government Act 1999 (the Act), having satisfied the consultation requirements of the Act and having had regard to the outcome of the comments from the Dog and Cat Management Board in relation to By-Law 7 (as contained in Attachment B), the community consultation process and submissions received and contained in Attachment C, the National Competition Policy Report contained in Attachment D and the Certificates of Validity provided by the Council's legal practitioner, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-law as contained in Attachment A:*
  - *By-law 7 – Cats.*
2. *That the Chief Executive Officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly made By-law, including making any minor editorial or grammatical changes that may be necessary prior to publication of the By-law in the SA Government Gazette.*
3. *That Administration provide a report to the Council on an update of the Council's Dog and Cat Management Plan.*

*Seconded by Cr Holfeld and carried.*

#### Division

*Cr Sims called for a division and the decision was set aside.*

*Those in favour:*

*Cr Piggott, Cr Holfeld, Cr Duke, Cr Robinson, Cr Callisto, Cr Mex and Cr Moorhouse.*

*Those against:*

*Cr Sims*

*The Mayor declared the motion carried.*



## **Section 1 – Strategy & Policy**

### **Reports**

### 13.1 INTER-WAR HOUSING HERITAGE CODE AMENDMENT

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**REPORT AUTHOR:** Senior Urban Planner  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4561  
**FILE REFERENCE:** qA122666  
**ATTACHMENTS:** A - F

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#### PURPOSE OF REPORT

The purpose of this report is to advise the Council of the outcome of the community engagement that has been undertaken on the *Draft Inter-War Housing Heritage Code Amendment* and to present the final *Inter-War Housing Heritage Code Amendment* for consideration and endorsement. The final version of the Code Amendment is contained in Attachment A.

#### BACKGROUND

Under the former *Development Act 1993*, the Council commenced a Development Plan Amendment process to provide heritage protection to exemplars of Inter-war era housing, mainly concentrated in the suburb of Heathpool. Although the initial stages of the amendment process were initially supported by the State Government, the then Minister for Planning, declined to approve the amendment for interim (temporary) operation for the purposes of community consultation. As a result, the amendment subsequently lapsed.

Following the introduction of the current planning system, at its meeting held on 5 October 2021, the Council considered a confidential report on a new proposal to revisit the opportunity for improved protection of Inter-war era housing and resolved the following:

*That the Council reviews and prepares a Code Amendment to reflect the previous Inter-war Housing Heritage Development Plan Amendment for the Council's consideration prior to submission to the State Government.*

In accordance with this resolution, a draft *Inter-War Housing Heritage Proposal to Initiate* (the first stage in a Code Amendment process) was prepared and was endorsed by the Council at its meeting held on 6 December 2021. The draft *Proposal to Initiate* was subsequently submitted to the State Government for approval.

Following further investigations requested by the State Government Heritage Subcommittee, the Council subsequently endorsed a revised *Proposal to Initiate* on 7 August 2023, which was approved by the Minister for Planning on 12 March 2024. At that time, the Council was offered and subsequently received, matched funding for eligible heritage and historic area Code Amendments of \$47,600. These funds are being used to offset eligible costs incurred by the Council, associated with the Council's three (3) current Code Amendments.

At its meeting held on 2 April 2024, the Council resolved to release the *Draft Inter-War Housing Heritage Code Amendment*, for community consultation and to request the Minister for Planning to approve early commencement of the draft Code Amendment, to allow the Code Amendment to temporarily come into effect at the same time as the Code Amendment is released for consultation (standard practice for heritage listings). Following an unexplained delay from the Minister in gaining approval, early commencement of the Code Amendment came into effect on the first day of consultation (24 October 2024) and will remain in effect for twelve (12) months expiring on 23 October 2025. After this date, if the Code Amendment has not yet been adopted the early commencement operation will cease, meaning the interim demolition protections will no longer apply.

Community engagement, in accordance with the Engagement Plan, was conducted over an eight (8) week period from 24 October to 20 December 2024. Consultation activities included:

- direct notification via tailored letters to owners and occupiers of affected and adjacent properties;
- direct notification to other stakeholders such as residents' associations and special interest groups, Local Government Association, various industry associations, Members of Parliament;
- communication to the public generally, through website information, social media, and displays at the Council's civic centres and noticeboard;
- two (2) drop-in sessions held at the Norwood Town Hall (daytime and evening); and
- conversations with interested parties on request (phone calls and in person meetings).

A copy of consultation Fact Sheets distributed during public consultation, is contained in Attachment B.

In response to the consultation, a total of fourteen (14) submissions were received; nine (9) submissions were generally supportive (some of which suggested improvements) and five (5) submissions were opposed to various aspects of the policy changes. A summary of written submissions is contained in Attachment C and a copy of the submissions is contained in Attachment D.

To provide independence and rigour in considering changes to the draft Code Amendment, Swanbury Penglase heritage architects were engaged to undertake an independent third-party review of submissions raising objections to Local Heritage Place listings, as well as suggested changes to the Heathpool Historic Area Overlay boundary and the identification of a Representative Building.

In reviewing the feedback from stakeholders during consultation and the recommendations made by the independent consultants, Swanbury Penglase, staff made changes to the Code Amendment, now presented as the final policy changes, for the Council's consideration.

## RELEVANT STRATEGIC DIRECTIONS & POLICIES

### CityPlan 2030

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

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

#### **Objective:**

2.3. *A City which values and protects built heritage*

2.4. *Pleasant, well designed, and sustainable neighbourhoods*

### **Built Heritage Strategy**

#### **Theme 2 Protect**

#### **Objective:**

2.1. *Protect key examples of Interwar heritage*

2.1.1 *Expand the protection of buildings constructed between WW1 and WW2*

2.2 *Protect Historic Areas.*

2.2.1. *Expand application of Planning and Design Code Overlays*

## FINANCIAL AND BUDGET IMPLICATIONS

Work on this project to date has involved a combination of staff and consultants. The Minister's grant funding has contributed to activities deemed eligible in the grant provisions, including the work undertaken by consultants as part of the revised Proposal to Initiate and review of submissions and modest costs associated with public consultation.

**TABLE 1: INTER-WAR CODE AMENDMENT EXPENDITURE**

<b>Activity</b>	<b>Expenditure</b>
Consultant review 2023	\$8415.00
Consultation Costs (external costs e.g. printing and postage)	\$333.00
Consultant Post-consultation review	\$7920.00
<b>TOTAL</b>	<b>\$16,668.00</b>

## **EXTERNAL ECONOMIC IMPLICATIONS**

Any changes to the number and type of heritage properties across the City and/or changes to the extent of Historic Areas, may have economic impacts such as affecting development potential.

## **SOCIAL ISSUES**

Heritage and historic area conservation is, and perhaps will always be, a sensitive issue. By its nature it evokes differences of opinion of conservation versus development and property owner rights. Whilst there is no doubt that heritage listed places generate benefits to the community in the way in which they are utilised and maintained, there is also a potential for heritage places to generate intrinsic and cultural value to individuals as well as communities.

## **CULTURAL ISSUES**

The Council's role in supporting the retention of buildings and places of heritage value strongly aligns with one of the key objectives of the Council and the community, which is to protect and enhance the City's valued built form and character.

The Council's approach to built heritage also aligns with the aims of the League of Historical Cities, of which the Council is a member.

## **ENVIRONMENTAL ISSUES**

The embed energy and carbon in buildings which are retained results in carbon emissions savings.

## **RESOURCE ISSUES**

The Code Amendment process can be progressed to completion without additional resource implications.

## **RISK MANAGEMENT**

The risk of not endorsing the Code Amendment is that the buildings which have been recommended for listing will not have the level of protection from demolition which is afforded by a Local Heritage listing, or by inclusion in the Historic Area Overlay. This risk remains until such time that the draft Code Amendment is approved and gazetted and any appeals of proposed Local Heritage Place listing are resolved. To manage this risk, the Council has pursued 'early commencement' of the draft Code Amendment (formerly known as interim operation) which means the Code Amendment temporarily came into effect at the same time the Code Amendment was released for consultation. If not approved, this will lapse on 23 October 2025.

## **CONSULTATION**

- **Elected Members**  
The Code Amendment has been prepared in response to decisions made at the Council meetings held on 5 October 2021, 6 December 2021, 7 August 2023 and 2 April 2024.
- **Community**  
Community engagement was undertaken over an eight (8) week period with direct notification to affected or interested stakeholders, distribution of information through Council's media channels and civic centres, and the option for stakeholders to participate in drop-in sessions or ad hoc enquiries during the consultation period.
- **Staff**  
General Manager, Urban Planning & Environment  
Manager, Urban Planning & Sustainability  
Manager, Development & Regulatory Services  
Development Assessment Planners  
Heritage Advisor  
Cultural Heritage Researcher (specific research assistance)

- **Other Agencies**


Planning & Land Use Services (staff reporting to State Planning Commission)  
Local Government Association  
Members of Parliament for electorates containing affected properties  
Other interested stakeholder groups, including resident and industry associations

## DISCUSSION

### Code Amendment Process

The *Planning, Development and Infrastructure Act 2016* (the PDI Act) sets out the process for amending the *Planning & Design Code*, as summarised in **Figure 1**. The completed steps at this point are 1.1 through to 2.3.

**FIGURE 1 – SUMMARY OF CODE AMENDMENT PROCESS**

<b>1. INITIATION</b>		
1.1	Proponent (e.g. Council)	Prepares a Proposal to Initiate outlining the intent of the Code Amendment
1.2	Department	Assesses the Proposal to Initiate
1.3	State Planning Commission Heritage Sub-Committee	Reviews the Proposal to Initiate and provides advice to the Minister
1.4	Minister	Determines whether to approve the Proposal to Initiate (with or without conditions)
<b>2. PREPARATION AND ENGAGEMENT</b>		
2.1	Proponent	Undertakes investigations, prepares Engagement plan and Code Amendment. Drafting instructions provided to the Department
2.2	Department	Prepares draft policy and mapping (if applicable) <i>Note: the Department doesn't need to approve Code Amendment content</i>
2.3	Proponent  <i>Post Engagement</i>	Undertakes engagement in accordance with the Engagement Plan. Summarises submissions, prepares Engagement Report, amend the draft Code Amendment (if applicable) and provides these to the Department for approval
		<div style="border: 1px solid black; padding: 2px 10px; display: inline-block;">WE ARE HERE</div> 
<b>3. APPROVAL</b>		
3.1	Department	Assess Engagement Report and approval documentation
3.2	Heritage Sub-Committee	Provides owners of LHPs who provided a submission with an opportunity to provide a submission to the Sub-Committee (or otherwise the Sub-Committee will review existing submissions). Provides advice to Minister on Code Amendment
3.2	Minister	Considers the Engagement Report and Code Amendment (may consult with Commission) and makes a decision whether to approve the Code Amendment
3.3	ERD Committee	Considers Code amendment and resolves to object, not object or suggest amendments.
3.4	Minister	If applicable, determines whether to adopt any changes suggested by ERDC

#### 4. PROPERTY OWNER APPEALS

*New process introduced in the PDI Act. Staff are not aware of such an appeal process occurring since the introduction of the Act.*

4.1	Owners of Local Heritage Places	Opportunity to appeal their property's designation as a Local Heritage Place to the ERD Court
4.2	Proponent	Participation in ERD Court appeal.

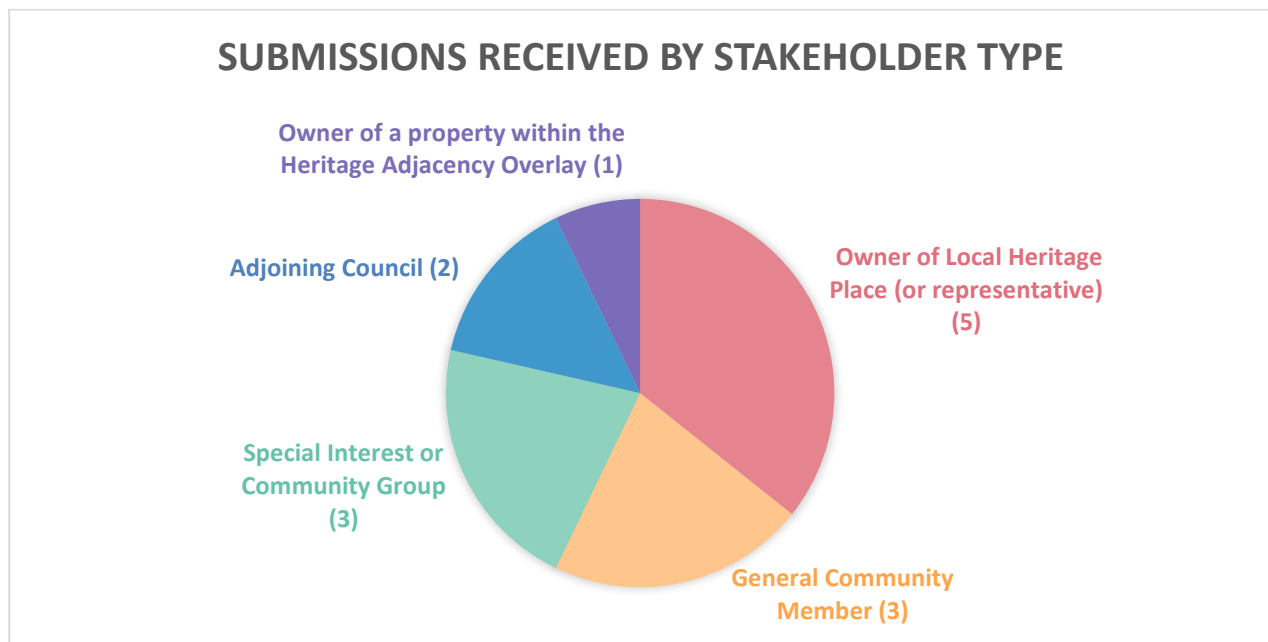
#### Consultation Feedback

A summary of written submissions including the Council's proposed response, is contained in Attachment C and a copy of submissions is contained in Attachment D.

Due to the provisions of the *Planning and Design Code*, some stakeholders are affected by the Code Amendment in more than one way. For example, some properties are proposed to be a Local Heritage Place, within the Historic Area Overlay and within the Heritage Adjacency Overlay. However, for the purpose of this report, stakeholders are referred to in a simplified way by the change which is likely to have the most significant or direct effect on their property, typically with a Local Heritage Place designation having the greatest potential effect, followed by Historic Area Overlay and then Heritage Adjacency Overlay.

A total of fourteen (14) submissions have been received from a range of stakeholder types as illustrated in Figure 2 below.

**FIGURE 2 – NUMBER OF SUBMISSIONS RECEIVED BY STAKEHOLDER TYPE**



Nine (9) submissions were generally supportive of the policy changes and five (5) were opposed to various aspects of the policy changes.

#### Submissions in Support of the Code Amendment

The nine (9) submissions that are generally supportive were received from:

- owners of Local Heritage Places;
- members of the community;
- community or special interest groups; and
- adjoining Councils.

A common theme raised in these submissions was support for heritage listing and historic area protections in the interests of:

- preserving historic buildings;
- preserving and promoting specifically Inter-war era / 20<sup>th</sup> Century heritage; and
- preventing 'undesirable' development outcomes.

Some submissions suggested improvements to the Code Amendment including:

- the listing of additional Local Heritage Places - either nominating specified places, or suggesting further consideration be given to particular suburbs, building styles, and non-residential buildings which warrant further consideration; and
- expansion of the Historic Area Overlay.

### Submissions Opposed to the Code Amendment

The five (5) submissions which were opposed have been received from:

- owners of proposed Local Heritage Places (including representatives on behalf of owners); and
- owners of a property adjacent to a proposed Local Heritage Place.

The submissions which raised objection to the listing of three proposed (3) Local Heritage Places are set out below.

#### 3 Newcastle Street Heathpool

Two submissions were received opposing this listing, including one from the owner and one from the neighbour.

#### 3 Stannington Avenue Heathpool

One submission received from the owners

#### 2B Stannington Avenue Heathpool

Two submissions were received opposing this listing, both on behalf of the owner. Importantly, this dwelling has been demolished due to there being a valid development approval in place. Notwithstanding the demolition of the building, the objections also opposed the proposed rezoning and application of the Historic Area Overlay.

Reasons for objecting to the listing of Numbers 2B and 3 Stannington Avenue included:

- opinions that the Local Heritage criteria had not been met;
- concerns about the implications of heritage listing such as limiting options for future redevelopment or building improvements, and associated restrictions on property owner rights;
- concerns about additional administrative costs and other burdens placed on owners;
- opinions that current planning policies provide adequate protection;
- a view that existing development consent for the redevelopment and subsequent demolition of 2B Stannington Avenue negates the proposed listing; and
- the proposed rezoning and inclusion in the Historic Area Overlay of 2B Stannington Avenue should not go ahead in light of the upcoming redevelopment of the property.

### Other feedback

Discussions during the two (2) drop-in sessions that were held during the consultation period, were 'one-on-one' allowing the attendees to discuss their specific questions, concerns or views. Attendees included owners of directly affected properties, owners of properties adjacent to affected properties and a representative from a community group. A total of nine (9) individual groups (i.e. couples or individuals) attended the two (2) drop-in sessions.

Discussions were also held with stakeholders throughout the consultation period, including telephone calls or in-person meetings. Twelve (12) ad-hoc discussions were held during consultation with a variety of stakeholder types including owners of directly affected properties and general community members. A summary of topics, queries and concerns that were discussed with stakeholders throughout the consultation period is captured below.

### *Local Heritage Places*

Most owners of proposed Local Heritage Places who attended the drop-in sessions, expressed concern and objection to their properties being listed. Typically, these concerns related to negative impacts on property value, property owner rights, limitations on redevelopment options and concern that engagement with property owners had not occurred earlier in the process (this point is outlined under *Code Amendment Process*).

- *How and why properties are proposed to be Local Heritage Places*  
Staff provided information on the heritage assessments, the legislative criteria that are required to be met and responded to concerns that the involvement of heritage experts throughout the listing process (including at both the Local and State Government level) supports listing heritage properties that meet the relevant legislative criteria.
- *Potential implications of Local Heritage Listing*  
Discussion included the extent of protections or restrictions and what this may mean for future redevelopment / building alterations / maintenance. Concerns were also raised about the potential effects on property value. Staff advised that as a regular, ongoing service to the community, the Council has a free, Heritage Advisory Service where owners can meet on-site with the Heritage Advisor to discuss specific building maintenance or modification questions.
- *Differences between Local Heritage Places and Representative Buildings*  
Staff provided information on the Local Heritage criteria and the qualities or characteristics that may warrant a building being identified as a Representative Building.
- *Why 16 Heathpool Road has not been identified as a Local Heritage Place*  
The dwelling at 16 Heathpool Road is the Reed family homestead of the original Heathpool Farm, which existed prior to the subdivision of the current residential allotments. Participants queried why this property has not been captured in past surveys or this current Code Amendment. It was discussed that the dwelling may not have been identified in past surveys due to it not being visible from the public realm. It has not been proposed to be listed as part of the current Code Amendment, due to the focus of the Code Amendment being Inter-war era buildings and the original homestead is of an earlier style and construction. The interest in this building is however, noted and should the Council be considering a new Heritage Survey and Code Amendment at some point in the future, this building and its importance to the local history, can be considered
- *Why other properties were not proposed as Local Heritage Places*  
Apart from the discussions regarding 16 Heathpool Road, other discussions were held regarding why some Inter-war era buildings were not identified as Local Heritage Places. These discussions included an explanation of the Local Heritage Criteria and in what circumstances an Inter-war era building may have been proposed to be listed.



- *Status of Development Consent in relation to 2B Stannington Avenue*

Legal advice was sought from Norman Waterhouse regarding the status of a Planning Consent in place for redevelopment of 2B Stannington Avenue which was proposed to be listed as a Local Heritage Place. The advice determined that the Planning Consent was valid and the owner could proceed with securing Development Approval and undertaking the development. The details of this matter are discussed further in this report.

#### *Historic Area, Character Area and Heritage Adjacency Overlays*

Owners of properties within the proposed Historic Area Overlay or Heritage Adjacency Overlay (that were not also proposed as Local Heritage Places) expressed mixed views during discussions with Council staff, but many had queries rather than concerns.

- *Potential implications of being within a Historic Area Overlay and why the Area includes non-historic properties*

Council staff advised that the Historic Area Overlay typically applies to an area with multiple properties, with most, but not necessarily all, of those properties demonstrating the features which contribute to the historic character of the area. The Historic Area Overlay policies refer to demolition control of buildings which demonstrate the historic characteristics expressed in the Area Statement, which means that the demolition of later era (post-war) buildings is unlikely to be hindered by these policies. The construction of new buildings and structures would be assessed against the Overlay policies which seek for new development to be consistent with the prevailing historic character.

- *How the boundaries of the proposed Historic Area Overlay were determined and whether the Overlay could be extended to capture additional properties on Stannington Avenue east of Lesbury Avenue, or a broader area representative of the original Heathpool farm.*

Council staff advised that a broader area was originally considered for the Heathpool Historic Area but was later refined so it focused on an area with a higher proportion of historic buildings, noting that a high proportion of non-historic buildings can diminish the value of a historic area. Participants were encouraged to make any specific suggestions for changes to the Code Amendment through a submission.

- *Implications of being within a Heritage Adjacency Overlay*

Council staff explained the mechanics of the *Planning and Design Code* and the rules of application of the Heritage Adjacency Overlay surrounding a Heritage Place. Discussions included what impact the Overlay policies may have on a future redevelopment of a non-heritage site within the Adjacency Overlay and clarification on the difference between the Heritage Adjacency Overlay and the Historic Area Overlay (it is noted that the names of these Overlays, set by the authors of the Code, are very similar which caused confusion).

#### *Code Amendment Process*

- *Why the heritage survey and listing process occurred without prior public consultation and why it was released on early commencement*

Some participants expressed a concern that the Code Amendment process had progressed to this point without prior consultation with owners. Staff discussed the potential risk of pre-emptive applications or demolitions which might occur if consultation is undertaken at an earlier stage and noted that two properties of interest had received development approval prior to early commencement coming into operation, indicating there is a risk of undesirable development outcomes. However, early commencement does not mean changes cannot be made to the proposed Code Amendment in response to submissions.

- *Whether assistance is required from a heritage, planning or legal expert to provide a submission*

Staff advised that assistance is not required from a heritage, planning or legal expert in order to provide a submission, but participants were advised how heritage experts could be contacted if they wish to do so.

- *Steps in the Code Amendment process*

A summary of the Code Amendment process was provided to interested participants, including who is involved in the upcoming stages and advising that appeal rights exist for owners of any newly listed Local Heritage Places.

- *Why the Code Amendment is focused on Inter-war era buildings, rather than other eras*  
Past heritage surveys undertaken within the Council area have typically focused on earlier eras and building styles, which has resulted in an under-representation of Inter-war era buildings in the list of Local Heritage Places and areas with historic area protections. This 'gap' was considered to warrant further review and expansion of heritage protection. It is best for heritage surveys and Code Amendments to have a particular focus, to manage the scope and scale of the project.
- *Format of the drop-in sessions*  
One participant indicated they would have preferred a group discussion or 'townhall' style meeting rather than the one-on-one format provided, so they could have heard the views of other participants.
- *Demolition of 2B Stannington Avenue*  
A local resident called to discuss the demolition of 2B Stannington Avenue which occurred during consultation despite the property being proposed as a Local Heritage Place. Council staff explained the chronology of events relating to the proposed listing through the Code Amendment process and concurrent Development Application, resulting in a valid Development Approval being in place allowing the development to occur, notwithstanding the early commencement of the Code Amendment. This was confirmed by legal advice.
- *The boundary of the Historic Area Overlay should be adjusted to exclude 2A Stannington Avenue (this was discussed after the formal consultation period was closed, but was a follow up from discussions which occurred during consultation)*  
In light of the demolition of the proposed Local Heritage Place at 2B Stannington Avenue and replacement with 3 two-storey dwellings and given that the adjacent 2A Stannington Avenue is not a historic property, the owner opined that it would be illogical for the Historic Area Overlay to include 2B and 2A Stannington Avenue. Instead the Historic Area Overlay boundary should start at 2 Stannington Avenue given this is a proposed Local Heritage Place. Council staff advised that the boundaries of the Historic Area Overlay be included in the the post-consultation considerations.
- Other planning matters not specifically related to the Code Amendment were also discussed, such as development which has been undertaken on neighbouring properties, challenges experienced with past development applications, minimum allotment sizes and subdivision potential, and regulated tree protections and requirements.

## **Post-Consultation Feedback**

### 7 Rothbury Avenue Heathpool

The original draft Code Amendment included 7 Rothbury Avenue, Heathpool, as a Representative Building within the Heathpool Historic Area. It is noted that the dwelling was not originally identified as a Representative Building in the 2021 version of the Proposal to Initiate, due to its unique style compared to other dwellings in Rothbury Avenue, which are typically Bungalow or Tudor style dwellings. However, following the 2023 review, the property was included as a proposed Representative Building given it was constructed during the Inter-war period.

Following conclusion of public consultation, the owners of 7 Rothbury Avenue, Heathpool, contacted the Council to discuss the possibility of redeveloping their property, including demolishing the existing dwelling. Although direct and tailored notification was provided to the owners during consultation, it became apparent they were not aware of the draft Code Amendment and the proposal to identify their property as a Representative Building. Given the circumstances, Council staff invited the owners to provide feedback on the draft Code Amendment which would not be a formal submission given it was outside of the consultation period, but could be taken into consideration as part of the broader post-consultation review process. The owners provided feedback which has been summarised and included for reference with the formal submissions contained in Attachment C. A copy of the full submission is contained in Attachment D.

The feedback outlines that the unusual position of the dwelling at the rear of the allotment limits opportunities for modern dwelling extensions and the feedback also questioned the design and construction year of the dwelling in the context of other dwellings in the proposed Historic Area.

Following receipt of this feedback, clarification was sought from the Council's Cultural Heritage Researcher as to the year of construction for 7 Rothbury Avenue, which was confirmed as 1933 and therefore during the Inter-war period. Notwithstanding the year of construction being within the target era, further consideration was given to whether the dwelling displays characteristics of importance in the historic area, as per the definition provided in the *Planning & Design Code* for Representative Buildings. The outcome of the review is set out in this report.

### Post-Consultation Review

It is important that the Council has due regard to the submissions and other consultation feedback to inform the decision making for the final Code Amendment. Independent specialise heritage consultants, Swanbury Penglase, were engaged to review and recommend changes.

The Consultant's report and recommendations are contained in Attachment E, with a summary provided below:

#### 3 Newcastle Street

In reviewing 3 Newcastle Street, the Consultant has explored the social and architectural context of the period. The review describes that residential development in Heathpool was occurring between the peak development periods of other nearby areas, creating some uniqueness in the development of this area. Further, there was a growing interest in new and diverse American design trends, including American adaptations of previous English styles. This provides some context for the varied descriptions of the dwelling at 3 Newcastle Street in the Code Amendment supporting documents which include both "Inter-War American Colonial" and "Inter-war Georgian Revival style". It also provides context as to why a dwelling of an uncommon style may meet the Local Heritage criteria. The submissions relating to this property also questioned the integrity of the original building given that building alterations were undertaken shortly after construction. The consultant's review determined that these changes illustrate the evolving social attitudes and living standards of the time and the broader cultural and architectural shifts during the period.

The Consultant concluded that the dwelling located at 3 Newcastle Street, represents '*the stylistic diversity which was emerging in the suburb, reflecting the social and historic influences of the time*'. However, the Consultant concluded that there is insufficient strength in the connection to, and local importance of, architect Lionel Bruer, calling into question the inclusion of criterion e). Based on the above, the Consultant recommended that the dwelling **remain as a proposed Local Heritage Place**, but based only on Local Heritage Place criteria (a) (social themes) and (d) (design characteristics), *not* criteria (e) (association with notable local personality) as is contained in the draft Amendment.

#### 3 Stannington Avenue

In reviewing the dwelling at 3 Stannington Avenue, the Consultant observed that the dwelling is one of the earlier buildings constructed in the street and has an intact character and setting, likely to have been built using original materials and detailing. Further, the allotment is reflective of the original residential subdivision and its link to the original developers' designers strengthens its association with the development of the area and social themes of the period. Based on the strength of these observations, the Consultant recommends the dwelling is **retained as a Local Heritage Place**.

#### 2B Stannington Avenue

In the original 2010 Inter-war Heritage survey, 2B Stannington Avenue was identified as having heritage significance but was ultimately not included in the original Development Plan Amendment due to its frontage to Portrush Road and it being located within a zone which facilitated redevelopment and infill. Between the DPA process concluding in 2016 and the preparation of the first Proposal to Initiate in 2021, the site was subdivided resulting in the dwelling being on an allotment that only had a frontage to Stannington Avenue. This made it more practical to include the historic dwelling in the same zone as other properties fronting Stannington Avenue and a separate zone from the dwellings facing Portrush Road. It was therefore included in the 2021 Proposal to Initiate as a proposed Local Heritage Place and proposed to be included in the Historic Area Overlay and Established Neighbourhood Zone (removing it from the General Neighbourhood Zone which applies along Portrush Road).

In between the revised Proposal to Initiate being submitted for approval in 2023 and the Minister approving early commencement for the Code Amendment, a development application was lodged for a subdivision into three (3) allotments and the construction of three (3) two-storey dwellings of a contemporary design. Planning Consent was granted for the development, noting that as the Code Amendment had no legal effect, the property did not yet have demolition protection and the site was still within the General Neighbourhood Zone at the time the application was lodged and assessed.

Notwithstanding the planning consent which was in place, the proposed Local Heritage listing and rezoning of the property was retained in the draft Code Amendment that was released for consultation, given that the valid development consent may not be acted upon, potentially meaning the subject dwelling may be retained on the site. Council staff did, however, seek legal advice regarding the protection status of the property given it had both the interim protection afforded by the early commencement of the draft Code Amendment as well as a planning consent for redevelopment. Ultimately it was concluded that the Planning Consent was *not* invalidated by the early commencement of the draft Code Amendment and could therefore go ahead. The dwelling was subsequently demolished during the consultation period.

The Consultant's review confirms the proposed **Local Heritage listing should be removed** from the land given the building has been demolished.

#### Extent of proposed Heathpool Historic Area Overlay

Considering the demolition of the original dwelling at 2B Stannington Avenue, and that 2A Stannington Avenue contains a post-war dwelling which does not contribute to the historic character of the area, the Consultant recommended the western end of the proposed Historic Area be adjusted to exclude all post-war dwellings at this end of Stannington Avenue. That is, remove 2B and 2A Stannington Avenue from the proposed Historic Area.

The Consultant was also requested to review the eastern end of the proposed Historic Area to determine if it should be expanded to include the properties at 16–24 Stannington Avenue as recommended in the Kensington Residents' Association submission and other discussions held during consultation, or otherwise to an extent considered appropriate. The Consultant has recommended that **no change be made to the proposed Historic Area in this location due to the eastern end of Stannington Avenue** containing a lower concentration of Interwar era buildings and that the existing post-war dwellings would compromise the streetscape quality.

#### 7 Rothbury Avenue

The administrative definition of a Representative Building as provided in the *Planning & Design Code* is:

*Representative buildings referenced in Historic Area Statements and Character Area Statements and mapped in the South Australian Planning and Property Atlas are buildings which display characteristics of importance in a particular area. The identification of representative buildings in a particular area is not intended to imply that other buildings in an historic area are not of importance.*

Representative Buildings which have been proposed in the Heathpool Historic Area fall within the 1920-1935 year-built range and are typically Bungalow or Tudor style dwellings. Text from the proposed *Heathpool Historic Area Statement* relating to eras and styles is copied below:

*An intact area displaying historic construction styles built from 1920 featuring large houses and gardens in Stannington Avenue, dominated by wide-fronted bungalow style dwellings. Later construction of mainly middle-class housing in Rothbury Avenue, dominated by Old English style dwellings... Along the northern side of Rothbury Avenue are highly intact examples of middle-class Inter-War Old English dwellings and Inter-War Bungalow dwellings of varying designs, repeated on southern side of Rothbury Avenue in City of Burnside – Tusmore Historic Area to form a consistent streetscape.*

Based on the above, the Consultant was asked to review the property at 7 Rothbury Avenue to determine whether it displays characteristics of importance relevant to the Heathpool Historic Area, and therefore whether it should be identified as a Representative Building.

The Consultant's review noted the general cohesiveness of Representative Buildings in the historic area. Although 7 Rothbury Avenue has some features consistent with the streetscape, such as allotment size and side setbacks, the siting of the dwelling on the allotment is inconsistent with others in the street due to its unusually large front setback. In terms of building era and style, the dwelling at 7 Rothbury has different design features including the roof and portico. This uniqueness may be a product of stylistic evolution in the later years of the area being developed, however the large front setback and contrasting roof form disrupt the rhythm of the streetscape. On balance, the Consultants have recommended that the property at **7 Rothbury Avenue is not included as a Representative Building.**

### **Post-Consultation Amendments**

The issues raised in submissions and the recommendations made by the Consultant have been considered, resulting in the following recommendations. The recommended amendments have localised impact, respond to submissions and would not necessitate repeating the engagement process prior to submitting the revised Code Amendment to the Minister for Planning for approval.

#### 3 Newcastle Street

The submissions objecting to the Local Heritage listing of 3 Newcastle Street contested that the dwelling did not meet the nominated heritage criteria for reasons including the dwelling being of an ambiguous and uncommon style, subsequent alterations reducing the extent of original fabric, and tenuous ties to a notable architect. Although coming to a similar conclusion regarding the property's links to architect Lionel Bruer, the Consultant review provided helpful context as to why the dwelling's unique style is relevant to the historic development of the local area and that subsequent alterations do not necessarily diminish its historic value. As such, the Consultant recommended the property remain on the Local Heritage list based on it displaying historical social themes and design characteristics of significance to the local area.

After considering the information originally collated as part of the draft Code Amendment, the Consultant review and issues raised in the submissions, it is considered there is sufficient evidence supporting the retention of 3 Newcastle Street as a proposed Local Heritage Place on the basis the building meets Local Heritage criteria (a) - social themes and (d) - design characteristics, but there is insufficient evidence that the listing could also be attributed to criteria (e) – association with a notable local personality.

As such, it is recommended that **3 Newcastle Street be retained on the list of proposed Local Heritage Places** on the basis that it meets Local Heritage criteria (a) - social themes and (d) - design characteristics only.

#### 3 Stannington Avenue

The submission objecting to the Local Heritage listing of 3 Stannington Avenue was primarily concerned listing would place limitations on the future opportunities for improvements and developments of the site, and a view that existing policies provide sufficient development control. These concerns are noted, however the Consultant review highlights the strength of evidence supporting the listing of this building.

As such, it is recommended that 3 Stannington Avenue **be retained as a proposed Local Heritage Place.**

#### 2B Stannington Avenue

Given the historic building has been lawfully demolished, it is considered appropriate to not proceed with the proposed Local Heritage Place listing for this property. It is therefore recommended that **2B Stannington Avenue is removed from the list of proposed Local Heritage Places.**

### 7 Rothbury Avenue

It is noted that the dwelling at 7 Rothbury Avenue was constructed in the Inter-war era and its unique style may be a product of evolving architectural designs at the time, as is the case with the dwelling at 3 Newcastle Street. However, unlike 3 Newcastle Street, the dwelling at 7 Rothbury Avenue is not considered to meet the Local Heritage Place criteria and therefore has not been proposed for this level of protection. It is therefore relevant to consider whether the building merits identification as a Representative Building. While Local Heritage Places can have unique features or styles (in some cases their individuality being the reason for listing), Representative Buildings are those which collectively make up the pattern of historic character of the area and therefore should present a level of consistency in built form and setting. As outlined in the Consultant's review, the unique style and unusually deep front setback of the dwelling at 7 Rothbury Avenue compromises its contribution to the consistent historic character of the street.

On balance therefore, it is recommended that the dwelling at **7 Rothbury Avenue is not included as a Representative Building** on the basis that it does not sufficiently display characteristics of importance to this area.

### Adjustments to Overlay and Zone boundaries – Western End of Stannington Avenue

Although the owner of 2A Stannington Avenue has not provided a formal submission, discussions with the owner that were held during and after the consultation period indicated a preference for the property not to be included within the Historic Area Overlay, given that neither 2A Stannington Avenue nor the adjacent 2B Stannington Avenue contain historic buildings. As outlined above, the Consultant recommended that both 2B and 2A Stannington Avenue are excluded from the Historic Area Overlay given they currently, or soon will, contain post-war dwellings which do not contribute to the historic character of the area. This is considered a reasonable approach as these properties are at the western-most fringe of the Overlay and inclusion of too many non-contributing buildings can diminish the consistency and integrity of a historic area.

As the properties are also at the fringes of a zone boundary, it is relevant to consider whether the properties should be within the Established Neighbourhood Zone, which applies to established residential areas with generally consistent streetscape character, or the General Neighbourhood Zone, which applies to suburban contexts where there may be a greater variety of built form and opportunities for subdivision. Prior to the early commencement of the Code Amendment, 2B Stannington Avenue was located in the General Neighbourhood Zone and not within the Historic or Character Area Overlay, and 2A Stannington Avenue was located in the Established Neighbourhood Zone and within the Heathpool / Marryatville Character Area along with other dwellings to the east in Stannington Avenue. The Code Amendment proposes to expand the Established Neighbourhood Zone to include 2B Stannington Avenue, and apply the Historic Area Overlay across both properties, replacing the Character Area for 2A Stannington. These zone and overlay boundaries are illustrated in Attachment F.

Given the development under construction at 2B Stannington Avenue will result in a built form which is similar to existing post-war development in the General Neighbourhood Zone along Portrush Road, it is considered logical for 2B Stannington Avenue to remain in the General Neighbourhood Zone as was the case prior to the Code Amendment coming into interim effect. While there is some logic for the General Neighbourhood Zone boundary to be extended to 2A Stannington Avenue, it is relevant to consider impacts of a potential future redevelopment of this site on the historic Stannington Avenue streetscape and adjacent heritage places, particularly as the limited allotment depth of 2A Stannington Avenue will likely result in any future replacement dwelling being closer to the street than other dwellings to the east.

Assuming the proposed Local Heritage listing of 2 Stannington Avenue is implemented, the Heritage Adjacency Overlay will automatically be applied to surrounding properties including 2A Stannington Avenue. The Heritage Adjacency Overlay policies seek development outcomes which respect the setting of adjacent Heritage Places. These Overlay policies, in conjunction with Established Neighbourhood Zone policies, are considered to provide an appropriate level of guidance for future development on this site to not unreasonably compromise the historic Stannington Avenue streetscape. It is not considered necessary for the existing Heathpool / Marryatville Character Area to be retained for 2A Stannington Avenue given it would be significantly disconnected from, and have no immediate streetscape relationship to, other properties in this Character Area at the eastern end of Stannington Avenue.

Given the above-mentioned context, it is recommended that:

- 2B Stannington Avenue **be included in the General Neighbourhood Zone with no Character or Historic Area Overlay**; and
- 2A Stannington Avenue **be included in the Established Neighbourhood Zone with no Character or Historic Area Overlay**, but with the Heritage Adjacency Overlay applied due to its adjacency to the proposed Local Heritage Place at 2 Stannington Avenue.

#### Adjustments to Historic Area Overlay – Eastern End of Stannington Avenue

The submission provided by the Kensington Residents' Association, as well as discussions held with another stakeholder during consultation, suggested expanding the Heathpool Historic Area particularly at the eastern end. The Consultant's review suggested that the fragmentation and lower concentration of post-war housing at the eastern end of Stannington Avenue compromises streetscape quality to an extent that does not warrant inclusion in the Historic Area Overlay. This view is considered reasonable and is consistent with previous heritage survey findings and Council resolutions as to the extent of the Heathpool Historic Area.

It is recommended that **no changes be made to the extent of the Historic Area Overlay at the eastern end of Stannington Avenue.**

The above recommendations have been incorporated into the revised Code Amendment document contained in Attachment A.

#### **Next steps in the Code Amendment process**

If the Council determines to endorse the final Code Amendment document, the following steps would occur:

- the Code Amendment and an accompanying Engagement Report will be provided to the Department of Housing and Urban Development for review;
- the Heritage Sub-Committee will provide owners of Local Heritage Places that objected to their listing an opportunity to provide an additional submission to the Sub-Committee (noting that the Sub-Committee will read existing submissions provided during consultation) and provide feedback to the Minister for Planning;
- the Minister will make a decision as to whether to approve the Code Amendment, with or without further changes;
- Environment Resources and Development Committee (ERDC) of Parliament considers all material and may resolve to approve, object, or suggest amendments to the Code Amendment;
- the Minister determines whether to adopt any changes to the Code Amendment suggested by the ERDC; and
- owners of newly confirmed Local Heritage Places will have the right to appeal the listing to the Environment Resources and Development Court.

#### **OPTIONS**

Option 1 involves adopting the attached Code Amendment contained in Attachment A, which includes the changes recommended by staff, as outlined in this report.

This option is recommended.

Option 2 involves adopting an alternative version of the Code Amendment, such as the draft version of the Code Amendment which was released for consultation without the changes recommended in this report.

This option is not recommended for the reasons contained in this report.

## CONCLUSION

Following community engagement and an independent review by Swanbury Penglase Heritage Architects, staff have finalised a Code Amendment document with the following post-consultation amendments:

- 2B Stannington Avenue Heathpool **removed** from the list of Local Heritage Places, as the building has been demolished;
- 2B Stannington Avenue **removed** from the proposed Heathpool Historic Area Overlay and reinstate into the General Neighbourhood Zone (rather than the Established Neighbourhood Zone as proposed in the consultation version of the Code Amendment);
- 2A Stannington Avenue Heathpool **removed** from the proposed Heathpool Historic Area (but not reinstate 2A Stannington Avenue in the Heathpool/Marryatville Character Area as was the case prior to the Code Amendment, retaining it in the Established Neighbourhood Zone);
- the proposed Local Heritage listing of 3 Newcastle Street Heathpool **amended** to remove reference to criteria (e) as a reason for listing (but retaining criteria (a) and (d)); and
- 7 Rothbury Avenue Heathpool **removed** from the list of proposed Representative Buildings.

The attached Code Amendment is suitable for submission to the Department of Housing and Urban Development for review and approval.

## COMMENTS

Nil

## RECOMMENDATION

1. That the draft Code Amendment, as contained in Attachment A, be endorsed as suitable for submission to the Department of Housing and Urban Development for review and Ministerial decision; and
2. That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the draft Code Amendment, providing the changes do not affect the intent of the Amendment.

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Cr Robinson left the meeting at 8.10pm.  
Cr Sims left the meeting at 8.10pm.  
Cr Sims returned to the meeting at 8.12pm.  
Cr Robinson returned to the meeting at 8.12pm.

*Cr Mex moved:*

1. *That the draft Code Amendment, as contained in Attachment A, be endorsed as suitable for submission to the Department of Housing and Urban Development for review and Ministerial decision; and*
2. *That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the draft Code Amendment, providing the changes do not affect the intent of the Amendment.*

*Seconded by Cr Sims and carried unanimously.*



## **Section 2 – Corporate & Finance**

### **Reports**

## **13.2 LONG-TERM FINANCIAL PLAN, RESIDENTIAL RATES AND ONGOING FINANCIAL SUSTAINABILITY**

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

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### **PURPOSE OF REPORT**

The purpose of this report is to provide information to the Council regarding strategies to address certain elements of the Council's Long-Term Financial Plan and residential rates, as requested by the Council at its Special Meeting held on 10 June 2025.

### **BACKGROUND**

At its meeting held on 10 June 2025, the Council resolved the following:

*That the Chief Executive Officer provide the Council at its meeting to be held on 4 August 2025, a report providing any strategies available to the Council regarding the following elements of the Long-Term Financial Plan, to be considered after the adoption of the 2025-2026 Budget:*

- (a) reducing the anticipated level of residential rate increases over the next ten years;*
- (b) increasing the Differential Rate for commercial properties above the existing 20 percent and the impact this would have on residential rates as a percentage of total rate revenue;*
- (c) reducing the level of the Net Financial Liabilities Ratio, taking into account the role that interest rates play in affecting this Ratio; and*
- (d) the impact a reduction of the Budget Surplus Ratio would have on projected revenue increases over the course of the Long-Term Financial Plan.*

This report addresses the issues that are set out in the above Council resolution.

### **RELEVANT STRATEGIC DIRECTIONS & POLICIES**

Not Applicable.

### **FINANCIAL AND BUDGET IMPLICATIONS**

Not Applicable.

### **EXTERNAL ECONOMIC IMPLICATIONS**

Changes to the Council's rating structure may have impacts on the City's economy. This and other associated issues are required to be addressed, should the Council prepare and seek to adopt a new rating structure.

### **SOCIAL ISSUES**

Not Applicable.

### **CULTURAL ISSUES**

Not Applicable.

## ENVIRONMENTAL ISSUES

Not Applicable.

## RESOURCE ISSUES

The various strategies contained in this report will be co-ordinated and prepared by staff with the use of external consultants as required. The volume of work is significant and will be a priority for both the Council and staff.

## RISK MANAGEMENT

Any changes to the rating structure will be required to be undertaken in accordance with Section 151 of the *Local Government Act 1999*. It should be noted that any change carries with it risks in terms of implementation and these will be identified as part of each strategy as these are developed.

## CONSULTATION

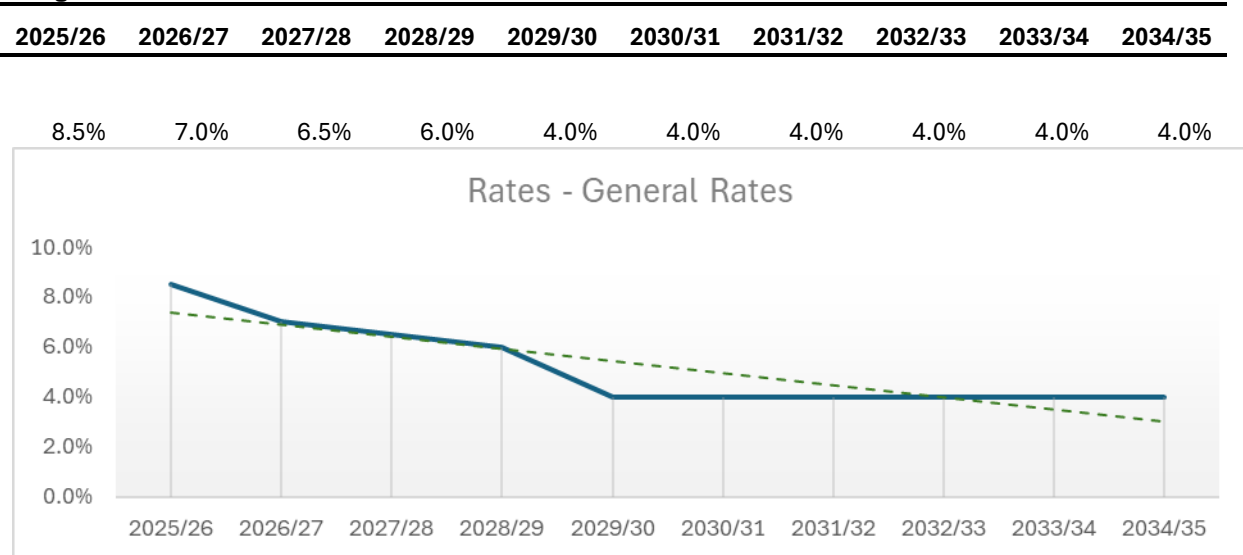
- **Elected Members**  
This matter was considered by the Council at the Special Council meeting held on 10 June 2025.
- **Community**  
Not Applicable.
- **Staff**  
Chief Executive Officer  
Chief Financial Officer
- **Other Agencies**  
Not Applicable.

## DISCUSSION

Before addressing the issues that are contained in the Council's resolution and setting out the various strategies that are available to the Council to address the issues set out in the Council's resolution, the current situation in respect to Council rates and the Net Financial Liabilities Ratio, based on the 2025-2026 Budget, is set out in Diagram 1 and Diagram 2 below.

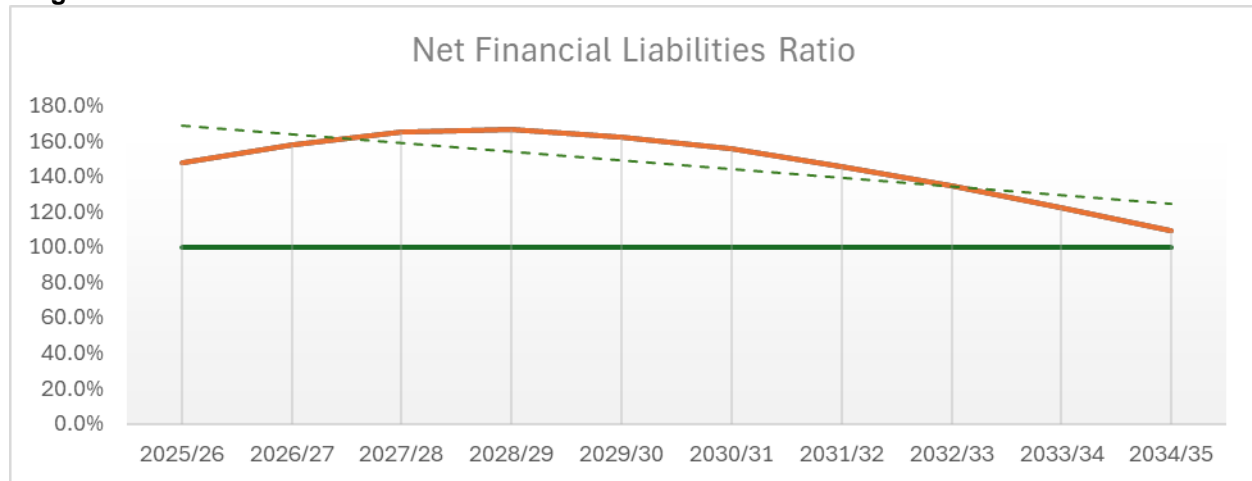
In respect to Rate Revenue at this point in time and based upon current assumptions, the expected trendline demonstrates a reduction in the Rate Revenue increase from 8.5% in 2025-2026 to 4% in 2034-2035.

**Diagram 1: Rates**



In respect to the Net Financial Liabilities Ratio, the Ratio remains above the target line of 100%, however, over the term of the Long-Term Financial Plan, the trendline demonstrates a reduction towards 100%, as previously advised as part of the 2025-2026 Budget.

**Diagram 2**



In respect to the Net Liabilities Ratio, it should also be noted that the Ratio has taken into account all of the Major Projects which the Council has approved to undertake during the term of the Long-Term Financial Plan (2025-2026 to 2034-2035) – namely the Payneham Memorial Swimming Centre, implementation of The Parade Masterplan and redevelopment of the Norwood Library, based on current cost estimates and on the basis that the implementation of The Parade Masterplan and redevelopment of the Norwood Library will be fully funded by the Council. That is, no grant funding has been taken into account and any grant funding that is obtained by the Council, will be used to offset the cost of the Projects and not added to the Project Budget.

### **1. Potential strategies to reduce residential rate increases over the next 10 years**

Over the last couple of months, a desktop review of the Council's residential rates as part of the 2025-2026 Budget, including how these compare with other Councils, has been undertaken and was provided to the Council at its meeting held on 7 July 2025, when the Council adopted the 2025-2026 Budget.

As part of this desktop review, it was identified that across the benchmarked Councils (ie. Burnside, Unley, Prospect, Walkerville and Campbelltown), there is clearly a large divergence in respect to the methodology for rating of the commercial properties.

In this respect, the Campbelltown City Council and the City of Burnside do not have a Differential Rate for commercial properties (that is, these Councils have the same rate-in-the-dollar for residential and commercial properties).

This Council and the Town of Walkerville, set their respective Differential Rates as a percentage above the residential rate-in-the dollar, which means that any changes to the residential rate-in-the-dollar will have a proportionally larger impact on commercial rates (assuming property valuations for both categories change in proportion).

Of the remaining benchmarked Councils, the Cities of Prospect and Unley, set their commercial rate-in-the-dollar to recover a static percentage of the total rate revenue. Or, put another way, these Councils seek to increase total rate revenue from each rating category on an annual basis, by an equal percentage – irrespective of proportional changes in properties values across the two (2) land uses.

For example, this Council's methodology was adopted by the Council many years ago as part of introducing the Differential Rate. The adopted method for calculating its Differential Rate, has at times over the years, created unintended outcomes in situations where commercial property values (as assessed by the Valuer-General of SA) change at a different rate to residential property values. As such, the percentage changes to average residential rates may not align with the percentage changes to the average commercial differential rate.

As an illustration, for the 2025-2026 Budget, at its meeting held on 7 July 2025, the following information was provided to the Council, based on a total Rate Revenue increase of 8.5% for 2025-2026, compared to a total Rate Revenue increase of 8.5% in 2024-2025. Whilst the Rate Revenue increase of 8.5% resulted in an average increase of 9.39% for Residential properties, for Commercial properties the increase was only 0.85%.

As set out in Table 1 below in 'dollar terms', for the 2025-2026 financial year, Commercial properties had an average increase in rates of \$29 from the 2024-2025 financial year, whilst the average Residential Rate increased by \$192 from the 2024-2025 financial year

**TABLE 1: RATING STRATEGY – RATE REVENUE IMPACTS**

	2024-2025	2025-2026
<b>Proposed Rate Revenue Increase</b>	<b>8.50%</b>	<b>8.50%</b>
	\$'000	\$'000
Gross General Rate Revenue	\$46,589	\$50,548
Net Increase on Previous Year	\$3,650	\$3,959
<b>Operating Surplus/(Deficit) after rate revenue increases</b>	<b>\$229</b>	<b>\$754</b>
<b>Residential Rate</b>		
<b>Rate Payable per Average Residential Property</b>	<b>\$2,044</b>	<b>\$2,236</b>
Average Rate Difference	\$149	\$192
Increase from previous year	7.01%	9.39%
<b>Rate-in-the-Dollar</b>	<b>0.0018746</b>	<b>0.0018297</b>
Increase/(Decrease) from previous year	2.52%	-2.39%
<b>Commercial Rate</b>		
<b>Rate payable per Average Commercial Property</b>	<b>\$3,430</b>	<b>\$3,459</b>
Average Rate Difference	\$267	\$29
Increase/(Decrease) from previous year	7.21%	0.85%
<b>Rate-in-the-Dollar</b>	<b>0.0022495</b>	<b>0.0021956</b>
Increase/(Decrease) from previous year	2.52%	-2.39%
<b>Minimum Rate</b>	<b>\$1,277</b>	<b>\$1,386</b>
<b>Percentage of Assessment on Minimum Rate</b>	<b>32.82%</b>	<b>31.94%</b>

In respect to the benchmarked Councils:

- *City of Unley* – there are two (2) Commercial Differential Rates adopted by the City of Unley – one for Commercial Shops and one for other Commercial Properties.

The rate-in-the dollar is then adopted each financial year to keep the change in rates percentage consistent across each rating category (ie. removing the impact of proportional changes to valuations across the various land-use categories).

For Commercial shops, the rate-in-the-dollar is approximately 2.15 times the residential rate-in-the-dollar (for the financial year 2024-2025).

For other Commercial properties, the rate-in-the-dollar is approximately 2.56 times the residential rate-in-the-dollar (for the financial year 2024-2025).

- *City of Prospect* – the Commercial rate-in-the-dollar is approximately 2.46 times the residential rate-in-the-dollar (for the financial year 2024-2025) with the Commercial Differential Rate set to recover a percentage of the total rate revenue.
- *Town of Walkerville* – the Commercial rate-in-the-dollar set at 65% above the residential rate-in-the-dollar.

In order to address the issue in terms of the way in which the Differential Rate is calculated and the quantum (ie. the percentage) of the Differential Rate, it is recommended that a Rating Review be undertaken as provided for in Section 151(5) of the *Local Government Act 1999* (the Act). Undertaking such a review is the best way of exploring the appropriateness and equity of the Council's existing rating structure with a view to lessening the burden on residential property owners, noting that Commercial property owners have been the beneficiaries of the current methodology for a number of years. Similarly, depending on changes to valuations, the average commercial rate has increased more than the average residential rate. This Council's Differential Rate has been set at 20%, whilst Council's such as Unley and Prospect are set at 2.56 times and 2.46 times respectively above the residential rate.

In respect to the legislative process, Section 151(5) of the Act provides as follows:

(5) *Before a council –*

- (a) *changes the basis of the rating of any land (including by imposing Differential Rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing Differential Rates on land that has been differentially rated in the preceding financial year); or*
- (b) *changes the basis on which land is valued for the purposes of rating; or*
- (c) *changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land,*

*the council must –*

- (d) *prepare a report on the proposed change; and*
- (e) *follow the relevant steps set out in its public consultation policy*

(6) *A report prepared for the purposes of subsection (5)(d) must address the following:*

- (a) *The reasons for the proposed change;*
- (b) *The relationship of the proposed change to the Council's overall rates structure and policies;*
- (d) *In so far as may be reasonably practicable, the likely impact of the proposed change on ratepayers (using such assumptions, rate modelling and levels of detail as the council thinks fit);*
- (d) *Issues concerning equity within the community,*

*and may address other issues considered relevant by the council.*

In addition to the preparation of a report addressing the issues contained in Section 151(5), the Council is required to undertake consultation on any proposed changes as provided in the Council's Consultation Policy.

In order to ensure that a new Rating Strategy is in place before preparation of the draft 2026-2027 Budget in early 2026, it is proposed and indeed recommended, that preparation of the new Rating Strategy commence immediately and that a draft Rating Strategy be provided to the Council for consideration in October 2025. This will allow sufficient time to undertake consultation and determine a final position in early 2026.

## **2. Other strategies**

In addition to the preparation of a new Rating Strategy and Rating Policy, there are a number of strategies that can be and/or are in the process of being implemented to improve the Council's overall financial position. These strategies are aimed at improving both the Council's revenue sources (ie reducing dependence on rate revenue) as well as ensure that expenditure is prudent.

A summary of these strategies is set out below

### **a. Optimisation of existing and potential revenue streams**

The overall aim of this strategy is to reduce dependency on rates (in particular residential rates) by identifying alternate revenue streams.

Examples of this include:

#### **(i) A review of commercial and user fees**

There is the potential to increase cost recovery (ie. user pays) on discretionary services such as swimming centres, hall/venue hire, parking, child care centre) through better alignment of fees with market rates, where possible or, at the very least, re-couping the cost of providing the service.

Whilst the Council sets its fees and charges annually, it is proposed to undertake a comprehensive review of all fees and charges, rather than simply adjusting fees annually by CPI or simple rounding, as part of the annual Budget process.

#### **(ii) Review of assets and commercialisation**

This involves a review of the Council's leasing and licensing policy to ensure that the use of facilities such as sporting facilities, are being appropriately charged. This will involve the development of a City-wide Leasing & Licensing Policy, as well as how the Council deals with the redevelopment or building of new facilities that are leased to sporting and recreational users. Currently, it has been the Council's practice to fully fund new development or redevelopment of facilities and whilst this is admirable, it is not the practice of most Councils and brings into consideration equity issues and is no longer a sustainable practice.

As an example of what can be done, some time ago, when faced with deteriorating tennis court facilities, the Council adopted the Tennis Facilities Strategy and Policy, which has resulted in tennis courts being upgraded and the costs being shared on a 50-50 basis between the Council and the respective Club.

In respect to facilities, it is also appropriate to ensure that all consumables such as power, water and gas are recovered from the users.

This work is currently in progress.

#### **(iii) Grants**

Whilst the Council has a good track record of securing grants, there will need to be an increased effort to ensure that every avenue is explored. This work has already commenced with the preparation of a draft Advocacy Strategy that will be presented to the Council in September.

In particular, grants that are secured for the two (2) current major projects in the Council's Long-Term Financial Plan (implementation of The Parade Masterplan and the Norwood Library) will ensure that the net cost to the Council of these projects and hence the total borrowings, are reduced.

It should be noted that this strategy will involve significant staff time but is required.

**(iv) Review of Building Assets**

A review of the Council's building assets is currently in progress with Stage 1 being a reconnaissance of all buildings that are owned by the Council, the current state of affairs and the potential future use of these assets. This work will identify potential opportunities such as disposal and re-purposing of assets to either reduce maintenance and insurance costs and/or to generate income (ie. commercial) which will be used to reduce debt.

**b. Expenditure**

Whilst increasing revenue is important, prudent expenditure is just as important.

Some of these strategies are currently in place and ongoing and are summarised below:

**(i) Review of Operational Expenditure**

Review of expenditure is ongoing and as these savings are made, they will be identified in Budget Reviews.

**(ii) Energy Usage**

As Elected Members are aware, ongoing increases in power costs is beyond the Council's control, however the sourcing of energy is in the Council's control.

Several years ago, the Council approved the change-over of sodium vapour street lights to LED and more recently, entered into a group procurement exercise with ERA Councils for power. Both of these initiatives have reduced overall costs, however, considerably more work can be done in the area of renewable energy.

Currently, work is being undertaken to assess the viability of solar and battery use on all Council owned facilities with the cost of infrastructure being funded by a third party and both the Council and the third party benefitting from the initiative. This initiative has been implemented by a couple of metropolitan Councils and is reaping significant savings for those Councils.

The results of this work will be presented to the Council over the next few months.

**(iii) Asset Lifecycle**

As part of its renewal program, the Council could adopt a revised whole-of-life asset planning model which ensures long-term maintenance and renewals are more cost effective than replacement of new capital investment (ie. extending the life of assets).

This would involve regular monitoring and updates of the Council's Asset Management Plan and condition review of assets.

**(iv) Debt and Treasury Management**

The ultimate aim of debt and treasury management, is to reduce liabilities and borrowing costs in order to improve the Council's Net Financial Liability Ratio.

Possible strategies to address debt levels include:

- Debt re-structuring and re-financing

As part of this strategy, it is proposed to explore the re-financing of existing debt (at lower interest rates) or extending existing loan terms, to improve cash flow and reduce immediate liabilities.



While re-financing existing debt or extending current term of current loans, can assist in improving short-term cash flow and lower the Net Financial Liabilities Ratio, current economic conditions require a cautious and strategic approach. With market interest rates anticipated to fall in the near future locking in fixed interest rates at this point in time, could lead to a higher long-term cost of borrowing. As such, it is not proposed to fix additional borrowings at current interest rates, until there is greater certainty that interest rates have stabilised at or near the forecast low. This approach will be discussed with the Local Government Finance Authority to ensure that an informed decision is made.

The current assumptions that have been factored into the Council's Long-Term Financial Plan already include the conversion of a portion of cash rate linked debt to fixed rate borrowings of \$45 million. This approach balances the need for certainty to our community and debt serviceability with prudent financial risk management.

At a time when the decision to lock in a fixed-term loan arrangement is made, consideration will need to be given to a structured approach to new borrowings by assessing the optimal mix between short-term and long-term debt, including the term of the borrowing period. Such a strategy aims to reduce financial pressure (and hence impact on ratepayers) not only in the immediate years but across the term of the Councils Long-Term Financial Plan.

This approach will be regularly reviewed in line with updated interest rate forecast and reported to the Council's Audit & Risk Committee to ensure the best possible decision-making and outcome.

– Use of internal cash reserves

Currently, where appropriate, use of internal cash reserves is used to fund capital projects instead of internal borrowings loan.

This approach is used on an ongoing basis. In this respect, the 'bank balance' is used in the first instance for any investment requirements. Any un-used cash is then transferred against the Cash Advance Borrowings (CAB) drawdowns on a weekly basis to reduce finance costs.

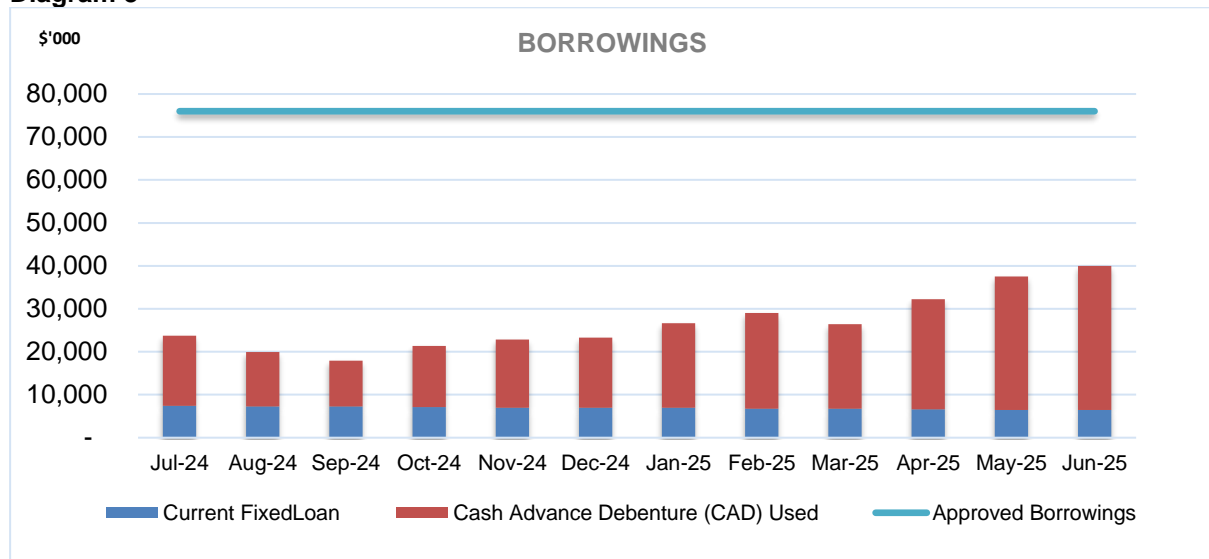
**(v) *Capping of Annual Borrowings***

The loan borrowings that are approved by the Council on an annual basis as part of a Budget, represent the required cash amount to deliver all of the approved projects that are contained in the approved Annual Business Plan. These amounts are verified and checked against the total level of approved borrowings, the Net Financial Liability Ratio Target contained in the Council's Long-Term Financial Plan.

While each year new additional loan amounts as approved by the Council, for the drawdown of the loan facility occurs on an 'as needed' basis.

As at 30 June 2025, due to changes in the delivery schedule of Major Capital Projects (ie. Payneham Memorial Swimming Centre, Trinity Valley Stormwater Drainage Project and George Street Upgrade Project), has resulted in borrowings being at approximately 50% of the total approved loan amount. As a result, the reduction in finance costs, has delivered cash savings which were re-allocated to other approved projects and therefore, reduced the level of the total borrowings that were required. This is illustrated in Diagram 3 below.

Diagram 3



The impact of the various strategies as outlined in this report on Residential Rates and the Council's Net Financial Liabilities Ratio, is set out in Table 2 below.

**TABLE 2: IMPACT OF ABOVE STRATEGIES ON RATES AND NET FINANCIAL LIABILITY RATIO (NFLR)**

Action	Impact on Rates	Impact on NFLR
Revenue Streams and Optimisation	High	High
Expenditure Control and Efficiency Gains	Moderate	High
Council Assets Review	Low to Moderate	Moderate
Cost-effective utilisation of Council Assets	High	High
Grant Funding Strategy	Moderate	Moderate
Debt Refinancing Plan	Low	Moderate to High

The above strategies will, once executed, provide the Council with a balance and a mix of revenue, expenditure and financial management solutions to support the attainment of sustainable residential rates and a reduced/lower Net Financial Liabilities Ratio.

Notwithstanding the above, ultimately and importantly, the Council must continue to exercise 'budget discipline' by not over-committing beyond its agreed service levels, new initiatives (large or small) and new projects or strategic long-term decisions, without understanding or taking into consideration the long-term financial impacts of any decision.

### 3. Budget Surplus Ratio

In respect to the impact of reducing the Council's Budget Surplus Ratio, reducing this Ratio would limit/reduce the Council's capacity to generate and retain sufficient surpluses to repay debt, fund asset renewal, service levels and future strategic initiatives without relying on external funding or debt. Over the course of the Council's Long-Term Financial Plan, this is likely to have the following consequential impacts on projected revenue increases:

- with a lower Budget Surplus, short-term pressure to raise rates or user fees may be eased, but this can result in larger increases being required in future years to maintain financial sustainability;
- a low Budget Surplus Ratio reduces internally-generated funding, thereby increasing reliance on borrowings or asset sales, which may in turn affect long-term affordability and financial sustainability;

- a Low Budget Surplus Ratio reduces the ‘financial buffer’ that is available to the Council to respond to unexpected cost increases, revenue shortfalls and/or unforeseen situations such as emergencies, which could then force reactive revenue increase in the later years of the Council’s Long-Term Financial Plan; and
- a lower Budget Surplus Ratio, available to apply to existing debt, repayment timelines may need to be extended, thereby increasing interest costs and reducing the capacity to fund future projects.

In summary, while a reduction in the Budget Surplus Ratio may provide short-term relief to ratepayers, it can have consequent impacts by compromising long-term financial resilience and may necessitate ‘sharper’ revenue increases in future years, in order to maintain service levels and the integrity of the City’s assets.

## **OPTIONS**

The Council can move to progress all, none or none of the strategies that are outlined in this report.

The most important strategy to progress, is the preparation of a new Rating Strategy and Policy to address the specific issue requested in the Council’s resolution, that is reduction in the level of residential rate increases

## **CONCLUSION**

Nil.

## **COMMENTS**

Nil.

## **RECOMMENDATION**

1. That the Council notes and endorses the review of the Council’s rating structure and Rating Policy, including the method of applying a Differential Rate to Commercial - Shop, Commercial – Office, Commercial – Other, Industrial – Light, Industrial – Other, Primary Production, Vacant Land and other land uses, and notes that a draft report will be provided to the Council for consideration in October 2025.
2. The Council notes the following strategies as outlined in this report are being progressed:
  - a review of commercial and user fees;
  - a review of assets and commercialisation of assets;
  - sourcing and attaining grant funding;
  - a review of building assets to determine potential for disposal and/or better usage;
  - ongoing review of expenditure;
  - energy usage and infrastructure, including utilisation of the Council’s building assets for installation of solar panels and batteries;
  - review of the lifecycle of the Council’s assets; and
  - ongoing debt and treasury management.

*Cr Duke moved:*

1. *That the Council notes and endorses the review of the Council's rating structure and Rating Policy, including the method of applying a Differential Rate to Commercial - Shop, Commercial – Office, Commercial – Other, Industrial – Light, Industrial – Other, Primary Production, Vacant Land and other land uses, and notes that a draft report will be provided to the Council for consideration in October 2025.*
2. *The Council notes the following strategies as outlined in this report are being progressed:*
  - *a review of commercial and user fees;*
  - *a review of assets and commercialisation of assets;*
  - *sourcing and attaining grant funding;*
  - *a review of building assets to determine potential for disposal and/or better usage;*
  - *ongoing review of expenditure;*
  - *energy usage and infrastructure, including utilisation of the Council's building assets for installation of solar panels and batteries;*
  - *review of the lifecycle of the Council's assets; and*
  - *ongoing debt and treasury management.*

*Seconded by Cr Moorhouse and carried unanimously.*

### 13.3 NORWOOD CONCERT HALL 2024-2025 OPERATING REPORT

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**REPORT AUTHOR:** Manager, Arts, Culture & Community Connections  
**GENERAL MANAGER:** General Manager, Community Development  
**CONTACT NUMBER:** 8366 4550  
**FILE REFERENCE:** A1199972  
**ATTACHMENTS:** Nil

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#### PURPOSE OF REPORT

The purpose of this report is to provide a summary of the Norwood Concert Hall operations for the 2024-2025 financial year.

#### BACKGROUND

The Council operates the Norwood Concert Hall as a venue for hire for commercial, not-for-profit and community hirers. With a capacity of 800 people (seated) in the Main Hall and 80 people seated in the Don Pyatt Hall, the venue hosts a range of arts and cultural events.

The Norwood Concert Hall represents a fine example of late Edwardian architecture and has been a focal point on George Street and in the eastern suburbs since 1918, serving as a significant contributor to cultural and social capital and local economic development.

Importantly, the Norwood Concert Hall plays an active role in supporting the arts, culture and creativity sector, which contributes more than \$1.8 billion to the South Australian economy.

To support the achievement and growth in this sector, in 2023 the Australian Government released *Revive*, a five (5) year strategy aimed at strengthening the sector.

Similarly, in 2024 the South Australian Government released their State Cultural Policy, a ten (10) year policy purposed with strengthening our communities, enlivening our places, and connecting us through arts, culture and creativity. Further it aims to strengthen a sustainable arts ecosystem, supported by accessible, high-quality infrastructure that enables collaboration and innovation.

The Norwood Concert Hall is an important asset that underpins these policies, acting as an integral enabler to the sustainability of the arts, culture and creativity industry, whilst simultaneously providing the important connection and access to the community.

#### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

#### FINANCIAL AND BUDGET IMPLICATIONS

For the 2024-2025 financial year, the Norwood Concert Hall (comprising the Main Concert Hall and Don Pyatt Hall) reported a total income of \$728,936 and total expenses of \$675,738, resulting in an Operating Surplus of \$53,198 against an adopted Operating Surplus of \$74,060. (excluding depreciation and internal costs such as human resource management, finance, management, etc).

## **EXTERNAL ECONOMIC IMPLICATIONS**

### **Venue reputation and activation**

The formation of the Council's Arts, Culture & Community Connections Unit has enabled a renewed focus on activating the Norwood Concert Hall.

This has included attracting international and high-quality shows. These types of shows offer considerable reputational value, achieve improved community impact and offer greater economic potential. High calibre shows/events are often sold out, attract higher ticket prices and at times, include VIP pre or post show ticketed events, costing up to \$300 per person, and/or immersive and interactive elements as part of the experience package.

Higher levels of activation at the Norwood Concert Hall bring increased visitation to the City and The Parade and serve as an important economic contributor.

### **Thebarton Theatre temporary closure**

In mid-2023, the Thebarton Theatre was temporarily closed for renovation. The venue is scheduled to re-open on 1 October 2025.

Negotiation with the Thebarton Theatre management resulted in partnering with six (6) promoters, that historically have scheduled shows at Thebarton Theatre, who subsequently delivered shows at the Norwood Concert Hall during the 2024-2025 financial year, with an average spend of \$7,500 per show.

To date, two (2) of the six (6) promoters have moved three (3) shows to be held in 2025-2026 back to Thebarton Theatre. It is anticipated that three (3) promoters will continue to schedule bookings at the Norwood Concert Hall during the 2025-2026 financial year. The Council's Norwood Concert Hall Coordinator will continue to cultivate strong relationships with promoters to support consistent bookings and the positive reputation of the venue within the event industry.

## **SOCIAL ISSUES**

The Norwood Concert Hall provides a unique central location for active participation and connection for our citizens through an engaging, diverse, and inspiring, all year-round arts and cultural program.

During 2024-2025, the Norwood Concert Hall hosted a diverse range of events that appeal to a broad demographic, from live music performances, dance, children's concerts to body building competitions.

The Don Pyatt Hall is often booked together with the Concert Hall, providing a flexible and additional space for hirers to use as an additional green room, rehearsal space, a VIP area or for merchandise sales.

The Don Pyatt Hall is also regularly utilised by a range of community groups to support a diversity of community interests, including the Norwood Combined Probus Club Incorporated, Kensington & Norwood Writer's Group, Allegria Choir and the Norwood Symphony Orchestra.

## **CULTURAL ISSUES**

The Norwood Concert Hall plays an important role in strengthening cultural practices and experiences within the City. The venue enables creative expression and elevation of artists and performers at all stages of their careers, from school shows which build the confidence of young people, to professional acts that designate the venue as an entertainment and cultural centrepiece of our City.

The diversity of program delivered through the Norwood Concert Hall supports the City to educate, celebrate and participate in a variety of societal culture.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## RESOURCE ISSUES

The Norwood Concert Hall is supported by the Norwood Concert Hall Co-ordinator who manages the operations and a casual workforce comprising employees and where required, additional short-term external agency staff (e.g. from WESLO Staff and Security, who support event delivery including ushering and bar services).

A consultancy is also underway to review the existing operations for the purposes of developing a forward business plan for the Concert Hall. This will be completed in 2025.

## CONSULTATION

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

## DISCUSSION

### Financial Performance

The Norwood Concert Hall (comprising the Main Concert Hall and Don Pyatt Hall) reported a total income of \$728,936 and total expenses of \$675,738, resulting in an Operating Surplus of \$53,198 (excluding depreciation and internal costs such as human resource management, finance, management etc).

The Operating Surplus, was achieved as a result of:

- a 3% increase in event bookings compared to the 2023-2024 financial year (108 events in 2024-2025 compared to 105 events in 2023-2024);
- a continued focus on building collaborative partnerships with entertainment production companies, such as Bohm Presents (9 events), TEG Dainty (6), Jeff Carter Entertainment (5), Live Nation (4), Abstract Touring (2), Persian Entertainment Group (2), Prestige Presents (1) and Token Events (1) who booked thirty (30) international and Australian shows at the Norwood Concert Hall, including international artists David Sedaris, Romesh Ranganathan, Atsuko Okatsuka, Adam Kay and Alok;
- a continued collaboration with Thebarton Theatre, during their ongoing renovations across the 2024-2025 financial year, to provide alternative venue options for some of their own established commercial presenters; and
- Improved returns on bar operations, with a greater emphasis on stock supply and enhanced offerings.

For the 2024-2025 financial year, a full Profit and Loss Statement was adopted (for the second year running), recognising expenses and revenue associated with the operation of the Concert Hall and reflecting the enterprise's commerciality.

When considering the time adjusted financial performance for operations delivered during the 2024-2025 financial year, the Concert Hall achieved an operating surplus. In future years, the need to illustrate the time adjusted financial performance will not be required. This will be due to consecutive operating years utilising a Profit and Loss Statement where the impact of the timing of expenditure and revenue is negated as it becomes normalised across financial years.

## Operational Performance

One hundred and eight (108) events were hosted at the Norwood Concert Hall in 2024-2025, representing a 3% increase when compared to 2023-2024.

An overview of the type of events held in 2024-2025 are illustrated in Table 1 below.

**TABLE 1: EVENT TYPE**

Event/Performance Type	Amount*
Music / Cultural Performances	32
Comedy Shows/Podcast	18
Dance Performances	13
NPSP led events	9
Author/ community talks	9
School performances	8
Community activity/ workshop	7
Children's Concerts	5
Theatre	3
Body Building Competitions	2
Choir Performances	2
<b>Total</b>	<b>108</b>

\* Please note events may be delivered across multiple days and these are recorded as a single event.

Catering to a range of community interests, the Norwood Concert Hall enjoys a diverse program. A sample of the events/performances delivered during 2024-2025 included:

- Wakakirri, Australia's largest performing arts event for schools

Previously held at the Adelaide Entertainment Centre, the Norwood Concert Hall is now Adelaide's base for this annual nationwide festival for Australian schools. The Concert Hall hosts approximately 30 schools each year during the week-long festival which involve more than 1000+ children in 2025.

- An Evening with Sir Bob Geldof

The icon of Live Aid, which is approaching the 40<sup>th</sup> anniversary of the global event, Sir Bob Geldof presented an intimate evening with approximately 600 guests, showcasing a unique blend of live storytelling and intimate acoustic performance in his only South Australian performance.

- ICN SA Australian Muscle Competition

Celebrating twenty-five years of the ICN SA Australian Muscle Competition, hundreds of competitors and audiences participate in a full day of competition. Holding two (2) events per year, ICN SA also benefits The Parade more broadly, with hundreds of hungry competitors frequenting nearby eateries. The event has a proud history at the Concert Hall of over 20 years.

- No Such Thing As A Fish (NSTAAF)

An increasingly popular genre at the Concert Hall, the podcast industry is finding the Concert Hall an excellent venue option for this emerging live event experience. presented a sold out event, presenting a live experience of a podcast with over 500 episodes and 500 million listens to date.



## **Family Friendly Events**

The Norwood Concert Hall is the preferred venue of ARIA award winning children's musical performer, Emma Memma as well as Play School and Sesame Street shows, such as Elmo, and headline act The Wiggles.

Family friendly events are typically highly sought after by entertainment venues and often attract a purchase fee in the proximity of \$20,000. However, as the Concert Hall is the venue of choice for these aforementioned shows, the events are managed via a venue for hire contract and fee. This provides a more affordable and long-standing relationship for both parties.

## **Management**

The new Norwood Concert Hall Co-ordinator commenced duties on 16 June 2025. With a career spanning over 20 years in the arts sector, the new Co-ordinator brings extensive experience in venue production and management, including working with companies and venues such as Novatech Creative Event Technology, Thebarton Theatre and Adelaide Entertainment Centre.

## **Business Planning**

A Consultant has been engaged to conduct a review of the Concert Hall operations and develop a business plan which supports growth, improved community and economic impact, and delivers a financially sustainable outcome. The business planning is scheduled for completion in 2025 and a draft Plan will be presented to the Council.

## **Infrastructure**

As an ageing asset, a number of the features/elements of the Concert Hall are considered below commercial and industry standards.

In 2022, the Council commissioned an '*Options for future use study*' which was undertaken by The Maytrix Group. The purpose of the report was to better understand the opportunities that the Norwood Concert Hall has as a venue and to identify high-level options to protect and preserve the Concert Hall for future generations.

Whilst these options remain in consideration, interim assessments of the less substantial elements (i.e. which do not involve significant building works) have been undertaken to ensure routine maintenance, safety and necessary amenity are responded to. Many of the issues identified through this process have been scheduled to be undertaken over the next two (2) financial years.

Some of the improvements completed in the 2024-2025 financial year include:

- painting of the upstairs foyer, due to water damage/staining on the western wall;
- upgrade to LED lighting in the Norwood Concert Hall dressing rooms, kitchen, bar, Don Pyatt Hall and partial upgrade to public foyer spaces;
- replacement of vinyl flooring in the Don Pyatt Hall kitchen and communal toilet areas;
- upgrade to Chasis Switchboard adjacent to the Concert Hall stage;
- structural assessment completed of the flooring in the George Street foyer, in preparation for potential future upgrades;
- bar fridges upgraded; and
- replacement of George Street Foyer glass entry doors.

Some of the potential improvements being considered for the 2025-2026 financial year include:

- engineering calculations received as part of lighting rig upgrades to the Concert Hall stage amenity;
- upgrading of existing trestle and cabaret tables;
- refurbishment of heritage chairs in the Concert Hall Gallery (upstairs level);
- replacement of the Concert Hall Stalls patron chairs, which are beyond useful life and do not meet consumer requirements;
- replacement of dressing room vinyl flooring and associated painting of walls;
- replacement of Don Pyatt Hall HVAC unit.

An additional improvement worthy of consideration for the 2025-2026 financial year relates to the absence of a goods lift which currently necessitates all goods, staging, band equipment etc to be brought in the main entrance and carried upstairs etc. It is a highly inefficient and timely process and unnecessarily exacerbates wear on floor coverings etc. Preliminary work has been completed to ensure that a future goods lift can be accommodated in the future.

## **OPTIONS**

This report is presented for information purposes only.

## **CONCLUSION**

During the 2024-2025 financial year, the Norwood Concert Hall:

- realised an Operating Surplus of \$53,198;
- attracted 108 events in the 2024-2025 financial year, a 3% increase in comparison to 2023-2024;
- attracted predominantly live music performances (including cultural performances), followed by comedy/podcast and dance competition events as the principal event types;
- continued a focus on building collaborative partnerships with entertainment production companies, such as Bohm Presents, TEG Dainty, Jeff Carter Entertainment, Live Nation, Abstract Touring, Persian Entertainment Group, Prestige Presents and Token Events who booked thirty (30) international and Australian shows, including international artists David Sedaris, Romesh Ranganathan, Atsuko Okatsuka, Adam Kay and Alok.

## **COMMENTS**

Nil

## **RECOMMENDATION**

That the report be received and noted.

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Cr Piggott declared a general conflict of interest in this matter, as he is a consultant to the Thebarton Theatre. Cr Piggott advised that he would remain in the meeting and take part in the discussion and voting regarding this matter.

*Cr Mex moved:*

*That the report be received and noted.*

*Seconded by Cr Sims and carried unanimously.*

Cr Piggott voted in favour of the motion.

## 13.4 NORWOOD SWIMMING CENTRE - 2024-2025 OPERATING REPORT

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**REPORT AUTHOR:** General Manager, Community Development  
**CONTACT NUMBER:** 0403 002 732  
**FILE REFERENCE:** A1150704  
**ATTACHMENTS:** Nil

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### PURPOSE OF REPORT

To provide an overview of the Norwood Swimming Centre 2024-2025 operating season.

### BACKGROUND

The Norwood Swimming Centre (NSC) was opened in the swimming season of 1956-57 comprising an asset mix reflective of the era, providing a 6-lane outdoor 50 metre pool to principally service recreation and lap swimmers, and a smaller outdoor pool mainly utilised for learners and toddlers. The Centre currently operates as a seasonal aquatic facility with the 2024-2025 swimming season running from 12 October 2024 to 16 April 2025.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council owns and operates both the Norwood Swimming Centre and the Payneham Memorial Swimming Centre.

The Payneham Memorial Swimming Centre is currently undergoing a major redevelopment which is expected to be completed in 2026. During its construction, the Norwood Swimming Centre offers an alternate swimming location for previous patrons of the Payneham Memorial Swimming Centre.

Given the age of many publicly owned aquatic facilities, there continues to be significant investment in upgrading and redeveloping facilities such as the new Salisbury Aquatic Centre, Mount Barker Aquatic Centre and renovated Thebarton Aquatic Centre, which have now open to the public, along with the Adelaide Aquatic Centre that are currently under construction.

The NSC is over 60 years old. For comparison, modern concrete pools are considered to have a useful life of approximately 30 years (excluding supporting infrastructure which has varying and different periods of useful life). Naturally, due to the age of the facility, it is to be expected that the mixture of assets will have an increasing level of failure and that their design continues to become further inadequate when compared to modern standards e.g. accessibility, aesthetic, compliance, financial sustainability and responsiveness to current consumer demand/community impact.

It is anticipated that the construction of the new Payneham Memorial Swimming Centre, as well as the upgrade and construction of other aquatic facilities in Adelaide will result in a decline in participation at the NSC over the coming seasons due to their more compelling consumer offering.

### FINANCIAL AND BUDGET IMPLICATIONS

For the 2024-2025 swimming season, the NSC is reporting a total income of \$359,048 and total expenses of \$672,380 resulting in an Operating Deficit of \$313,332, against an adopted Operating Deficit of \$468,285 (excluding depreciation and internal costs such as human resource management, finance, management, etc).

A range of external temporary influences positively impacted on the NSC operations in 2024-2025, which included:

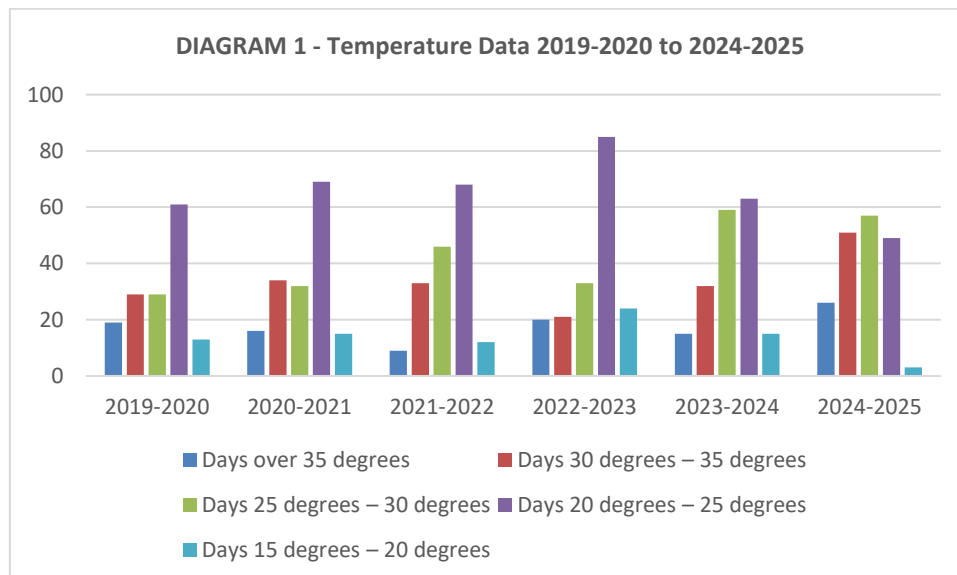
- the closure of the Payneham Memorial Swimming Centre and the Adelaide Aquatic Centre in North Adelaide;
- the delayed opening of the George Bolton Swimming Centre until December 2024, which dramatically increased patronage at the NSC in October and November; and
- in comparison to previous years, high temperatures throughout the season, including a significant increase in the number of days above 30 degrees.

## EXTERNAL ECONOMIC IMPLICATIONS

Aquatic centres are historically expensive enterprises which typically require governments to subsidise the operations. This is particularly true of older facilities as these lack the necessary mixture of asset types to create more sustainable sources of income, employ inefficient plant and require more significant and regular maintenance.

In addition, for the NSC, the cost of operations is likely to continue to grow as it faces new competition from a range of new facilities that are being built and/or redeveloped being built. This includes the Payneham Memorial Swimming Pool and the Adelaide Aquatic Centre, once these become operational.

Patronage levels are also heavily influenced by climatic conditions, especially for outdoor pools. The highest patronage days are typically when the maximum temperature exceeds 30 degrees. The 2024-2025 swimming season saw the highest average temperature since the 2012-2013 season as well as a significant increase in the number of days above 30 and 35 degrees compared to previous seasons. Compared to the previous swimming season, there were 77 days above 30 degrees in 2024-2025 versus 47 days above 30 degrees in 2023-2024. The number of days over 30 degrees in 2024-2025 is the highest recorded since before 2008. In addition, there were 26 days over 35 degrees in 2024-2025 compared to 15 days over 35 degrees in 2023-2024. These higher temperatures generally have a significant effect on patronage levels as seen by the attendance numbers for this season compared to previous seasons illustrated in Diagram 1 – Temperature Data 2019-2020 to 2024-2025 below:



## CULTURAL ISSUES

Not Applicable.

## SOCIAL ISSUES

### Events

The NSC hosted a number of events including:

- an Australia Day event which was held on Sunday 26 January 2025 between 12.30pm and 3.30pm. The event was well attended, with 357 patrons enjoying the inflatable obstacle course, live music and a sausage sizzle; and
- two (2) movie nights. The first event was held on 7 December 2024 and enjoyed an attendance of 120 people. The second event enjoyed an attendance of 121 people. Attendees were able to view the movie either in the water or from the grassed area. Free popcorn was provided and large inflatable tubes were available for participants to float in the pool whilst enjoying the movie.

Entry to each of the events was five (5) dollars per person. In total, these events cost \$9,104 and generated approximately \$2,615 in revenue.

Two (2) learn-to-swim holiday programs were run with Royal Life Saving South Australia as part of their Holiday Swim Program from 17 December 2024 to 20 December 2024 and Surf Lifesaving South Australia running VACSWIM from 13 January 2025 to 17 January 2025. These programs focus on teaching children aged three (3) and over basic to advanced survival skills and aim to promote water safety to reduce the number of drowning deaths in Australia. Collectively, 205 children attended the programs.

## **ENVIRONMENTAL ISSUES**

As Elected Members may recall, in mid-2023, repairs were completed on the 50-metre pool to address a significant leak in the pool structure. In the 2023-24 season, these repairs reduced the water loss from in excess of 100,000 litres per day to approximately 20,000 litres per day. In the 2024-25 season the water loss increased to approximately 25,000 litres per day. This includes water loss from evaporation, usage and backwashing the filters which is part of normal operations.

Due to the warmer weather this summer, NSC utilised a 35% reduction in gas to heat the pool.

## **RESOURCE ISSUES**

The temporary closure of the Payneham Memorial Swimming Centre has necessitated the housing of both the Norwood and Payneham Swimming Clubs at the NSC, in addition to accommodating some of the users who historically attended the Payneham Memorial Swimming Centre. Additionally, the George Bolton Swimming Centre (Burnside) delayed opening to their season until 2 December 2024, with many of their patrons utilising the NSC as an alternate venue. Where possible, at least three lanes were made available to the public for a combination of lap and recreational swimmers.

At the start of the season, the Norwood and Payneham Swimming Clubs both utilised lanes for training in the morning and evenings. On 4 December 2024, the Payneham Swimming Club notified the Council that due to financial constraints and continued decline in membership, that the Club would be dissolved. The Club officially ceased its operation on 13 December 2024. Norwood Swimming Club was able to utilise the lane space previously utilised by the Payneham Swimming Club in addition to the Adelaide University Swimming Club who became a regular hirer in the later part of the season.

The learners/toddlers pool, whilst lacking the necessary design to properly support a full program of 'learn to swim' activity, provided one swimming class at a time. Swimming lessons in the 50-metre pool were also impacted as a result of the increased club activity each weekday afternoon and Saturday mornings, leaving only one (1) lane available for swimming lessons.

## **DISCUSSION**

Prior to the 2024-2025 swimming season the Council approved an extension to the NSC season from the 13 April 2025 to 16 April 2025, in response to community interest to accommodate user groups that had been displaced due to the closure of other swimming centres in Adelaide.

### *Innovation and Technology*

The Council's Swimming Centres are featured on the Councils website and experienced a similar number of visitations compared to the previous season (32,395 vs 29,877 visitations). This level of visitation was significantly less than the 2020-21 and 2021-22 seasons when the Payneham Memorial Swimming Centre was open.

Due to the increased Club usage of the NSC, the online 'lap lane availability' served as an important tool in communicating with swimming centre users. This allowed users to choose less busy times when visiting the facility.

## Revenue

For the 2024-25 swimming season, the NSC recorded a total income of \$359,048 being \$97,410 more than the adopted budgeted income of \$261,638. The improved revenue performance in 2024-2025 can be attributed to the:

- higher temperatures experienced throughout the season;
- continued closure of the Payneham Memorial Swimming Centres and the Adelaide Aquatic Centre; and
- delayed opening of the George Bolton Swimming Centre.

The increased attendance rates and revenue are likely to be an outlier due to the aforementioned factors and, in the absence of similar external influences, it is anticipated that over the long term, participation at the NSC will continue to significantly decline.

The highest sources of revenue for the 2024-25 swimming season came from:

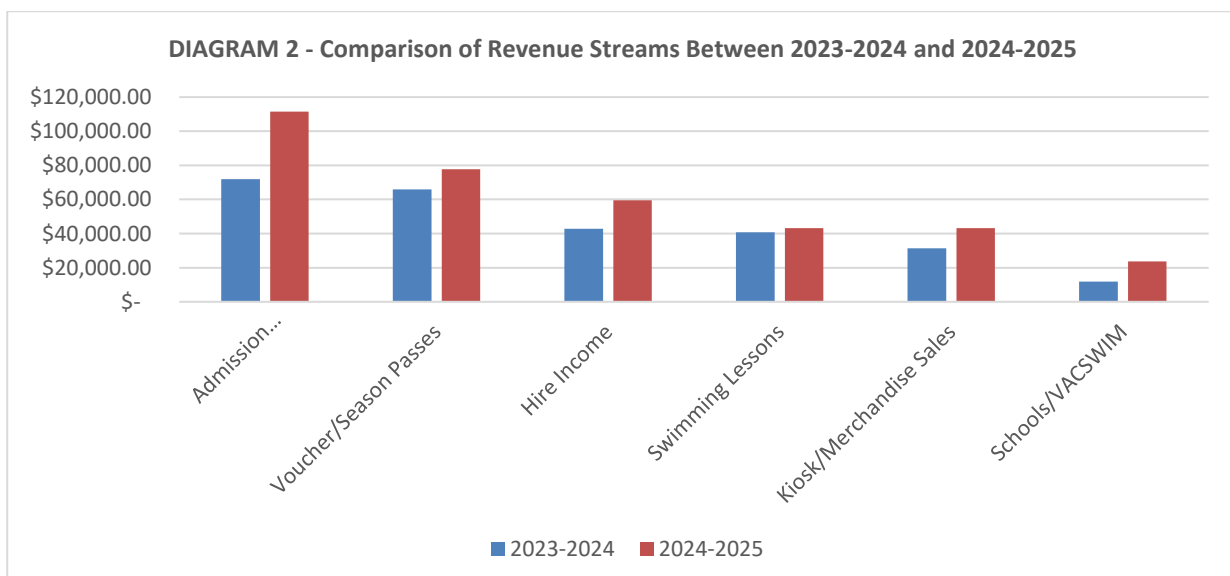
- Admissions/Ticket Sales – 30.6%
- Voucher/Season Passes – 21.8%
- Hire Income – 16.7%
- Swimming Lessons – 12.1%
- Kiosk/Merchandise Sales – 12.1%.

An overview of revenue streams for 2024-2025 are illustrated in Table 1 – Overview of Revenue Streams below:

**TABLE 1: OVERVIEW OF REVENUE STREAMS**

Sales Category	Income
Admission Charges	\$109,153
Voucher/Season Passes	\$77,693
Hire Income	\$59,602
Swimming Lessons	\$43,224
Kiosk/Merchandise Sales	\$43,267
Schools/VACSWIM	\$23,731
Ticket Sales	\$2,378
<b>Total</b>	<b>\$359,048</b>

In comparison to the previous season, the increased participation experienced in the 2024-2025 swimming season, resulted in higher levels of revenue across all revenue category types as illustrated in Diagram 2 – Comparison of Revenue Streams Between 2023-2024 and 2024-2025 below:



## Participation

The NSC opened for a period of 26 weeks on 12 October 2024 to 16 April 2025. Overall attendance numbers were higher across all categories, with the higher temperatures experienced throughout the summer and the closure of the Adelaide Aquatic Centre deemed to be significant influencing factors. Additionally, November attendance was unusually high due to the delayed opening of the George Bolton Swimming Centre, which did not open until December 2025. In November there were 11,513 attendances compared to 4,750 in the 2023-2024 season and 6,322 in the 2022-2023 season.

52,213 attendances were recorded for the entire 2024-2025 season, an increase of 12,640 attendances compared to the 2023-24 season. When compared to the Centre's reported financial performance, in 2024-2025, the Council subsidy was an average of \$5.55 per attendance (i.e. \$6.87 revenue per attendance less \$12.42 expense per attendance). This is a significant improvement compared to 2023-2024, where the Council subsidised an average of \$11.65 per attendance. This improvement in the 2024-2025 season is likely to be an outlier due to external influencing factors and is expected to decrease in future seasons.

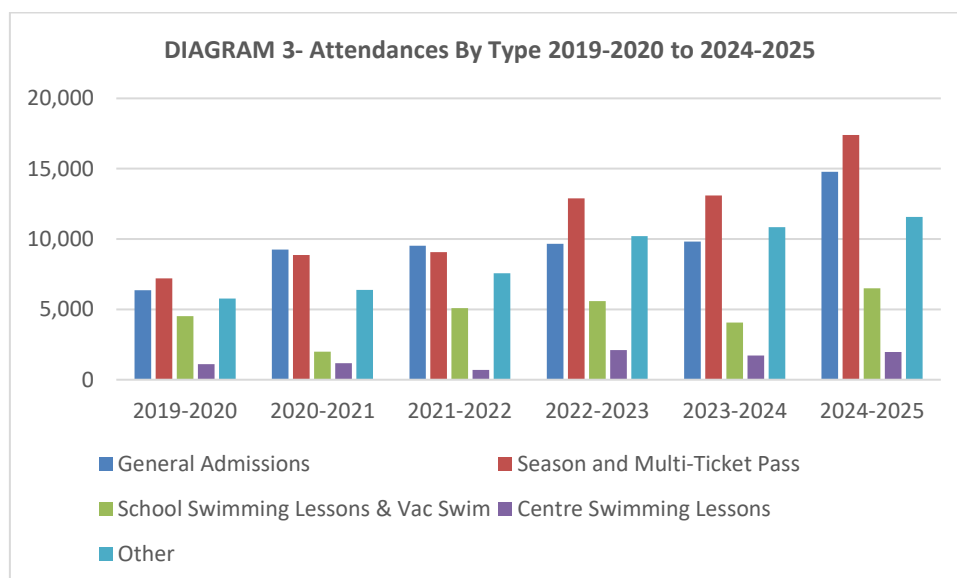
An increase of 4,693 general admission attendances (casual entries) were recorded in the 2024-2025 season compared to the previous season.

School water safety swimming lessons, conducted by the Department of Education and Royal Life Saving South Australia, increased significantly from 4,072 entries in 2023-2024 to 6,493 entries in 2023-2024. This was due to the continued closure of the Payneham Memorial Swimming Centre and the Adelaide Aquatic Centre.

Swimming lessons (Learn To Swim) experienced an increase from 1,731 lessons provided in 2023-2024 to 1,959 in 2024-2025.

Season and Multi-Ticket pass-holder admissions increased from 13,106 admissions in 2023-2024 to 17,398 admissions in 2024-2025, representing an increase of 4,292 admissions.

A comparison of attendance at the NSC from 2019-2020 to 2024-25 is illustrated in Diagram 3 – Attendances by Type 2019-2020 to 2024-2025 below:

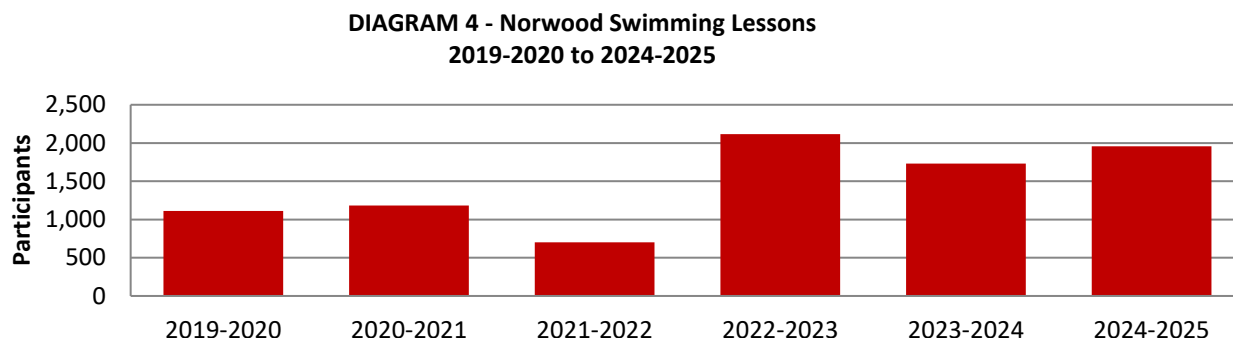


It is anticipated that once the Payneham Memorial Swimming Centre and the Adelaide Aquatic Centre open that this will have a significant negative impact on participation at the NSC, particularly across the categories relating to Club members who typically hold Season and Multi-Ticket Passes, school water safety swimming lessons and Swim School.

### *Swimming Lessons*

Over recent years, the emphasis has been on providing high quality, accessible and affordable swimming lessons at the NSC. Swim School revenue was \$43,267 for the 2024-2025 swimming season, an increase from \$40,785 during the 2023-2024 season. Revenue from swimming lessons remains higher since the closure of the Payneham Memorial Swimming Centre. There was an average of 98 lesson attendances during the 20 weeks of lessons at the Norwood Swimming Centre.

Historic swimming lesson attendances at the NSC are illustrated in Diagram 4 – Norwood Swimming Lessons 2019-2020 to 2024-2025 below:



### *Asset Condition*

At the conclusion of the 2022-2023 swimming season, repairs were undertaken at the NSC.

These repairs included:

- concrete patching the structure of the pool;
- recaulking construction joints;
- installation of puddle flange bandage to fresh water return inlets;
- resealing of light well pit penetrations;
- fixing and replacing loose and damaged tiles;
- cleaning and removing roots from soiled water return valve;
- patching and bandaging of cracks; and
- removal of the concrete dive platform.

These repairs to the pool structure have an expected three (3) to five (5) year life.

A report prepared at that time by MLEI Consulting Engineers noted that:

- there are significant tree roots on both sides of the 50-metre pool which are exacerbating cracks in the pool walls as well as coming through leaking joints between the soiled water return trough and the pool shell;
- movement joints are past their serviceable life and are leaking;
- the soiled water return troughs are no longer within their serviceable design life and the size of the troughs are likely no longer capable of allowing for compliant rates of water turn-over;
- the existing tiled finish is at the end of its serviceable life; and
- the cementitious grout has deteriorated exposing the sharp edges of tiles.

### *Access and Compliance*

Prior to the 2024-2025 swimming season, an access report was completed on the NSC to identify key issues regarding access for people with a disability and/or mobility restrictions.



Key findings from this report include;

- the NSC is lacking in access and facilities for people with disabilities to both the facility and swimming pool;
- no designated accessible parking spaces are provided on the street adjacent to the facility entrance;
- the entry path has a gradient reported as twice as steep as the maximum gradient allowed;
- a step exists at the entrance door as well as the entrance to the first aid room;
- no accessible unisex toilets are available;
- external access to the female changeroom is via stairs without handrails;
- entrance to the female changeroom incorporates floor drainage and has a narrow path of travel;
- sanitary facilities are outdated with no cubicles or showers for the ambulant disabled;
- hoist access to the pool is broken; and
- no ramp access to the pool.

To address some of the access issues identified, a new hoist and pool steps were purchased and installed at the end of the 2024-2025 season and will be available to be utilised by the public from the 2025-2026 swimming season.

Whilst remedies are being investigated to identify cost effective solutions to the other issues that have been identified, a majority would require changes to the buildings and/or swimming pool. This would trigger a requirement for the asset to be compliant with the Australian Building Code and *Disability (Access to Premises – Buildings) Standards 2010*. On this basis, it is likely that the remedial works would be cost-prohibitive, and that re-development would be required (noting that the NSC complex is also listed as a Local Heritage Place, adding to the complexity of any re-development of the facility) and is not contained in the list of projects in the current Long-Term Financial Plan.

## **OPTIONS**

Consistent with historic practice, the NSC will provide a 26-week (6 month) swimming season in 2025-2026. The Norwood Swimming Centre will open on Saturday 11 October 2025 and close on Sunday 12 April 2026.

## **CONCLUSION**

The NSC:

- Realised an Operating Deficit (excluding depreciation and internal costs such as human resource management, finance, management etc) of \$313,332.
- Attracted 52,213 attendances during the 2024-2025 season, representing an increase of 12,640 attendances compared to the 2023-2024 season.
- Increases in revenue and attendances are likely due to the closure of other facilities and the increased temperatures experienced across the 2024-2025 season and is likely not be indicative of future performance.
- Swim School revenue was \$43,267 for the 2024-2025 swimming season, an increase from \$40,785 during the 2023-2024 season.
- A new hoist and steps were purchased and installed at the end of the 2024-2025 season to improve access to the 50 metre swimming pool.
- Housed both the Payneham and Norwood Swimming Clubs due to the temporary closure of the Payneham Memorial Swimming Centre. The Payneham Swimming Club dissolved on 13 December 2024.

## **RECOMMENDATION**

It is recommended that the Council notes that the Norwood Swimming Centre will open from Saturday 11 October 2025 and close on Sunday 12 April 2026.

*Cr Duke moved:*

*It is recommended that the Council notes that the Norwood Swimming Centre will open from Saturday 11 October 2025 and close on Sunday 12 April 2026.*

*Seconded by Cr Sims.*

#### First Amendment

*Cr Moorhouse moved:*

- 1. That the Norwood Swimming Centre will open from Saturday 27 September 2025, subject to the Manager and Assistant Manager being able to commence on that date and close on Sunday 12 April 2026.*
- 2. In the event that it is not possible to open the pool from Saturday 27 September 2025, the Council notes that the Norwood Swimming Centre will open from Saturday 11 October 2025 and close on Sunday 12 April 2026.*

*Seconded by Cr Holfeld.*

*The first amendment was put and carried unanimously.*

#### Second Amendment

*Cr Piggott moved:*

- 1. That the Norwood Swimming Centre will open from Saturday 27 September 2025 subject to the Manager and Assistant Manager being able to commence on that date and close on Sunday 12 April 2026.*
- 2. In the event that it is not possible to open the pool from Saturday 27 September 2025, the Council notes that the Norwood Swimming Centre will open from Saturday 11 October 2025 and close on Sunday 12 April 2026.*
- 3. That a report be prepared for the Council's consideration that provides concepts and broad costings (based on 2025 prices) for refurbishment of the Norwood Swimming Centre as a public pool.*

*Seconded by Cr Robinson.*

#### Variation

*Cr Piggott as the mover of the second amendment, with the consent of Cr Robinson as the seconder, sought leave of the meeting to vary point 3 of the second amendment as follows*

- 3. That a report be prepared for the Council's consideration that provides concepts and broad costings (based on 2025 prices) for refurbishment of the Norwood Swimming Centre as a public pool, acknowledging that the refurbishment or redevelopment of the Norwood Swimming Centre is not included in the current Long-Term Financial Plan as a major project.*

*Mayor Bria put the request for leave to the meeting.*

*The meeting granted leave and the second amendment was varied as set out above.*

*The second amendment (with the inclusion of the variation) was put and carried and on becoming the motion was again put and carried unanimously.*

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

### 13.5 CASUAL VACANCY – WEST NORWOOD/KENT TOWN WARD

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**REPORT AUTHOR:** General Manager, Governance & Civic Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA182322  
**ATTACHMENTS:** Nil

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#### PURPOSE OF REPORT

The purpose of this report is to formally advise the Council of the vacancy in the West Norwood/Kent Town Ward as a result of Cr Sue Whittington's resignation from her position as Councillor of the West Norwood/Kent Town Ward.

#### BACKGROUND

On 15 July 2025, Cr Sue Whittington resigned from her position as a Councillor for the West Norwood/Kent Town. Cr Whittington's last day with the Council in an official capacity was Friday, 18 July 2025.

In respect to a Casual Vacancy as a result of a resignation by an Elected Member, Section 54 (6) of the *Local Government Act 1999* (the Act), stipulates the following:

*"If the office of a member of a council becomes vacant under subsection (1) or (1b), the chief executive officer must notify the members of the council at the next meeting of the council and give notice of the occurrence of the vacancy in the Gazette (but the members of the council need not be notified if the member is removed from office by the council)".*

This report is presented to the Council in accordance with the requirements of Section 54 of the Act which requires the Council to be advised of the vacancy *"at the next meeting of the Council"*.

#### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

#### FINANCIAL IMPLICATIONS

Funds have not been allocated as part of the 2025-2026 Budgets for the conduct of a Supplementary Election.

As the costs associated with Supplementary Elections are not known and the need to be expended as part of the 2025-2026 Budget, an adjustment will be made to 2025-2026 Budget as part of the First Quarter Budget review.

#### EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

#### SOCIAL ISSUES

Not Applicable.

#### CULTURAL ISSUES

Not Applicable.

#### ENVIRONMENTAL ISSUES

Not Applicable.

## RESOURCE ISSUES

The Supplementary Election will be managed by the General Manager, Governance & Civic Affairs in conjunction with the Electoral Commission of South Australia (ECSA).

## RISK MANAGEMENT

A Supplementary Election must be held to ensure the Council meets its legislative responsibilities.

## CONSULTATION

- **Elected Members**  
Elected Members were advised of Cr Whittington's resignation via an email from the General Manager, Governance & Civic Affairs on 16 July 2025.
- **Community**  
Not Applicable.
- **Staff**  
Not Applicable.
- **Other Agencies**  
Not Applicable.

## DISCUSSION

In addition to the requirements of the Act in respect to casual vacancies, Section 6 of the *Local Government (Elections) Act 1999* (the Act), stipulates the following:

*"(5) Subject to this Act, a supplementary election must be held as soon as practicable after the occasion for the election arises."*

In accordance with the Act, a letter was forwarded to the Electoral Commissioner of South Australia on 18 July 2025, to advise of Cr Whittington's resignation and to request that the Electoral Commissioner SA commence the process for the Supplementary Election for the West Norwood/Kent Town Ward.

A Notice of the Vacancy has been placed in the Government Gazette.

## OPTIONS

Not Applicable.

## CONCLUSION

The Supplementary Election will ensure the casual vacancy for the West Norwood/Kent Town Ward will be filled for the remainder of the current term of the Council (ie until November 2026).

## COMMENTS

Nil.

## RECOMMENDATION

That the report be received and noted.

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*Cr Robinson moved:*

*That the report be received and noted.*

*Seconded by Cr Duke and carried unanimously.*

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## 13.6 LOCAL GOVERNMENT ASSOCIATION (LGA) 2025 ANNUAL GENERAL MEETING – ITEMS OF BUSINESS

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<b>REPORT AUTHOR:</b>	General Manager, Governance & Civic Affairs
<b>GENERAL MANAGER:</b>	Chief Executive Officer
<b>CONTACT NUMBER:</b>	8366 4549
<b>FILE REFERENCE:</b>	qA2219
<b>ATTACHMENTS:</b>	Nil

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### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the Local Government Association of South Australia's (LGA) 2025 Annual General Meeting and the invitation from the LGA to submit *Items of Business* for consideration at the Annual General Meeting.

### BACKGROUND

The Local Government Association (LGA) 2025 Annual General Meeting, will be held on Friday, 21 November 2025.

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

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

The role of the Board of Directors is to oversee the corporate governance of the LGA and provide strategic direction and leadership. The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the region(s).

Pursuant to the LGA Constitution, Councils are invited to submit Items of Business for consideration at the Annual General Meeting. Items of Business must be received by the by Monday, 18 August 2025, if they are to be considered at the 2025 Annual General Meeting.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### DISCUSSION

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

A memorandum dated 11 June 2025, was forwarded to Elected Members, inviting Members wishing to submit an Item of Business for consideration at the LGA Annual General Meeting, to contact the Council's General Manager, Governance & Civic Affairs, prior to this Council meeting, for advice and assistance in the formulation of an appropriate Notice of Motion.

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

### RECOMMENDATION

That the report be received and noted.

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*Cr Moorhouse moved:*

*That the report be received and noted.*

*Seconded by Cr Robinson and carried unanimously.*

*[This Item was dealt with out of sequence – Refer to Page 7 for the Minutes relating to this Item]*

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## **13.7 PROPOSED BY-LAWS**

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*[This Item was dealt with out of sequence – Refer to Page 7 for the Minutes relating to this Item]*



## 13.8 REPORT OF THE AUDIT & RISK COMMITTEE

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**REPORT AUTHOR:** Manager Governance  
**GENERAL MANAGER:** General Manager, Governance & Civic Affairs  
**CONTACT NUMBER:** 8366 4593  
**FILE REFERENCE:** qA162025  
**ATTACHMENTS:** A - C

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### PURPOSE OF REPORT

The purpose of this report is to present the Council with a report and Minutes of the Audit & Risk Committee meeting held on 14 July 2025.

### BACKGROUND

Section 126(8)(a) of the *Local Government Act 1999* (the Act) requires that a Council Audit & Risk Committee must:

*‘provide a report to the council after each meeting summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting’.*

To implement the above requirement and noting that the Council's Audit & Risk Committee (the Committee) undertakes its work during its meetings, the Committee has resolved that the Committee's Work Plan will form the basis for such reports to the Council.

In addition to the above, this report also presents the Committee Meeting Minutes to the Council for noting and provides the opportunity for Council decisions based on recommendations from the Committee, where the matter has not been dealt with by way of a separate report to the Council.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

### FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

### RISK MANAGEMENT

The provision of this report to the Council, ensures compliance with the Council's legislative obligations. Supporting the Committee to meet its legislated purpose, functions and activities will provide the required independent assurance and advice to the Council.

### CONSULTATION

- **Elected Members**  
Elected Members receive the Agenda and Minutes for each meeting of the Audit & Risk Committee and consider recommendations made by the Audit & Risk Committee to the Council at Council meetings.
- **Community**  
Not Applicable.
- **Staff**  
The preparation of the Work Plan which informs this report and the Committee Meeting Agenda (with reports), is informed by collaboration between staff from across the organisation as required.
- **Other Agencies**  
Not Applicable.

## DISCUSSION

### 1. General Report

The current Work Plan of the Committee is contained within **Attachment A**.

A summary of the items that were considered by the Committee at its meeting held on 14 July 2025, is provided below.

Two (2) presentations were scheduled to be presented to the Committee to provide updates on the Strategic Risk Services Program and the Payneham Memorial Swimming Centre Project.

The first presentation by Mr Chris Sweet of Local Government Risk Services (LGRS), provided a summary of the Council's participation in the LGRS Strategic Risk Services Program (the Program) which is funded through the Council's membership of the Local Government Association Mutual Liability Scheme (LGAMLS). This presentation highlighted the Council's progress towards risk management maturity in accordance with good governance and legislated requirements.

Mr Sweet's presentation built on the updates which had been provided to the Committee previously since the Council's participation in the Program in October 2024. The presentation provided an opportunity for general discussion on the Council's Risk Management framework, including risk related reporting to the Committee, and provided additional insight into the Council's updated draft Risk Management Policy which was presented to the Committee at the same meeting.

The second presentation was scheduled to be provided by the Council's General Manager, Infrastructure & Major Projects. However, this presentation had to be postponed. The Chief Executive Officer provided an undertaking that a Special Meeting of the Committee would be convened in August to receive the presentation and report on the Payneham Memorial Swimming Centre.

The Committee received and noted a report on the review of the Council's Financial Controls which had been undertaken by the Council's External Auditor. In line with best practice, the External Audit is conducted over two (2) sessions, with an interim audit during the financial year being undertaken to ensure that the Council's policies, practices and procedures of internal financial control are in accordance with the *Better Practice Model – Internal Financial Controls*. The final audit is undertaken once the Council's Financial Statements are available.

While discussing this item, the dramatic improvement from previous audits of the Council's Financial Controls was recognised and staff efforts acknowledged by the Committee. The issues raised in respect to the Council's procurement guidelines and processes were also discussed and while acknowledging the plans to improve in this area, the Committee expressed their interest in monitoring and tracking these improvements.

The Committee has previously been advised of the intent by staff to provide a mechanism for the Committee to monitor the Council's responsiveness to previous audits (External and Internal). There was a discussion regarding the merits of looking back through previous External and Internal Audit reports to capture findings and report on the actions undertaken, while acknowledging the potential difficulty there may be in doing so due to the time that has lapsed and staff movements. Further attempts will be made to summarise previous audit findings and recommendations for improvement and present these to the Committee, together with findings from audits undertaken in the 2025-2026 financial year.

The Committee received and noted a report on the LGRS Risk Incentive Program Fund. The report provided a summary of how the funds received by the Council through membership of the LGA Workers Compensation Scheme (LGAWCS) and LGAMLS have been used. The focus was primarily on the LGAWCS funding supporting the Council's Work Health and Safety and Injury Management obligations and priorities.

In addition, the Committee considered the Council's draft Risk Management Policy which has been updated following the commencement of risk management related legislative obligations for the Council, Chief Executive Officer and Audit & Risk Committees which commenced in November 2023. The draft Policy also reflected suggestions for improvement following the review undertaken as part of the Council's participation in the LGRS Strategic Risk Services Program.

Providing the Committee with the opportunity to review and endorse the draft Risk Management Policy, and the presentation on the Council's participation in the LGRS Strategic Risk Services Program assist the Committee to meet their legislated role in terms of risk management. This role is as prescribed by Section 126(4)(h) of the Act which provides that one of the functions of the Committee is:

*'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'.*

There was positive feedback from the Committee on the Policy and it was recommended to the Council that the Policy be adopted.

The draft Risk Management Policy is contained within **Attachment B**.

The Committee received and noted a report on the Council's Internal Audit processes from the Chief Executive Officer, provided in accordance with Section 99(1)(b) of Act. This report summarises the primary responsibility for the Internal Audit function and the interaction with the Committee in terms of the oversight of the planning and scoping of the Internal Audit Work Plan.

The final report considered by the Committee was in relation to the approval of the *Annual Report of the Audit & Risk Committee* (the Annual Report) as required by Section 126(8)(b) of the Act. The Annual Report presented a summary of the operation and activities undertaken by the Committee over the 2024-2025 financial year. The Committee approved the Annual Report and it will be included in the Council's Annual Report as required by Section 126(9) of the Act.

During the 'Other Business' agenda item of the Committee Meeting, there was some general discussion on the progress of the Payneham Memorial Swimming Centre Project and what further information the Committee would receive in terms of that which had been presented to the Council.

## **2. Minutes of the Audit & Risk Committee Meeting**

A copy of the Minutes of the Committee Meeting held on 14 July 2025, including the reports presented are contained in **Attachment C**.

## **3. Recommendations to the Council**

At the Meeting held on 14 July 2025, the Committee recommended to the Council that the Council adopt the draft Risk Management Policy. The Committee's recommendation has been included for the Council's consideration in the recommendation below.

### **RECOMMENDATION**

1. That the report be received and noted.
2. That the Risk Management Policy as contained within Attachment B, be adopted, as recommended by the Council's Audit & Risk Committee.

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Mayor Bria declared a general conflict of interest in this matter as his sister-in-law is an employee of Bentleys. Mayor Bria advised that he would remain in the meeting and take part in the discussion regarding this matter.

*Cr Robinson moved:*

1. *That the report be received and noted.*
2. *That the Risk Management Policy as contained within Attachment B, be adopted, as recommended by the Council's Audit & Risk Committee.*

*Seconded by Cr Piggott and carried unanimously.*

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### 13.9 VARIATION TO A LAND MANAGEMENT AGREEMENT – WILLOW BEND ESTATE – 4 WILLOW BEND, MARDEN

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<b>REPORT AUTHOR:</b>	Urban Planner
<b>GENERAL MANAGER:</b>	General Manager, Urban Planning & Environment
<b>CONTACT NUMBER:</b>	8366 4501
<b>FILE REFERENCE:</b>	N/A
<b>ATTACHMENTS:</b>	A - B

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#### PURPOSE OF REPORT

The purpose of this report is to advise the Council of a request that has been received seeking approval to grant a waiver of Section 2.4 of the Land Management Agreement (LMA), for the Willow Bend Estate, to allow the painting of a side boundary fence and internal gate at 4 Willow Bend, Marden.

#### BACKGROUND

During the assessment of the Development Application for the Willow Bend Estate (a former SA Water depot site) in 1999, the Council requested that the developer enter into a LMA to ensure that a range of urban design and amenity issues which, were not regulated by legislation at the time, could be dealt with effectively.

A copy of the LMA, is contained in **Attachment A**.

On 29 May 2025, Council received a request from the land owner of 4 Willow Bend to vary Section 2.4 of the LMA to allow a Colorbond 'Caufield Green' fence on the northern side boundary of the land and an internal Colorbond 'Caulfield Green' gate between the fence and the dwelling to be painted in Colorbond 'Monument' (black).

The reason for the request is that the current fence and gate has faded in colour. In addition, 'Caufield Green' now known as 'Cottage Green' does not match the black trim of the dwelling, a garage door, front verandah enclosure and gutters.

The request is contained in **Attachment B**.

Section 4.4 of the LMA provides that the Council may waive compliance by a property owner with the whole or any part of the obligations set out in the LMA, provided that no such waiver will be effective unless it is approved in writing by the Council.

In respect to fencing, Section 2.4 of the LMA contains an Urban Design Guidelines document. Part 9 of the Urban Design Guidelines document states that side boundary fencing and rear boundary fencing shall be no more than 1.8 metres in height and be of Colorbond (BHP Caufield Green) construction.

#### RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the *Council's City Plan 2030, Shaping our Future* are set out below:

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

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

Objective 2.4 Pleasant, well designed and sustainable neighbourhoods.

#### FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

## **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

## **SOCIAL ISSUES**

Other property owners within the Willow Bend Estate may have expectations that improvements will only be undertaken in accordance with Owner's Obligations Section of the LMA.

That the LMA includes a waiver clause indicates that it is recognised that over time there may be good reason (such as in this case to improve visual amenity) to depart from the Owner's Obligations.

## **CULTURAL ISSUES**

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

Not Applicable.

## **RISK MANAGEMENT**

There could be a possible reputational risk if Council does not agree to the recommendation to waive Section 2.4 of the LMA. That is, that the Council continues to require the Owner's Obligations of the LMA to be met, with respect to the colour of fencing, there is a risk of being perceived as being unreasonably obstructive and not recognising the benefit of endorsing a more contemporary colour selection.

However, the risk is considered likely to be insignificant as identified in the Council's Risk Management Framework.

## **CONSULTATION**

- **Elected Members**  
Not Applicable.
- **Community**  
Not Applicable.
- **Staff**  
General Manager, Urban Planning & Environment  
Manager, Development & Regulatory Services.
- **Other Agencies**  
Not Applicable.

## DISCUSSION

Council Planning Staff are of the view that the proposed painting of the faded fence, in a more contemporary colour that complements the associated dwelling, is considered to assist in the achievement of Objective 2.4 of the City Plan 2030, which desires pleasant, well designed (and sustainable) neighbourhoods.

## OPTIONS

The Council can resolve to authorise the Chief Executive Officer to execute on behalf of the Council, a waiver to Section 2.4, pursuant to Section 4.4 of the LMA, so that the proposed painting can occur.

Alternatively, Council could determine not to waive Section 2.4 of the LMA, nor authorise the Chief Executive Officer to the same.

In this instance, it is recommended that the Council authorises the Chief Executive Officer, the ability to execute a waiver of the LMA.

## CONCLUSION

The Council has been requested to waive Section 2.4 of the LMA as it relates to the colour of a side boundary fence and internal gate colour for a site within the Willow Bend Estate.

The request has been made by the owner of the land and is considered by Planning Staff to assist in the achievement of Objective 2.4 of the City Plan 2030 plan.

It is recommended that the Council authorises the Chief Executive Officer to execute on behalf of the Council, a waiver to Section 2.4 of the LMA to allow the painting of a side boundary fence and internal gate at 4 Willow Bend, Marden.

## COMMENTS

Nil

## RECOMMENDATION

That in respect to the proposed painting of a fence and internal gate at 4 Willow Bend, Marden as requested in Attachment B of this report, the Council hereby authorises the Chief Executive Officer to execute on behalf of the Council, a waiver to Section 2.4 of the LMA, pursuant to Section 4.4 of the Land Management Agreement between McLaren Vale Properties Pty Ltd and the City of Norwood Payneham & St Peters.

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*Cr Sims moved:*

*That in respect to the proposed painting of a fence and internal gate at 4 Willow Bend, Marden as requested in Attachment B of this report, the Council hereby authorises the Chief Executive Officer to execute on behalf of the Council, a waiver to Section 2.4 of the LMA, pursuant to Section 4.4 of the Land Management Agreement between McLaren Vale Properties Pty Ltd and the City of Norwood Payneham & St Peters.*

*Seconded by Cr Callisto and carried unanimously.*

### 13.10 VARIATION TO A LAND MANAGEMENT AGREEMENT – WILLOW BEND ESTATE – 7 WILLOW BEND, MARDEN

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**REPORT AUTHOR:** Urban Planner  
**GENERAL MANAGER:** General Manager, Urban Planning & Environment  
**CONTACT NUMBER:** 8366 4501  
**FILE REFERENCE:** Development Application No. 25001745  
**ATTACHMENTS:** A - B

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#### PURPOSE OF REPORT

The purpose of this report is to advise the Council of a request that has been received seeking approval to grant a waiver of Sections 2.3 and 2.4 of the Land Management Agreement (LMA) for the Willow Bend Estate, to enable the construction of a two-storey dwelling addition and swimming pool at 7 Willow Bend, Marden (Allotment 27).

#### BACKGROUND

During the assessment of the Development Application for the Willow Bend Estate (the former SA Water depot site) in 1999, the Council requested that the developer enter into a LMA to ensure that a range of urban design and amenity issues which were not regulated by legislation at the time, could be dealt with effectively.

A copy of the LMA, is contained in **Attachment A**.

On 30 January 2025, Development Application Number 25001745 was lodged with the Council. The Applicant is seeking Development Approval for a two-storey dwelling addition and swimming pool at 7 Willow Bend, Marden. The application documents are contained in **Attachment B**.

Since this time, Planning Staff have been negotiating an amended proposal, that is more consistent with the Planning & Design Code (the Code) and seeking additional information to ensure that a Significant Tree on adjoining land is not unduly compromised. The Code is the State Government framework for development assessment, which applications for Planning Consent are required to be assessed against.

The development proposal is for internal alterations, including conversion of the current garage to a kitchen and separate laundry, new garage extending to the western side boundary with upper-level bedroom addition above and separate single-storey bedroom addition on the eastern side of the existing dwelling. The completed dwelling will comprise five (5) bedrooms, separate study and retreat rooms, open-plan kitchen, dining and family room with rear alfresco/verandah under main roof. The proposed swimming pool is located between the rear of the dwelling and the Lower Portrush Road boundary.

The application triggered public notification in accordance with the Code's procedural requirements. The public notification period commenced on 9 July and will finish at the on 29 July 2025.

Section 4.4 of the LMA provides that the Council may waive compliance by a property owner with the whole or any part of the obligations set out in the LMA, provided that no such waiver will be effective unless it is approved in writing by the Council.

In the event that the Development Application to construct the two-storey dwelling addition and swimming pool is approved, the owners of 7 Willow Bend, Marden are seeking approval to waive Owner's Obligation Sections 2.3 and 2.4 of the LMA, in accordance with Section 4.4 of the LMA.

Section 2.3 in the LMA applies to two-storey buildings on allotments 8 to 30 and requires via two (2) clauses, that any such building shall be built with specifications aimed at reducing noise inside the buildings; and that prior to occupation, a certificate is provided from a suitably qualified Acoustic Engineer that the building complies with "AS2107 – Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors".

Allotments 8 to 30 of Willow Bend Estate are near to, or have a secondary frontage to Lower Portrush Road, which is why these sites are included in Section 2.3 of the LMA.

Section 2.4 of the LMA applies to any building or other improvement on any allotment; and that such features comply with the Urban Design Guidelines, the Building Envelope Plan and the Car Parking Plan. The Urban Design Guideline covers off setback, site coverage, building height, noise, private open space, landscaping, fencing and privacy matters. It is only the Urban Design Guidelines document and Building Envelope Plan of the LMA that the Development Approval proposal is contrary to.

The specific parts of Urban Design Guidelines that the Development Application is contrary to are below:

Section 3.3      Setbacks

- 3.3.1      As general design principles, garages and carports should be setback at least 0.6m behind the main facade of the dwelling.
- 3.3.2      Side Boundary Setbacks  
Dwellings must be setback a minimum of 1.0 metres from a side boundary as indicated on the Building Envelope Plan.
- 3.2.3      Rear Boundary Setbacks  
For two-storey dwellings, or a two-storey component of a dwelling, the rear boundary setback should be in accordance with the Building Envelope Plan, at least 6 metres. Where the two-storey dwelling is located within 9 metres of the rear boundary, upper-level windows will need to comply with the privacy guideline contained in Section 8.

Section 4      Noise

The second storey component of two-storey dwellings on allotments 8-30 must be designed and built in accordance with an acoustic engineer's report to reduce noise levels inside the dwelling to acceptable standards.

Section 8      Privacy

- 8.2      If an upper storey window is within a 9m arc that is 90 degrees of an adjoining dwelling's habitable room windows or private open space, the window shall be screened as per Figure 9 below by one of the following methods:
  - Clear windows with a sill height of at least 1.7 metres
  - Fixed opaque glass to a height of 1.7 metres above the upper floor level
  - The provision of external screening to a height of 1.7 metres above the upper floor level
  - Where side views are an overlooking problem, the use of side screens are required to a level of 1.7 metres above the upper floor level.

## RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the *Council's City Plan 2030, Shaping our Future* are set out below:

### Outcome 2: Cultural Vitality

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

Objective 2.4      Pleasant, well designed and sustainable neighbourhoods.

## FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

## EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.



## **SOCIAL ISSUES**

Other property owners within the Willow Bend Estate may have expectations that development will only be undertaken in accordance with Owner's Obligations Section of the LMA.

However, the LMA is now 26 years old and has been superseded by the current development application assessment framework.

That the LMA includes a waiver clause indicates that it is recognised that over time there may be good reason (such as in this case updated legislation) to depart from the Owner's Obligations.

## **CULTURAL ISSUES**

Not Applicable.

## **ENVIRONMENTAL ISSUES**

Not Applicable.

## **RESOURCE ISSUES**

Not Applicable.

## **RISK MANAGEMENT**

There is a possible reputational risk if Council does not agree to the recommendation to waive Sections 2.3 and 2.4 of the LMA. That is, that the Council continues to require the Owner's Obligations of the LMA are met, which are now superseded by the current development application assessment framework.

However, the risk is considered likely to be of an insignificant level as identified in the Council's Risk Management Framework.

## **CONSULTATION**

- **Elected Members**  
Not Applicable.
- **Community**  
Not Applicable.
- **Staff**  
General Manager, Urban Planning & Environment
- Manager, Development & Regulatory Services.
- **Other Agencies**  
Not Applicable.

## **DISCUSSION**

From a Development Application assessment perspective, the Code now supersedes the design matters in the LMA.

With respect to Section 2.3 of the LMA, the Code includes a Noise and Air Emissions Overlay. The desired outcome of this Overlay is to ensure community health and amenity is protected from adverse impacts of noise and air emissions. Performance Outcome 1.1 of this Overlay, specifically requires for sensitive receivers adjoining high noise (and/or air pollution) sources to be designed and sited to shield sensitive receivers from the emission source using design measures such as siting living rooms and bedrooms away from the emission source and including design elements such as noise attenuation barriers.

Within the City of Norwood Payneham & St Peters, this Overlay is only applicable to sections of some arterial roadways that are within Urban Corridor Zones. That being portions of Hackney Road, Dequetteville Terrace, Fullarton Road and The Parade. No portion of Lower Portrush Road is located within the Overlay.

As this does not include the Willow Bend Estate within the Noise and Air Emissions Overlay, signals that traffic from the adjoining Lower Portrush Road is not considered to be an unreasonably high noise source. More specifically, in this instance, the proposed dwelling addition includes an upper-level retreat and bathroom. The bathroom is not considered to be a sensitive noise receiver and the retreat only has two narrow windows with widths of 500mm facing towards Lower Portrush Road, which will minimise noise intrusion into the retreat room. As such, Section 2.3 is considered by Planning Staff to now be an unduly onerous Owner's Obligation to fulfill.

With respect to Section 2.4 of the LMA, the Development Application proposes reduced setbacks and varied privacy treatment to the upper-level windows relative to the Urban Design Guidelines document.

However, the Development Application exceeds the rear and eastern side boundary setbacks anticipated in the Code. Further, the Code anticipates in the location that a dwelling can include a wall on one (1) side boundary.

The proposed garage is technically forward of the main facade of the existing dwelling, which is not desired by the Code. However, due to the irregular arrangement and layout of the site, the proposed garage siting is accepted by Planning Staff.

Regarding privacy, the rear facing upper floor windows are obscure glazed to 1.5m above floor level. This meets the Code expectation to mitigate direct overlooking.

It is necessary to ascertain the Council's position with respect to the requested waiver of Sections 2.3 and 2.4 of the LMA as this will inform the remainder of the assessment of the Development Application for the two-storey dwelling addition and swimming pool.

## **OPTIONS**

The Council can resolve to authorise the Chief Executive Officer to execute on behalf of the Council, a waiver to Sections 2.3 and or 2.4, pursuant to Section 4.4 of the LMA, so that in the event that Development Application Number 25001745 is granted Development Approval, the LMA can be subsequently waived, and construction of the two-storey dwelling addition and swimming pool can occur.

Alternatively, Council could determine not to waive Sections 2.3 and or 2.4 of the LMA, nor authorise the Chief Executive Officer to the same.

In this instance, it is recommended that the Council authorises the Chief Executive Officer, the ability to execute a waiver of the LMA.

## **CONCLUSION**

The Council's Planning Staff are undertaking a planning assessment of Development Application Number 25001745 in order to determine its merits (or otherwise) for the construction of a two-storey dwelling addition and swimming pool. If it is determined that the Development Application is sufficiently consistent with the Planning & Design Code and approval is given, there will be a separate need for a waiver to be issued to Sections 2.3 and 2.4 of the LMA.

Conversely, if it is determined that the Development Application 25001745 is refused, then a waiver to the LMA is not required.

In this context, it is recommended that the Council authorises the Chief Executive Officer to execute on behalf of the Council, a waiver to Sections 2.3 and 2.4 of the LMA to allow the construction of a two-storey dwelling addition at 7 Willow Bend, Marden.

## COMMENTS

Nil

## RECOMMENDATION

That in respect to the proposed two-storey dwelling addition and swimming pool at 7 Willow Bend, Marden as shown in the plans contained in Attachment B of this report, the Council hereby authorises the Chief Executive Officer to execute on behalf of the Council, a waiver to Sections 2.3 and 2.4, pursuant to Section 4.4 of the Land Management Agreement between McLaren Vale Properties Pty Ltd and the City of Norwood Payneham & St Peters.

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*Cr Sims moved:*

*That in respect to the proposed two-storey dwelling addition and swimming pool at 7 Willow Bend, Marden as shown in the plans contained in Attachment B of this report, the Council hereby authorises the Chief Executive Officer to execute on behalf of the Council, a waiver to Sections 2.3 and 2.4, pursuant to Section 4.4 of the Land Management Agreement between McLaren Vale Properties Pty Ltd and the City of Norwood Payneham & St Peters.*

*Seconded by Cr Piggott and carried unanimously.*

#### 14. ADOPTION OF COMMITTEE RECOMMENDATIONS

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

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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:

- Business & Economic Development Advisory Committee – (8 July 2025)  
(A copy of the Minutes of the Business & Economic Development Advisory Committee meeting is contained within **Attachment A**)

##### ADOPTION OF COMMITTEE RECOMMENDATIONS

- **Business & Economic Development Advisory Committee**

*Cr Holfeld moved that the Minutes of the meeting of the Business & Economic Development Advisory Committee held on 8 July 2025, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Piggott and carried unanimously.*

**15. OTHER BUSINESS**  
Nil

**16. CONFIDENTIAL REPORTS**

## 16.1 APPOINTMENT OF MEMBER TO THE ERA WATER AUDIT & RISK COMMITTEE

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### RECOMMENDATION 1

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

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

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

### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the minutes be kept confidential until the announcement in respect to the appointment has been made.

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*Cr Robinson moved:*

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

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

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

*Seconded by Cr Holfeld and carried unanimously.*

*Cr Piggott moved:*

*Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.*

*Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes be kept confidential until the announcement in respect to the appointment has been made.*

*Seconded by Cr Callisto and carried unanimously.*

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Adjournment of Council Meeting

*At 9.03pm Cr Sims moved:*

*That the Council meeting be adjourned for 2 minutes.*

*Seconded by Cr Robinson and carried.*

Resumption of Council Meeting

At 9.05pm the Council meeting resumed.

## 16.2 COMMISSIONING OF QUADRENNIAL PUBLIC ARTWORK – STAGE 2 COMMISSIONING ARTWORK

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### RECOMMENDATION 1

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

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

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

### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until all affected parties have been formally advised of the Council's decision.

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*Cr Holfeld moved:*

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

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

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

*Seconded by Cr Callisto and carried unanimously.*

Cr Sims entered the meeting at 9.06pm.

*Cr Holfeld moved:*

*Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential until all affected parties have been formally advised of the Council's decision.*

*Seconded by Cr Callisto and carried unanimously.*



**17. CLOSURE**

There being no further business, the Mayor declared the meeting closed at 9.37pm.

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

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