

Special Council Meeting Minutes

11 December 2017

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 Lucy Marcuccitti
Cr Christel Mex
Cr Kevin Shepherdson
Cr Carlo Dottore
Cr Kevin Duke
Cr Evonne Moore
Cr John Frogley
Cr Garry Knoblauch
Cr John Minney
Cr Sue Whittington
Cr Paul Wormald (entered the meeting at 7.19pm)

Staff Mario Barone (Chief Executive Officer)
Peter Perilli (General Manager, Urban Services)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Lisa Mara (General Manager, Governance & Community Affairs)
Sharon Perkins (General Manager, Corporate Services)
Keke Michalos (Acting Manager, Economic Development & Strategic Projects)
Ben Willsmore (Project Manager, Urban Design & Special Projects)
Olivia Franco (Strategic Projects Co-ordinator)
Matthew Cole (City Arborist)
Tina Zullo (Administration Officer, Governance & Community Affairs)

APOLOGIES Cr Mike Stock, Cr Connie Granozio

ABSENT Nil

1. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 4 DECEMBER 2017

Cr Knoblauch moved that the minutes of the Council meeting held on 4 December 2017 be taken as read and confirmed. Seconded by Cr Dottore and carried.

Mayor Bria welcomed Matthew Cole, Council's recently appointed City Arborist, to the meeting.

2. STAFF REPORTS

2.1 PLAYGROUNDS STRATEGY REPORT

REPORT AUTHOR: Acting Manager, Economic Development & Strategic Projects
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 83664509
FILE REFERENCE: S/01592
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the status of the implementation of the Playground Strategy Report as requested by the Council.

BACKGROUND

At its meeting held on 3 July 2017, the Council resolved the following in relation to the City of Norwood Payneham & St Peters *Playground Strategy Report*:

1. *That staff prepare a report detailing all of the upgrades of play equipment and associated facilities undertaken at all playgrounds as identified in the City of Norwood Payneham and St Peters Playground Strategy (2006), and that the report also includes:*
 - a. *How the upgrades aligned with the time frames set out in the Playground Strategy's Action Plan.*
 - b. *Whether a review of the Playground Strategy Report is required.*
 - c. *Any other matters considered relevant to the implementation of the Playground Strategy.*
2. *That the report be presented to Council by the December 2017 meeting.*

In 2006, the Council adopted the *Playgrounds Strategy Report*. The purpose of the *Playgrounds Strategy Report* was to provide long term strategic direction for the future provision and management of the playgrounds located throughout the City of Norwood Payneham & St Peters. More specifically, the *Playgrounds Strategy Report* identified the key issues associated with each of the playgrounds throughout the City and outlined a framework for the enhancement of these important community assets.

One of the more significant outcomes of the *Playgrounds Strategy Report*, was the establishment of a hierarchy of playgrounds, which aims to achieve different levels of playground equipment and the best use of resources. The hierarchy ranges from Regional and District level playgrounds, which provide innovative, unique or higher standard settings, through to Neighbourhood and Local playgrounds, which generally cater for smaller surrounding local areas. Designation as a Regional Level Playground for example, assumes that the playground will attract people from a large catchment area. Basically, the playground's designated level in the hierarchy, will ultimately determine the level of development.

The *Playgrounds Strategy Report* also recognised that whilst the playgrounds within the City were generally well maintained, were of good quality and are well used, there was a lack of innovative playgrounds within the City, with most of the playgrounds comprising of the same standard equipment. To address the issue of lack of diversity and creativity in the playgrounds located throughout the City and the trend towards the provision of innovative and theme based playgrounds, the *Playgrounds Strategy Report* recommended the establishment of five (5) strategically located innovative playgrounds, namely Adey Reserve, Dunstan Adventure Playground, James Coke Park, Linde Reserve and Payneham Oval.

With the exception of James Coke Park, which is designated a District Level Playground, the innovative status was allocated to Regional Level Playgrounds, where a unique and higher standard of play equipment based around a particular theme or character, is expected.

In December 2010, the Council resolved that staff undertake an assessment of the *Playgrounds Strategy Report* and present its findings to Council together with recommendations on progressing the implementation of the strategy, with an emphasis on providing 'All Abilities' playground equipment.

Subsequently, at its meeting held on 4 October 2011, the Council considered a report on the Playgrounds 'Whole-of-Life' Implementation Plan. Following consideration of the matter, the Council resolved the following:

1. *That the Whole-of-Life Implementation Plan Framework, as set out in this report, for the renewal of the Council's playgrounds be endorsed.*
2. *That shade structures be endorsed for installation to playgrounds which are categorised as Level 1 and Level 2 within the Council's Playground Strategy (2006).*
3. *That shade structures, to playgrounds which are categorised as Level 3 and Level 4 in the Council's Playground Strategy (2006), which do not currently have a shade structure installed, be considered for installation at the time these playgrounds are renewed, subject to a review of the level of existing natural shade at these playgrounds.*
4. *That the redevelopment of the three (3) remaining innovative playgrounds, namely at Adey Reserve, Dunstan Adventure Playground and Payneham Oval be endorsed and that a further report be prepared for the Council's consideration setting out the details of the Implementation Plan, including funding arrangements which integrate with the Council's Long Term Financial Plan.*

Following this decision, concerns were raised about how the works would be funded, given that there was no forecast (fund allocation) in the Council's Long Term Financial Management Plan, for the proposed works. As such, at its meeting held on 6 February 2012, the Council considered a report regarding the Implementation Plan (which the Council had adopted at its meeting held on 4 October 2011) and the details of how the works contained in the Plan would be funded. Following consideration of the Report, the Council resolved the following:

1. *That the installation of the three (3) innovative playgrounds, namely: Payneham Oval, Adey Reserve and Dunstan Adventure Playground, be undertaken in accordance with Option 2.*
2. *That Council staff actively seek grant funding for all the development of the three (3) Innovative Playgrounds, which if successful, will reduce the impact on the Council's Long-Term Financial Management Plan.*
3. *That the Council's Long-Term Financial Management Plan be amended in accordance with the Council's decision, in respect to the installation of the Innovative Playgrounds and shade structure installations.*

For the purposes of clarity, Option 2 referred to in Resolution 1 above, was:

Fund the installation of innovative playgrounds over a ten (10) year period plus the installation of ten (10) shade structures spread over ten (10) years.

As outlined above, in October 2011 and subsequently in February 2012, the Council adopted the Playgrounds "Whole of Life" Implementation Plan. The Playgrounds "Whole of Life" Implementation Plan was based on a detailed assessment (including a condition rating audit) undertaken by Council Staff of all of the playground assets within the City.

Basically, the Playgrounds "Whole of Life" Implementation Plan, sets out the priority order and funding arrangements for the upgrade of a number of assets including the implementation of the Innovative Playgrounds Projects and the Shade Structure Installation Program.

The Playgrounds "Whole of Life" Implementation Plan prioritised the three (3) remaining playgrounds in the following order: Payneham Oval Playground, Adey Reserve and finally Dunstan Adventure Playground.

The rationale behind the priority order was based on the following:

- *Payneham Oval*

The Payneham Oval Innovative Playground Project was proposed as the first innovative playground to be delivered as it did not impact upon, or was impacted upon by any proposed redevelopment of other improvements on this site.

- *Adey Reserve*

The Adey Reserve Innovative Playground Project was identified as the second innovative playground to be delivered as part of the ongoing negotiations between the Council and PISA (who occupy the Council owned building at Adey Reserve) with respect to the use and tenure of the building. On this basis, it was decided that the development of the playground would be delayed to enable a position to be finalised with PISA.

Discussions with PISA have since progressed and an option for the Council's consideration will be presented to the Council in 2018. The Implementation Plan and subsequently the Council's Long Term Financial Plan allocated the preparation of the Masterplan for Adey Reserve in 2015-2016. Due to competing priorities, this project has been delayed, with the development of the Masterplan carried forward into the 2017-2018 financial year, which will commence once the Council has considered the future of the building at Adey Reserve.

- *Dunstan Adventure Playground*

The Dunstan Adventure Playground Project was proposed as the last Innovative Playground because it is already an Innovative Playground in terms of its locality and uniqueness, although not up to current standards expected of an adventure based playground. The Implementation Plan and subsequently the Council's Long Term Financial Plan, has the Masterplan for Dunstan Adventure Playground scheduled for 2020-2021.

The Implementation Plan endorsed by the Council also outlined the funding schedule for the delivery of the three (3) innovative playgrounds and the subsequent shade structures over a ten (10) year period, commencing in the 2012-2013 financial year. The reason for spreading the delivery of the innovative playgrounds and the shade structures over a ten (10) year period, was to reduce the financial impact over the term of the Council's Long Term Financial Management Plan. Effectively, the option that the Council adopted was to construct an Innovative Playground every four (4) years commencing in the 2012-2013 financial year with the planning for the Payneham Oval Playground.

The objective of delivering the program over a ten (10) year period, was to allow sufficient time for concepts and detail design plans to be prepared and community consultation to be undertaken in the year prior to the installation of each playground. The timeframe also allowed detailed cost estimates to be prepared and then value managed or budgeted accordingly.

This report provides the Council with an overview of how the Playground Strategy has been implemented over the last ten (10) years and outlines the current status of the 'Whole-of-Life' Implementation Plan.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the Council's *CityPlan 2030 Shaping Our Future* are provided below:

Outcome 1: Social Equity

A connected, accessible and pedestrian friendly community.

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

Strategies:

- Maximise access to services, facilities. Information and activities.
- Design and provide safe, high quality facilities and spaces for people of all backgrounds, ages and abilities.

Outcome 2: Cultural Vitality

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

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

Strategies:

- Create and provide interesting and colourful public spaces to encourage interaction and gatherings.

Outcome 4: Environmental Sustainability
A leader in environmental sustainability.

Objective 3: Sustainable and attractive streetscapes and open spaces.

Strategies:

- Protect, enhance and expand public open space.

FINANCIAL AND BUDGET IMPLICATIONS

In respect to Adey Reserve, the Council has allocated \$1,000,000 towards the upgrade of Adey Reserve, with \$100,000 allocated in its 2017-2018 budget to prepare the Masterplan and Detail Design and Documentation, with the construction scheduled for 2018-2019.

In respect to the Dunstan Adventure Playground, the Council has allocated a budget of \$660,000 In its Long Term Financial Plan for the delivery of the Masterplan, the Detail Design and Documentation and the delivery of the project. This is currently scheduled to commence in 2020-2021.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

The community values the City's open space and recreation assets, particularly playgrounds. Playgrounds are considered to be more than just play equipment and physical space. These days playgrounds are very much centres of community activity not just for parents, grandparents, carers and relatives of young children, but for the community generally.

There are also numerous health benefits associated with access to public open space playgrounds. It is believed that well planned open spaces and recreational spaces have a key role to play in combatting the growing levels of obesity and helping prevent lifestyle-related diseases through facilitating physical activity and positive mental health. Therefore it is important that the Council gives detailed consideration to the role and design of its open space and recreational assets to ensure that the community can participate in both active and passive recreation and interact with their community.

CULTURAL ISSUES

The ability to provide well designed and innovative playgrounds contributes to the fabric of the Norwood Payneham & St Peters community. The *Playgrounds "Whole of Life" Implementation Plan* for the upgrade of playgrounds and development of innovative playgrounds provides the Council with an opportunity to enhance and upgrade playgrounds such as Adey Reserve and Dunstan Adventure Playground, in an integrated and fiscally sustainable manner.

By recognising the contribution of particular assets and developing these assets to a unique and higher standard the Council is not only providing an asset that will be well used by its local community but also by the broader Norwood Payneham & St Peters community.

ENVIRONMENTAL ISSUES

Not relevant to this Report. Environmental issues are considered on a case by case basis.

RESOURCE ISSUES

Over the last ten (10) years, the implementation of the *Playground Strategy Report* has been undertaken by staff from both the Economic Development & Strategic Projects Unit and Urban Services with specialist consultants and contractors engaged as required.

RISK MANAGEMENT

During the scoping of the innovative playgrounds, risk issues such as the provision of shade, accessibility, equipment compliance with relevant standards in terms of spacing, soft-fall and fencing (adjacent roads, water bodies or off leash dog areas) will be assessed and addressed.

CONSULTATION

- **Elected Members**

The Council formally endorsed the *Playground Strategy Report* in 2006. At its meeting held in December 2010, the Council considered a Notice of Motion in relation to the *Playground Strategy Report* and its implementation. Subsequently, at its meeting held on 4 October 2011 and in February 2012, the Council considered reports outlining the details of the Playgrounds Whole-of-Life Implementation Plan and the options in terms of funding the required works, in line with the Council's Long-Term Financial Management Plan.

- **Community**

The Community has not been consulted in respect to the proposed Whole-of-Life Implementation Plan. However, in respect to the major redevelopment of playgrounds, community consultation, similar to that undertaken for Payneham Oval will be undertaken for the remaining two (2) innovative playgrounds.

- **Staff**

General Manager, Urban Services
Manager, City Assets
Assets and Special Projects Officer

- **Other Agencies**

Not Applicable.

DISCUSSION

How the upgrades aligned with the time frames set out in the Playground Strategy's Implementation Plan.

Since 2012, the Council has been systematically implementing the upgrades of playgrounds in accordance with the Council's adopted "Whole-of Life" Implementation Plan. In accordance with the Council's decisions, the works undertaken in respect to the playgrounds can be grouped into three (3) key categories, namely Equipment Renewal, Installation of Shade Structures and Construction of Innovative Playgrounds. An overview of how each of these components has been delivered is outlined below.

Renewal of Equipment

The work undertaken in the category of equipment renewal occurs on an annual basis and is based on the inspections which are undertaken regularly to determine the condition of existing play equipment. The playgrounds equipment renewal category includes all components of playgrounds ranging from softfall through to fencing, equipment and shade structures.

Whilst all playground equipment has a predicted life expectancy, the actual life of the equipment is adjusted regularly based on the level of usage. These adjustments may result in the predicted life expectancy of some equipment being extended due to low usage (ie in smaller neighbourhood playgrounds) and some reduced due to high usage (ie in the larger playgrounds, such as James Coke Park).

Table 1 contained in **Attachment A**, outlines the work that has been undertaken in respect to the renewal and upgrades of playgrounds over the last ten (10) years at each of the individual playgrounds. Of the total of \$2,047,500, that has been expended by the Council (on the renewal of equipment), approximately \$919,500 (44.9%) has been allocated directly to the upgrade of equipment, \$607,000 (29.6%) towards the installation of shade structures, \$408,000 (19.9%) for the installation or upgrade of softfall, \$78,000 (3.8%) towards fencing, and \$35,000 (1.7%) towards other related expenses.

The estimated cost of equipment renewal and upgrades over the next 15 years is estimated at \$4,029,185, resulting in an average annual cost of \$268,000 (noting that these figures are indexed by 4% annually). The relatively high annual cost reflects the short life span of between 15 to 20 years for these assets.

Installation of Shade Structures

The renewal of shade structures for all Category 1 and Category 2 (Regional and District) playgrounds, has been completed as per the details set out in Table 1 (contained in **Attachment A**). The installation of shade structures in the Category 3 and Category 4 (Neighbourhood and Local) playgrounds, is undertaken on a case-by-case basis and is based on the type of equipment that is being replaced annually.

As outlined above, over the last ten (10) years, a total of \$607,000 has been spent on the installation of shade structures.

Delivery of Innovative Playgrounds

To date, the Council has completed the redevelopment of three (3) innovative playgrounds at James Coke Park (Creative Fun Theme), Dunstone Grove – Linde Reserve (Culture and Arts Theme) and more recently, the Payneham Oval Playground as an Action Theme, to reflect its surrounds and support creative play. The remaining two (2) innovative playgrounds within the City (namely Adey Reserve and Dunstan Adventure Playground) are yet to be redeveloped. An overview of these two (2) outstanding projects is outlined below.

- *Adey Reserve*

The existing play equipment is in poor condition and was due for replacement in 2013-2014.

Whilst the project was scheduled to commence in 2015-2016, the large number of projects currently being delivered by the Council, has resulted in a delay in the commencement of the Project.

It is proposed that the Project will be undertaken in two (2) stages, Stage 1 of the Project will involve the preparation of a Masterplan, which will include the playground, carparking area and depending on the Council's resolution regarding the future of the existing building on the site, as well as Detail Design and Construction Documentation, costing and consultation. This component is currently scheduled to be undertaken in 2017-2018.

Stage 2 of this Project will include the construction of the playground at Adey Reserve. The completion of Adey Reserve will result in the delivery of the next initiative outlined in the Council's Playground "Whole-of-Life" Implementation Plan. This is currently scheduled to be undertaken in 2018-2019.

As the first step in the process, an Information Session with Elected Members will be held regarding the future of the existing building, followed by a Report to Council.

- *Dunstan Adventure Playground*

The renewal of the play equipment and the redevelopment of the Winchester Street frontage as recommended in the *Playground Strategy Report* was (at the time that the Whole-of-Life Implementation Plan was created) estimated to cost in the order of \$660,000. This Project is currently scheduled for commencement in 2020-2021 in the Council's Long Term Financial Plan.

Upon delivery of this upgrade, Dunstan Adventure Playground will become one of the City's premier playgrounds and strengthen its standing as an adventure based playground.

Whether a review of the Playgrounds Strategy Report is required.

At the time the Council commissioned the *Playgrounds Strategy Report*, the objective of preparing the Strategy, was to identify the key issues associated with playgrounds within the City and to develop an integrated and strategic framework for the enhancement of these important community assets. More specifically, the intent was to produce a document which:

- provided a clear and concise analysis of the current situation, future trends and needs, as well as key issues;
- identified a range of options for addressing the key issues in relation to the provision of playgrounds including risk management and trees near play equipment;
- developed and recommended preferred strategies for addressing the key issues related to the provision of playgrounds, paying specific attention to access, particularly for the disabled; and
- developed an action plan which detailed the specific future actions, identifies resource requirements, allocates responsibilities and sets timeframes for implementation.

Simultaneously with the development of the *Playground Strategy Report*, the Council also developed a number of other strategic documents relating to its open space and recreational assets, including the *Open Space Strategy* and the *Tennis Facilities Strategy*.

The role of the *Open Space Strategy*, which was adopted by the Council in 2003, was to provide the Council with information to enable it to pro-actively plan for open space and to ensure that there is equity in respect to access to useful open space throughout the City. It also ensures that the Council's open space assets maximise the benefits in respect to environmental management, public health and wellbeing, tourism and community capacity building. Similarly to the *Playground Strategy Report*, the *Open Space Strategy* also establishes a hierarchy of Open Space within the City, ranging from Local and Neighbourhood through the Regional and State.

The *Tennis Facilities Strategy*, which was adopted by the Council in 2005, provides a framework for the strategic approach to appropriately providing for the community and effectively managing the Council's tennis assets. One of the key outcomes of the *Tennis Facilities Strategy* has been the establishment of a hierarchy for the existing tennis facilities.

In addition to these strategic documents, Section 122 of the *Local Government Act 1999*, requires the Council to develop and adopt Infrastructure and Asset Management Plans, relating to the management and development of its infrastructure and major assets, including recreation and open space infrastructure, for a period of not less than ten (10) years. In total, the Council has developed and adopted four (4) Asset Management Plans, encompassing the major Council owned and maintained classes of assets, namely: civil infrastructure, stormwater drainage, community buildings and recreation and open space. The *Recreation & Open Space Asset Management Plan* sets out the Council's proposed strategies for the effective management, maintenance and replacement of all of its open space and recreational assets. In respect to the recreational assets, these comprise of both the tennis courts, playgrounds and other associated components .

The Open Space, Playground and Tennis Facilities Strategies, were prepared for the purposes of providing direction on the development and management of the open space assets within the City. Whilst these documents have provided a good foundation by providing excellent strategies upon which to plan, budget and implement the upgrades, the increasing demand for good quality open space and facilities, suggests that a more holistic and integrated approach is required and that the Council's open space assets need to be considered holistically rather than in isolation through separate components.

Given the age of these documents and the way that the Community now uses open space, it is recognised that it is now appropriate to establish a new strategy that builds on the legacy of the last ten (10) years and responds to the long term vision and goals for the City as set out in *CityPlan 2030*.

Whilst there is a need to review the *Playground Strategy Report* it cannot be done in isolation nor can it be done as a standalone document. Given the age of all of the Council's open space and recreational strategic documents, it is recommended that a more strategic approach be undertaken towards the upgrade and redevelopment of playgrounds and open space assets, where the playgrounds are no longer looked at in isolation, but are an element of a more strategic review of the playgrounds role in the reserve and more generally in the context of the Council's open space network.

Over the last ten (10) years, local neighbourhoods have lost biodiversity and private open space due to increased densification. In addition, the community's demand for quality streetscapes and open spaces, together with the changes in the cultural mix within the community and the ageing population, has increased the importance and diversity of local open space. In response, there is a need for the Council to apply a more place based approach to planning its open space rather than the land use planning approach, which was adopted in the original *Playground Strategy Report* and the *Open Space Strategy*.

It is therefore recommended that a new more holistic and integrated approach to the City's open space assets be developed. This presents an opportunity to integrate into a single strategic document, the multitude of uses and fulfil the multiple functions which are required of the contemporary urban environment. Whilst the green open spaces and recreational facilities are currently recognised, there are also a range of other spaces that are ancillary to the parks and ovals that contribute to the City's open space. The Kent Town Urban Design Framework, is an example of how the ancillary spaces such as the spaces between and around buildings, as well as well-designed streetscapes play a complementary role and contribute the essential social, cultural, economic and environmental functions of open space. The combination of these open spaces enables people to interact with the environment and with each other, as a community.

As Kent Town, Ninth Avenue and St Peters Street have recently demonstrated, this would be a great opportunity to better align and advance the Council's existing strategies include Resilient East, the Council's CyclePlan and Biodiversity Strategy into the broader open space strategic framework.

Any other matters considered relevant to the implementation of the Playground Strategy.

Given that the Adey Reserve and Dunstan Adventure Playground are the two (2) remaining deliverables of the original *Playground Strategy Report*, it is timely for the Council to commence consideration of the next generation of strategic open space documents.

As the first step in this process, a workshop will be held with Elected Members to review the current documents, highlight other supporting strategies that complement the Council's suite of open space and recreational strategies, identify the changing community expectations and develop new directions for quality open space within the City of Norwood Payneham & St Peters.

OPTIONS

Not Applicable.

CONCLUSION

All of these strategic documents and in particular the *Playground Strategy Report*, have provided an excellent foundation and provided the Council with clear direction in respect to the future provision, maintenance and development of its playgrounds. Since preparing and adopting the *Playground Strategy Report*, there have been changes in the way that people recreate and use their leisure time, and in the level of service (standard) expected by the community in respect to both playgrounds and the more strategic approach to open space assets. This change in community expectations was evident through the community engagement and consultation and the subsequent use of Payneham Oval Playground.

In addition, a review of the Council's open space and recreational strategies would provide the Council with the opportunity to show leadership and provide a strategy for the long term renewal of its open space and recreational assets. It will also provide a platform for the Council to consolidate the recommendations which are contained in its other strategic documents, such as Resilient East to ensure that the next generation of deliverables are all inclusive and meet the contemporary expectations of the community.

COMMENTS

Parks and other areas of public open space provide local destinations for people to walk and cycle to and to be active within. It is these spaces that provide exposure to nature and the places for social interaction to occur, which is critical for creating and maintaining community cohesion and building social capital. For children and young families in particular, parks and in particular playgrounds provide a place to meet and to participate in physical and social play. The provision of public open spaces is thus a key factor in promoting active living and providing important physical, psychological and social health benefits for individuals and the community.

Whilst playgrounds play an important role in the physical, social and cognitive development of young people, changes to the built environment within our City, means that the importance of open space is increasing and so is the need to take a more cohesive approach to the planning and designing of all the spaces within the broader network of open space within the City.

RECOMMENDATION

1. That the Report be received and noted.
 2. That the Council notes that the development of a new open space strategy and management framework that incorporates all open space and recreational assets will be prepared subject to the allocation of funding.
-

Cr Duke moved:

1. *That the Report be received and noted.*
2. *That the Council notes that the development of a new open space strategy and management framework that incorporates all open space and recreational assets will be prepared subject to the allocation of funding.*

Seconded by Cr Whittington and carried unanimously.

2.2 REVIEW OF COUNCIL DECISION – IMPLEMENTATION OF TIME LIMITED ON-STREET CAR PARKING IN QUEEN STREET

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00838
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to advise the Council of a request for a Review of a Decision which has been received from a resident of Queen Street, Norwood (the Resident), regarding the implementation of new time limited on-street car parking zones in Queen Street, Norwood.

BACKGROUND

At its meeting held on 4 September 2017, the Council considered the outcome of the consultation which was undertaken with residents of Charles Street, Queen Street and William Street, Norwood, regarding the Council's proposal to introduce time limited on-street car parking controls in those streets.

Following consideration of the matter, the Council resolved the following:

1. *That based on the outcome of the surveys, consultation with residents of Charles Street and assessment against the criteria as set out in the On-Street Parking Permit Policy (5.1 Availability of On-Street Parking), the Council endorses the introduction of 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday within the unrestricted section of Charles Street, Norwood.*
2. *That on-street car parking remain unrestricted at all other times (after 5.00pm and before 9.00am) within the 2 hour time limit section of Charles Street, between The Parade and William Street.*
3. *That based on the outcome of the surveys, consultation with residents of Queen Street and assessment against the criteria as set out in the On Street Parking Permit Policy (5.1 Availability of On-Street Parking), the Council endorses the introduction of 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood between Kensington Road and William Street.*
4. *That on-street car parking remain unrestricted at all other times (after 5.00pm and before 9.00am) within the 2 hour time limit section on the western side of Queen Street, between Kensington Road and William Street.*
5. *That based on the outcome of the survey consultation with the residents of William Street and assessment against the criteria as set out in the On Street Parking Permit Policy (5.1 Availability of On-Street Parking), the Council resolves to not introduce time limit on-street car parking controls in William Street, Norwood.*

As part of the consultation process, the Resident forwarded a submission to the Council objecting to the proposal to implement time limited on-street car parking in Queen Street, Norwood. The Resident's Comments Form was considered together with the other Comments Forms which were received as part of the consultation process.

On 21 October 2017, the Council received an email from the Resident, requesting that a Review of the Council's Decision to proceed with the installation of the new time limited on-street car parking in Queen Street, Norwood, be undertaken.

A copy of the email dated 21 October 2017, which was forwarded to the Council by the Resident is contained within **Attachment A**.

The Review of Decision process has now been finalised. The process and outcome of the Review is summarised in the Discussion section of this report.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

DISCUSSION

The Council's *Review of Decision Policy* sets out the process relevant to a request for a Review of Decision. In terms of a request for a Review of a Council decision, the Policy states the following:

"The Council has nominated a Contact Officer who is responsible for dealing with the request for review of a Council decision in the first instance.

The Contact Officer will assess the request, determine the appropriate action, and arrange for independent review, if necessary. Some matters will be referred directly to Council for consideration or reconsideration. The types of requests for review of Council decisions that will be referred to Council are those regarding:

- *Decisions made by resolution of Council.*
- *Council endorsed objectives and policies.*
- *Budgetary matters, or evaluation of service delivery matters.*
- *Civic and ceremonial matters.*
- *The Internal Review of Council Decisions Procedure or the process applied.*
- *Issues that are likely to be of interest to the wider community.*
- *Matters which may involve litigation.*
- *Recommendations to refuse to review a decision raised by an applicant on the grounds that it is frivolous or vexatious, or where the applicant does not have sufficient interest in the matter.*
- *Matters where legal procedures have not been followed, for example, relating to leases and licences and tenders.*
- *Any other matter at the discretion of the Contact Officer or Chief Executive Officer."*

As set out in the email dated 21 October 2017, the Resident requested that a Review of Decision be undertaken on the basis that the information contained in the report which was presented to the Council at its meeting held on 4 September 2017, and in particular the information contained within Table 4 of the report, was "*misleading*".

Table 4 of the report set out the assessment of the number of responses which were received from occupiers and property owners of Charles Street, Queen Street and William Street, Norwood, against the criteria as set out in Clause 5.2.2 of the *On-Street Parking Permit Policy* (the Policy), which states the following:

5.2 Agreement of Residents

- 5.2.1 *A written survey will be undertaken with all residents to ascertain whether or not residents are in agreement with the introduction of time-limit controls.*
- 5.2.2 *The Council will consider that the residents of a street are in agreement with the introduction of time-limit controls, where more than 50% of those who respond to the Council survey are in favour of the introduction of the time-limit controls.*

Table 4, as contained within the report which was presented to the Council at its meeting held on 4 September 2017, is set out below.

TABLE 4: ASSESSMENT OF REPOSSES AGAINST CRITERIA 5.2.2 OF THE ON-STREET PARKING PERMIT POLICY

Street	Number of letters sent to residents/property owners	Number of responses received	Number of respondents who support the proposal	Number of respondents who do not support the proposal	Percentage of those respondents in support of the proposal
Charles Street	55	27	19	8	70%
Queen Street	56	9	5	4	56%
William Street	30	8	2	5	25%

The Resident has stated that the information regarding Queen Street is “*misleading*” on the basis of the following:

Of the 4 response forms received that were from residents who were not in favour of the introduction of time limit controls at least one, namely the one submitted by myself and XXXXX, clearly recorded a response from two residents. Policy clause 5.2.2 clearly refers to 'residents' and 'those who respond' and not 'residences' or 'response forms'.

It is apparent therefore that at least five of the residents who responded to the Council survey were against the introduction of time limit controls and, as far as we can tell, only five were in favour of it. (It is possible that more than ten residents responded to the survey but as the names of those who responded are redacted in the Council Agenda we are unable to check.) This means that the criteria of 'more than 50% of those who respond' being in favour of the introduction of time limit controls as set out in Policy clause 5.2.2 had likely not been met.

The discussion in the Minutes and the reasons for the resolution clearly demonstrate that the survey responses and Policy had an important impact on the Council making the resolutions that it did. It is also obvious that it passed those resolutions on the basis of misinformation. It seems extremely likely that had the Council been accurately informed of the outcome of the survey of Queen Street residents, and the outcome was that an equal or greater number of residents were against it, then the resolutions would not have been passed.

We therefore request a review of the Council resolutions. We would request that the Council re-calculate the survey responses based on the number of residents who responded in favour or against the introduction of time limit controls, rather than merely count the number of response forms. Should those results show that an equal or greater number of residents were against the introduction of time limit controls we seek that the Council rescind its earlier resolutions and reconsider the issue based on accurate information.

The Resident has made an important distinction in terms of the consultation process, as set out in the following comment:

Policy clause 5.2.2 clearly refers to 'residents' and 'those who respond' and not 'residences' or 'response forms'.

On the basis of the Resident’s comment (as set out above) and the request for a Review of Decision, a review of the consultation process has been undertaken.

The consultation process involved the following:

- a letter was forwarded to all property owners and occupiers of Queen Street in the section between William Street and Kensington Road advising of the proposal and inviting comments to be provided to the Council in respect to the proposal;
- one (1) Comments Form was provided with the letters; and
- the Comments Forms were collated and responses were recorded on the basis of one (1) response, notwithstanding the fact that two (2) people may have signed the Comments Form.

What has been identified as part of the Review of Decision process is that the letter which was forwarded to property owners and occupiers of this section of Queen Street, did not articulate to residents that only the one (1) Comments Form per household will counted regardless of how many signatories there are on the Comments Form.

Based on this and the wording as set out in the Policy, the Resident has advised that the number of signatories on the Comments Forms should have been counted as individual responses rather than treating these responses as one (1) response (ie one (1) response from each household).

Notwithstanding the Resident's concerns, the outcome of the consultation process is the same. In other words, all Comments Forms which were received have been recounted and taking into account the forms which were signed by more than one (1) person, those in favour of the proposal outweighed those not in favour of the proposal. Table 1 below sets out the number of individual signatories (ie individual responses) which were received as part of the consultation process for Queen Street, Norwood.

TABLE 1: ASSESSMENT OF REPOSSES AGAINST CRITERIA 5.2.2 OF THE ON-STREET PARKING PERMIT POLICY

Street	Number of letters sent to residents/property owners	Number of responses received	Number of respondents who support the proposal	Number of respondents who <u>do not</u> support the proposal	Percentage of those respondents in support of the proposal
Queen Street	56	9	7	5	77%

As set out in Table 1, the assessment of individual signatories also demonstrates that those residents of Queen Street who responded support the introduction of time limited on-street parking.

The Council's General Manager, Governance & Community Affairs has met with the Resident to discuss the request and review the responses which were received as part of the consultation process for Queen Street, Norwood.

Summary

In summary, the outcome of the Review of Decision was that the decision made by the Council was not based upon "*misleading*" information.

The information and outcome of the consultation which was undertaken in respect to the proposal to introduce time limited on-street car parking controls in Queen Street, Norwood, as presented to the Council at its meeting held on 4 September 2017, was based upon a factual and consistent assessment of all Comments Forms (ie each Form was treated equally as one (1) response per household regardless of how many people signed the Comments Form).

Having said that however, the Resident's request for a Review of Decision has highlighted that when undertaking consultation with residents on such issues it is important to ensure that any documentation which is sent to residents clearly articulates how the responses will be collated, (ie one (1) Comments Form per household will be treated as one (1) response regardless of how many people sign the form or if the individual signatories on each form will be treated as individual responses).

There is no "right" or "wrong" way to deal with this matter. It is however a matter of articulating the position and ensuring equity and consistency across all consultations which are undertaken by the Council.

Clearly, when considering a "household" approach to consultation the most equitable and consistent manner when assessing responses, is on a one (1) response per household basis to ensure that single person households have the same consideration as a multiple person household.

Where individuals in a household differ in their response to a proposal, then separate Comments Forms can be provided as part of the consultation process, however the collation of the responses will highlight the number of Comments Forms which are received per household – not the number of signatories on each Comments Form.

In summary, the Resident has been thanked for bringing this matter to the Council's attention and provided with the opportunity to review the Comments Forms which were received from property owners and occupiers of Queen Street.

The Resident has been satisfied that the Comments Forms were treated equally and acknowledged that after taking into account the number of signatories to the Comments Forms, the outcome of this matter has not changed.

In other words, more than 50% (ie 77%), of those who responded to the Council consultation process are in favour of the introduction of 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood, between Kensington Road and William Street (based on the both the number of Comments Forms which were received and the number of signatories on each form).

As with all such requests of this nature (ie requests for a Review of a Decision), the Resident will be advised formally of the outcome of the review and the Council's decision and that if he/she is not satisfied with the determination, he/she may refer the matter to the SA Ombudsman for an External Review.

CONCLUSION

The Council's General Manager, Governance & Community Affairs has undertaken the review of the information provided to the Council and the Council's decision to introduce 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood between Kensington Road and William Street on the basis of the outcome of the consultation which was undertaken in respect to this matter.

It is now up to the Council to consider the matter and to determine if the Council is satisfied that the review has been undertaken in a fair and objective manner and that the Council endorses the outcome of the review which has been undertaken.

COMMENTS

Nil.

RECOMMENDATION

1. That following consideration of the investigation and review which has been undertaken by the Council's General Manager, Governance & Community Affairs, following receipt of a Request for a Review of Decision made by the Resident of Queen Street, Norwood, regarding the Council's decision to introduce of 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood, between Kensington Road and William Street, the Council is satisfied that the review has been undertaken in a fair and objective manner and in accordance with the principles of natural justice and the Council's Policy.
 2. That following the investigation and review which has been undertaken by the Council's General Manager, Governance & Community Affairs in relation to this matter, the Council endorses the outcome of the review, namely that the decision made by the Council to introduce 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood between Kensington Road and William Street was based upon the correct procedures, accurate and consistent assessment of the relevant information and has given due regard to appropriate decision making frameworks.
 3. That the Council thanks the Resident for bringing this matter to the Council's attention and advises the Resident that, following the review of the outcome of the consultation process which was undertaken in respect to this matter as set out in this report, the Council reaffirms its decision to introduce 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood between Kensington Road and William Street.
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Cr Mex moved:

1. *That following consideration of the investigation and review which has been undertaken by the Council's General Manager, Governance & Community Affairs, following receipt of a Request for a Review of Decision made by the Resident of Queen Street, Norwood, regarding the Council's decision to introduce of 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood, between Kensington Road and William Street, the Council is satisfied that the review has been undertaken in a fair and objective manner and in accordance with the principles of natural justice and the Council's Policy.*
2. *That following the investigation and review which has been undertaken by the Council's General Manager, Governance & Community Affairs in relation to this matter, the Council endorses the outcome of the review, namely that the decision made by the Council to introduce 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood between Kensington Road and William Street was based upon the correct procedures, accurate and consistent assessment of the relevant information and has given due regard to appropriate decision making frameworks.*
3. *That the Council thanks the Resident for bringing this matter to the Council's attention and advises the Resident that, following the review of the outcome of the consultation process which was undertaken in respect to this matter as set out in this report, the Council reaffirms its decision to introduce 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood between Kensington Road and William Street.*

Seconded by Cr Whittington.

Amendment

Cr Frogley moved:

1. *That following consideration of the investigation and review which has been undertaken by the Council's General Manager, Governance & Community Affairs, following receipt of a Request for a Review of Decision made by the Resident of Queen Street, Norwood, regarding the Council's decision to introduce of 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood, between Kensington Road and William Street, the Council is satisfied that the review has been undertaken in a fair and objective manner and in accordance with the principles of natural justice and the Council's Policy.*
2. *That following the investigation and review which has been undertaken by the Council's General Manager, Governance & Community Affairs in relation to this matter, the Council endorses the outcome of the review, namely that the decision made by the Council to introduce 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood between Kensington Road and William Street was based upon the correct procedures, accurate and consistent assessment of the relevant information and has given due regard to appropriate decision making frameworks.*
3. *That the Council advises the Resident that, following the review of the outcome of the consultation process which was undertaken in respect to this matter as set out in this report, the Council reaffirms its decision to introduce 2 hour time limited on-street car parking between 9.00am and 5.00pm Monday to Friday on the western side of Queen Street, Norwood between Kensington Road and William Street.*

Seconded by Cr Moore.

The amendment was put and carried and on becoming the motion was again put and carried.

3. CONFIDENTIAL REPORTS

3.1 TENDER SELECTION REPORT – FELIXSTOW RESERVE REDEVELOPMENT CONSTRUCTION

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:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and that the Council is satisfied that, in principal, 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

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

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Cr Knoblauch 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 & Community Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate Services, Acting Manager, Economic Development & Strategic Projects, Project Manager, Urban Design & Special Projects, Strategic Projects Co-ordinator, City Arborist and Administration Officer, Governance & Community Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and that the Council is satisfied that, in principal, 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 Minney and carried.

Cr Wormald entered the meeting at 7.19pm.

Cr Wormald left the meeting at 7.40pm.

Cr Wormald returned to the meeting at 7.41pm.

Cr Minney moved:

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

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Seconded by Duke and carried.

4. CLOSURE

There being no further business, the Mayor declared the meeting closed at 7.50pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)