

Council Meeting Minutes

4 February 2019

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 Evonne Moore
Cr John Minney
Cr Carlo Dottore
Cr Kevin Duke
Cr Connie Granozio
Cr Mike Stock
Cr Scott Sims
Cr Fay Patterson
Cr Sue Whittington
Cr John Callisto
Cr Christel Mex

Staff Mario Barone (Chief Executive Officer)
Peter Perilli (General Manager, Urban Services)
Mark Thomson (Acting General Manager, Urban Planning & Environment)
Lisa Mara (General Manager, Governance & Community Affairs)
Sharon Perkins (General Manager, Corporate Services)
Chris McDermott (Manager, City Services)
Paul Mercorella (Acting Manager, City Assets)
Matthew Cole (City Arborist)
Emily Crook (Senior Urban Planner)
Isabella Dunning (Manager, Governance, Legal & Property)
Andrew Alderson (Financial Services Manager)
Keke Michalos (Manager, Economic Development & Strategic Projects)
Marina Fischetti (Executive Assistant, Urban Services)

APOLOGIES Cr Garry Knoblauch

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Connie Granozio.

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 21 JANUARY 2019

Cr Stock moved that the minutes of the Council meeting held on 21 January 2019 be taken as read and confirmed. Seconded by Cr Sims and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 21 January	<ul style="list-style-type: none">• Presided over a Council Meeting, Council Chamber, Norwood Town Hall.
Saturday, 26 January	<ul style="list-style-type: none">• Presided over the 2019 Australia Day Awards and Citizenship Ceremony, St Peters Street, St Peters.
Friday, 1 February	<ul style="list-style-type: none">• Officially opened the new 'Couture + Love + Madness Boutique', The Parade, Norwood.
Sunday, 3 February	<ul style="list-style-type: none">• Attended the official opening of the Campbelltown Memorial Oval Facility, Paradise.
Monday, 4 February	<ul style="list-style-type: none">• Attended a meeting with the General Manager, Governance and Community Affairs, Mayor's Office, Norwood Town Hall.

Mayor Bria thanked all Council staff involved in the organisation of the Australia Day Awards and Citizenship Ceremony which were held at St Peters Street, St Peters, on Saturday, 26 January 2019.

Mayor Bria welcomed members of the Council's Local Government Professionals Team as observers to the meeting as part of their professional development:

- Ms Isabella Dunning, Manager, Governance, Legal & Property;
- Ms Heather Spalding, Payroll Officer;
- Mr Nighmat Hasanoff, Systems Administrator;
- Mr Adam Bowey, Urban Planner; and
- Mr Paul Mercorella, Acting Manager, City Assets.

5. DELEGATES COMMUNICATION

Nil

6. QUESTIONS WITHOUT NOTICE

Nil

7. QUESTIONS WITH NOTICE

Nil

8. DEPUTATIONS

Nil

9. PETITIONS

Nil

10. WRITTEN NOTICES OF MOTION

10.1 PRIVACY POLICY OR PRIVACY STATEMENT – SUBMITTED BY ROBERT BRIA

NOTICE OF MOTION: Privacy Policy or Privacy Statement
SUBMITTED BY: Mayor Robert Bria
FILE REFERENCE: S.00232 S.00638
ATTACHMENTS: Nil

Pursuant to Regulation 12(1) of the Local Government (Procedures at Meetings) Regulations 2013, the following Notice of Motion has been submitted by Mayor Robert Bria

NOTICE OF MOTION

That staff prepare a draft Privacy Policy or Privacy Statement for the Council's consideration.

REASONS IN SUPPORT OF MOTION

All councils collect and store personal information about ratepayers and residents, as well as council-registered volunteers and other stakeholders e.g. clubs and associations which use council facilities.

A search of metropolitan council websites shows that only a handful of councils have a Privacy Policy (the City of Onkaparinga has a Privacy Statement). These policies reflect the privacy principles outlined in the *Commonwealth Privacy Act (1988)* and the *Privacy Amendment (Enhancing Privacy) Act (2012)* regarding the collection, storage, use and disclosure of personal information.

I believe the absence of a Privacy Policy may contribute to a lack of clarity or understanding within our community about the council's legal obligations regarding personal information. In some cases, the absence of a policy has led to confusion amongst Elected Members about why certain information that would, *prima facie*, be considered public information, has been withheld. For example, in the past Elected Members have questioned why the addresses and contact details of individuals who have signed petitions received by the council are redacted.

If adopted, a Privacy Policy should provide clarity for members of our community and others who do business with the City of Norwood Payneham & St Peters about:

- sources from which the Council may collect personal information e.g. Valuer-General, Electoral Commission, Centrelink, etc;
- how an individual's personal information will be stored and their privacy protected;
- when and how a personal information held by the Council can and will be used;
- how individuals can access information about themselves;
- how individuals can lodge a complaint if they believe their personal details have been misused (data breach).

STAFF COMMENT

A Privacy Policy or Privacy Statement can be prepared as requested.

Cr Minney moved:

That staff prepare a draft Privacy Policy or Privacy Statement for the Council's consideration.

Seconded by Cr Whittington and carried unanimously.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 STATE PLANNING COMMISSION DISCUSSION PAPER – PRODUCTIVE ECONOMY

REPORT AUTHOR: Senior Urban Planner
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4561
FILE REFERENCE: S/04363
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to seek the Council's endorsement of a submission which has been prepared in response to the *Productive Economy* Discussion Paper which has been released for consultation by the State Planning Commission.

BACKGROUND

The *Planning, Development and Infrastructure Act 2016 (PDI Act 2016)*, was assented to by South Australian Parliament in April 2016. The Act comprises wholesale reform of the South Australian planning system, the elements of which are being progressively developed and implemented by the State Government over the next 18 months.

In July 2018, the State Planning Commission (the Commission) released the suite of draft State Planning Policies, which set out the State's overarching objectives and principles of the new planning system. As Elected Members will recall, the Council made a detailed submission on the State Planning Policies (SPPs) in September 2018. Despite consultation on the SPPs now having concluded, a series of five (5) Discussion Papers are being prepared to assist in a more detailed understanding of how the SPPs are to be interpreted and how the SPPs will be used to inform the drafting of the *Planning and Design Code*.

The *Planning and Design Code* is one of the most significant components of the new planning system and will replace Development Plans for all Councils in South Australia. The Code will be released for consultation in Greater Adelaide in late 2019 and when it comes into effect on 1 July 2020, it will set the rules that guide new development. The State Planning Commission, through the Department of Planning, Transport and Infrastructure, will be responsible for implementing the Code across the State. Staff are currently pursuing discussions with the Department about the processes that will apply and clarify the extent of Local Government involvement and community engagement.

The State Planning Commission has also recently (16 January 2019) released the draft *Planning Development & Infrastructure General Regulations*, together with four (4) Practice Directions, which provide details on operational functions and application of the *Planning Development & Infrastructure Act 2016*. A submission on the draft Regulations is scheduled to be presented at the March Council meeting.

The five-part series of Discussion Papers which are referred to above, focus on various urban planning matters. The Discussion Papers are designed to be read collectively to provide a better understanding of the policy direction which is being taken for the *Planning and Design Code* and how this relates to the SPPs. The Discussion Papers include:

1. Integrated Movement Systems – consultation closed on 3 December 2018.
2. Natural Resources and Environment– consultation closed on 3 December 2018.
3. Productive Economy – consultation closes on 22 February 2019
4. People and Neighbourhoods – estimated release in February 2019.
5. Design in the Planning System – estimated release in February 2019.

Unfortunately, an integrated and collective analysis of the Discussion Papers as a whole cannot be undertaken, as to date only three of the Discussion Papers have been released for consultation. The Council has in its previous submissions on the planning reforms raised concerns about the difficulty in providing meaningful comment on isolated pieces of the system without understanding the scope, interpretation, application and spatial distribution of the other elements of the new system that have yet to be drafted or released for comment.

The policy themes of the *Productive Economy* Discussion Paper are:

Theme 1: Supporting and growing key industries;
Policy Conversation Area: Metropolitan Growth Management;

Theme 2: Linking people to jobs, goods and services;
Policy Conversation Area: Centres policy and retail investment;

Theme 3: Providing Infrastructure to enhance our liveability;
Policy Conversation Area: Economic and industrial land utilisation / emerging industries;

Theme 4: Facilitating innovation and enabling investment

The Commission has also released a Background Paper on the Discussion Paper, detailing the investigations and analysis which has been undertaken to inform the recommended policy directions, together with a supporting paper prepared by Deloitte.

The Discussion Paper and Background Papers are contained in **Attachments A** and **B** respectively.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Several of the themes listed in the Discussion Papers broadly support various aspects of the Outcomes sought by the Council's Strategic Management Plan, *CityPlan 2030* - Economic Prosperity, Cultural Vitality, Social Equity, and Environmental Sustainability.

However, the consistency or conflict with Council's strategic objectives will only be apparent once the detail of the Planning and Design Code and other aspects of the PDI Act implementation are known.

FINANCIAL AND BUDGET IMPLICATIONS

The drafting, public consultation and review of the Discussion Papers, is being conducted by DPTI, prior to writing the *Planning and Design Code*. There are no known immediate financial or budget implications for the Council resulting from this process.

An Implementation Plan for the preparation of the *Planning and Design Code*, has not been released by DPTI. As such, the expected role for Local Government and any budget implications is unknown. Local government practitioners have raised with DPTI the need for clarification of any resourcing implications prior to the 2019-20 Council budget setting process.

EXTERNAL ECONOMIC IMPLICATIONS

The Discussion Paper focuses on the current state of the State's economy, expected trends and changes, and how the planning system can support and influence economic growth.

SOCIAL ISSUES

The objectives of the Discussion Paper will have a secondary impact on the social environment through policy relating to a healthy economy, employment, access to services and businesses, and land uses and zoning.

CULTURAL ISSUES

Not Applicable

ENVIRONMENTAL ISSUES

The Discussion Paper explores how the planning system can facilitate new industries, including renewable energy. Another issue explored in the Paper, which could have secondary impacts on the environment, is an emphasis on increased densities and mixed use areas.

RESOURCE ISSUES

The release of concurrent documents associated with the planning reforms, including the Discussion Papers, is consuming considerable staff resources.

RISK MANAGEMENT

The risk, likelihood and consequences resulting from implementation of any recommendations contained in the Discussion Paper, is difficult to determine, as the Discussion Paper does not contain specific development policies. Instead, the Discussion Paper provides more general proposals and high-level directions. The paper is an expression of the Commission's current intentions for the planning system, which will be refined over the next 18 months.

The policy implications arising from any risks may be moderate or may be far ranging. However, this cannot be ascertained until the *Planning and Design Code* is drafted.

CONSULTATION

- **Elected Members**
Not Applicable
- **Community**
The Council has been invited to prepare a written submission on the Discussion Paper, which comprises proposals for the overall direction for the Planning and Design Code (as it relates to transport and environmental policies). The Code itself will be released in three phases, commencing in February 2019 and will involve broader community consultation.
- **Staff**
Economic Development & Strategic Projects
Development Assessment
- **Other Agencies**
Not Applicable

DISCUSSION

The Commission has released for consultation the *Productive Economy* Discussion Paper, which explores how future policies in the *Planning & Design Code* (the Code) can support and influence the State's economy. Key areas which are discussed in the Discussion Paper include managing metropolitan growth and centres policy, investment in the retail sector, land use and zoning, and location and use of industrial land.

Following a review of the Discussion Paper, it is recommended that a Council submission be made on the questions posed in the Paper, together with comments on issues which require further exploration.

The Paper covers the following key themes:

- Theme 1: Supporting and growing key industries;
- Theme 2: Linking people to jobs, goods and services;
- Theme 3: Providing Infrastructure to enhance our liveability; and
- Theme 4: Facilitating innovation and enabling investment

In exploring these themes, the Discussion Paper recognises some broader trends relating to how the economy is changing and the influencing factors such as the rise of eCommerce, the "sharing economy", retail trends, and changes in technology and industry. The key discussion questions seek feedback on how the planning system could or should interact with or influence the economy through land use planning and zoning, encouraging investment through policy flexibility, provision of infrastructure, and broader strategic planning and land release.

These themes are discussed with a view to implementing any outcomes through the Code. Each theme is presented with discussion of the opportunities and challenges, a proposed policy direction alongside the proposed timing of implementing the policy direction. The Paper identifies some responses as 'transition ready' meaning they will be delivered in the first edition of the Code in July 2020, such as:

2A. Transition, update and consolidate the existing contemporary retailing, activity centres and regional centre policies and zones.

Other responses are identified as 'Reform in Generation 1' which are considered to require relatively minor changes which are also to be incorporated into the first version of the Code in July 2020, such as:

2D. Transition of the policy intent of the SAPPL (South Australian Planning Policy Library) Bulky Goods Zone into a broader zone option.

Where the issue is more complex and requires further research, analysis and drafting in collaboration with all stakeholders, the Discussion Paper indicates the implementation will be deferred to a future version of the Code, such as:

2E. Investigate the opportunities to update centres policies for regional townships and cities

The Commission's Discussion Papers avoid presentation of explicit development policies at this stage of the process. Rather, the Papers are essentially a suite of broad policy directions which staff understand will be refined progressively over the coming months and years, into the suite of Code policies. It should be noted that future amendments to the Code (from July 2020) are able to be undertaken by Councils, the Minister, Joint Planning Board or by a 'person who has an interest in the land' (with the approval of the Minister – section 73(2)(vii) PDI Act).

The themes, topics and recommended policy directions are explored in detail in the draft submission contained in **Attachment C**. The issues outlined below are some of the key operational or high level issues raised in reviewing the Paper.

Reform in the first generation of the Code

The extent of difference between current Development Plans and the *Planning and Design Code* remains unclear, however it is generally understood that there will not be significant reform in the first generation of the Code, in order to assist with the transition process. It is appreciated that to consolidate the current 72 Development Plans in to the Code, there will need to be some changes to the policy content and some 'gaps' which will require attention, however some of the proposed 'Reform Generation 1' policy responses outlined in the Paper, appear to involve more than a minor change. For example:

2C. Undertake a review of retail policy and consider how it can be strengthened to respond to current and future challenges and opportunities.

3A. Investigate and introduce policy to provide improved guidance in relation to renewable energy generation developments.

3B. Identify further potential policy incentives that can promote the adaptive reuse of buildings.

Policy reform in the first version of the Code will be particularly challenging, given the tight timeframes in implementing the Code by July 2020 and the limited opportunities for community and stakeholder engagement. It is hoped that further information, which staff understand will be provided by the Department of Planning Transport and Infrastructure, will provide further context in respect to the impact which these policy changes may have.

Strategic Planning/Regional Plans

This Discussion Paper identifies the need for strategic planning and regional plans. These are particularly important for providing affordable, well-located land supply which is coordinated with the provision of infrastructure. However, the Paper reiterates that the current regional volumes of the Planning Strategy for South Australia, will serve as the State's interim regional plans until new versions are prepared. The *30 Year Plan for Greater Adelaide* is the current regional plan applicable to metropolitan Adelaide.

Regional Plans

This Council has articulated through a number of its previous submissions, that the current *30 Year Plan* does not provide sufficient spatial resolution to deal with new processes being introduced through the planning reforms. As such, a more spatially resolved regional plan (and sub-regional plans in Greater Adelaide) should be developed as a matter of priority to resolve the following concerns:

- the 30 Year Plan represents the whole of Greater Adelaide as being targeted for redevelopment, without identifying areas which should have limited infill in the interests of preserving the environment, heritage or character;
- a need for better definitions of terms in the 30 Year Plan;
- conflicting State Planning Policies which require contextual prioritisation;
- the potential pressures from private Code amendments which may not (or perhaps are unlikely to) align with councils' strategic plans or intended strategic direction;
- the need to identify the location of future centres and precincts such as retail centres, innovation precincts or health/medical precincts, mixed use areas, large format retailing, intensive employment generators;
- the need to guide infrastructure upgrades to cater for increasing densities and cumulative effects of urban infill. This is likely to require coordination between councils, for example road networks or creek catchment areas which run between councils.

Regional and sub-regional plans will take considerable time to prepare, so the *30 Year Plan* will serve as the Greater Adelaide Regional Plan beyond July 2020. However, the attached draft submission recommends that work on new regional plans should commence as soon as possible to reduce the length of time in which the system is operating under the guise of *30 Year Plan* and reduce the risk of opportunistic interests seeking poorly considered zoning and development outcomes.

Evidence based decision making

An important component of strategic planning is ensuring that any proposed changes are evidence based. Several recent decisions and strategic directions which have been made by the State Government have not been supported by data or a demonstration of need. Many changes proposed to be introduced through the planning reforms, are based on the conclusion that all councils are under-performing in respect to development assessment and therefore a greater proportion of development applications should be processed as 'tick-box complying', and/or a greater proportion of applications should be determined by private certifiers. Despite statistics being provided by councils through the System Indicators data there has not been a clear statistical demonstration of poor performance by councils across the board. In short, the conclusions are not backed by the data, rather the conclusions are based on perceptions and mantra.

The *Productive Economy* Discussion Paper proposes an increased diversity of land uses in commercial zones, questions the validity of current centres policy, and explores opportunities for out-of-centres development or fringe expansion. At the same time, the Paper identifies that there is an outstanding need to review retail and centres policy which indicates there is an insufficient evidence base for these proposed changes to retail policy formats. The Paper also supports more flexible policies, as set out below, however insufficient evidence has been provided to justify the need for more flexible policies.

Flexible Policy

A 'flexible policy environment' appears to be an aspiration of the new planning system in order to facilitate new development and investment wherever possible irrespective of the zoning, the location, the quality of the development, or its impacts. The benefits of flexible planning policies in encouraging economic growth is a consistent theme throughout this Discussion Paper, reiterated through points such as:

- *The planning system can provide a positive and enabling environment that unlocks development, innovation and liveability (pg 11)*
- *One of the most important functions of the new planning system is to facilitate and enable economic growth opportunities (pg 21)*
- *Investors and businesses seek clarity, opportunity and security... This can be achieved through a strategically planned supply of land; the identification and provision of supporting infrastructure such as freight networks and planning policy which is clearly articulated and flexible enough to respond to future challenges and opportunities (pg 21)*
- *Efficiency in regulatory process and review affects the risk profile of potential investments and the costs of doing business. The planning reform process is, in part, an effort to ensure these elements are more transparent, consistent and reliable, and to ensure more streamlined decision making (pg 23)*
- *Policy flexibility that enables an increased diversity of retail activities to reflect changing retail trends and support emerging formats (pg 37).*

There are benefits in having a policy framework which encourages economic growth, remains up to date with current economic trends, supports local businesses and ensures the community's service needs are met. However, some of the above statements create a perception that economic gains will be heavily prioritised over the other needs of a community or indeed the impacts of development. Good land use planning principles must not be abandoned or put to one side in pursuit of a "development at any cost" approach/mantra. It is also unclear how planning policies will be '*clearly articulated*', provide '*clarity, opportunity and security*', and remain '*transparent, consistent and reliable*' while also being '*flexible enough to respond to future challenges*'. Policy flexibility for those investing in development projects, is counter-productive to clarity and consistency of outcomes for the community.

Establishing clear zone hierarchies and policies assists in setting expectations for the community, applicants and developers. It provides some level of certainty about the land use and built form environment they will be living and working in. This is a fundamental component of any decent planning system. There has been a concerning trend in recent years of significant developments being approved above and beyond the scope of the '*clearly articulated*' zone policies, the context of the locality, and the expectations of the surrounding community. This might be '*flexible*' and '*enabling*' for the persons undertaking the development at a site which suits them, but does not provide transparency, consistency or reliability for the community.

A flexible policy framework should not encourage out-of-character developments on an ad-hoc basis, nor provide a system of 'policy trade-offs' permitting developments to go above and beyond established policy expectations. Instead, where there is a demonstrated or expected need for policy changes (e.g. due to population growth or the need to accommodate a new form of industry or business), this should be addressed through a Code Amendment which progresses through the appropriate investigation and community consultation. Larger changes may require an amendment to the regional/sub-regional plan. In the interests of efficiency, a planning system should be able to process these changes as promptly as possible, without compromises being made to the consultation process.

It may be the case that the language around flexible policy is not intended to allow unfettered opportunities for applicants and developers, but instead envisages avenues for reducing administrative red tape, whilst remaining consistent in how the policy is applied. This approach could be supported, subject to the policy content and the potential impacts on surrounding properties and regulatory enforcement. The Discussion Paper suggests that '*fit for purpose controls (could) deal with unanticipated externalities associated with disruptive ways of doing business*' (pg 48). It is unclear how '*fit for purpose*' controls will deal with '*unanticipated externalities*' given how prescriptive current planning enforcement proceedings need to be.

While some flexibility is required for the Code policies to adapt to change, the extent of policy flexibility should not compromise the planning system's core purpose of regulating the distribution of land uses and associated built form. Clarification is therefore required on what is envisaged by greater policy flexibility and how this can be incorporated into the planning system in an equitable, sustainable and objective manner. It is considered that '*policy flexibility*' should not be consistently occurring at the development assessment stage to achieve greater-than-intended development outcomes. If there is need for outdated policy to be relaxed or made more 'flexible', this should occur with full transparency and only through a policy change (Code Amendment) process.

Retail policy and centres hierarchy

The activity centres hierarchy is a well-established system of designating retail, service and other commercial activities to a hierarchy of zones or precincts which serve different sized catchments of people and different service needs. This has been reflected in South Australian land use zoning since the 1970's with the scale and hierarchy of centres designated as Central Business District (Adelaide CBD), Regional, District, Neighbourhood and Local. The policy is designed to facilitate the larger, higher order centres to fulfil occasional or specific needs and the smaller, lower order centres fulfil day-to-day needs.

The benefits of a centres hierarchy include, but are not limited to:

- concentration of businesses maximising customer patronage, co-ordinated facilities and strategic transport movements. This prevents dilution of customer catchments to help support and maintain local brick and mortar shops, some of which are struggling to compete against online shopping and price undercutting of large corporations;
- planned transport networks (including public transport routes and freight deliveries), based on the trip generation potential of larger centres. Customers are more likely to take public transport to a major centre where they intend to stay for a reasonable length of time and visit different shops/services, whereas they are much more likely to drive to isolated 'destination' shops;
- centralise shops, services and infrastructure which provides convenience for customers and staff;
- facilitate shared parking arrangements creating efficiencies in respect to the provision of car parking;
- provide some assurance to business owners and surrounding residents, regarding the expected scale of development and economic climate within their area. This assists in providing some certainty to business operators about their customer base and competition, and assists residents in making informed decisions about where they want to live;
- similarly, clear zone designation enables market forces to operate more fairly; those investing more in a centre zone location do so on the basis that they are likely to have a stronger customer base. These investments are undermined if other businesses or development can be established out of centres and contrary to established zone policy; and
- ability to co-locate important services (eg community centres, health facilities, child care) in locations where there are already large concentrations of people.

Dilution of centres hierarchy

In recent years, at the State Government level, there has been a clear step away from the centres policy, in favour of a more flexible policy and zoning environment. In 2015, the then Minister for Planning advised councils of investigations and a review of 'activity centres' and the associated planning policy frameworks which guide retail and commercial development. The subsequent *Existing Activity Centres Policy Review DPA*, resulted in a range of changes to policies in centre zones, including softening of floor area caps (which controlled the size of businesses commensurate with the size of the centre), car parking provision etc.

Also in 2015, the *Inner and Middle Metropolitan Corridor Infill DPA* (which has not proceeded to date) proposed linear extensions of the Urban Corridor Zone to significantly broaden the scope of land uses and built form anticipated along large stretches of arterial roads.

In December 2017, the *Inner and Middle Metropolitan Corridor (Sites) DPA* was introduced, with the objective of rezoning specific sites located outside of centres to, amongst other things, remove floor area caps for non-residential uses. An example of the effect of this DPA, is the recent approval by the State Commission Assessment Panel (SCAP) of an Aldi supermarket at Magill Road, Norwood, on the former Caroma site. This would not have occurred under the previous system where rezoning of the site would have required significantly greater justification, particularly regarding the economic justification for a large retailer.

More recently, some of the draft State Planning Policies appeared to steer away from the centres hierarchy in favour of diversifying zones for greater development opportunities and retail competition. A consequence of this approach is that it also favours large retailers often to the detriment of small centres and mainstreets.

This shift away from centres policy has never been formally communicated to either Local Government or the community.

The *Productive Economy* Discussion Paper suggests that “*out-of-centre proposals that compete for the local retail catchment may warrant fewer restrictions because they may have only a marginal impact on travel patterns*”. This is a significant assumption and is a concerning approach without sufficient evidence specific to the context of a proposal and is fundamentally flawed.

The Discussion Paper also recommends establishing new centres, or expanding existing centres in ‘*edge of centre*’ locations. This is contrary to existing planning policy and the need for maximum separation of conflicting land uses or intensities, by concentrating development in the middle of the centre and scaling land uses and built form down as you progress to the periphery of a zone. Expansion into ‘*edge of centre*’ locations is likely to result in negative impacts on surrounding properties such as increased levels of activity, servicing and deliveries, noise, car parking, and larger built form outcomes. While centres will need to change and expand over time, this should occur in a strategic and staged manner and should only occur when supported by evidence of current or future demand. Again, this approach is fundamentally flawed.

These changes should be identified in strategic/regional plans and either rezoned through a Code amendment or incorporate sufficient policies which identify where commercial activities could be located. It is important to establish policy ‘boundaries’ to prevent ‘silent land use creep’ into adjacent sensitive zones which do not have adequate policies in place to undertake an assessment of commercial developments. The Council does not support the policy to establish new or expand centres in ‘*edge of centre*’ locations without any evidence of how this approach would work.

The Council’s draft submission recommends the retention of a centres hierarchy as it is not only relevant in today’s planning, but necessary, at least in some form, for a sustainable economy.

Increase in mixed use zones

In an apparent shift away from traditional land use zoning, the draft State Planning Policies and the *Productive Economy* Discussion Paper, seek to encourage a greater mix and a reduced separation of land uses. The Discussion Paper also supports adjusting and rationalising industrial zones, as well as the planning system accommodating new and emerging land uses and technologies. Although there is merit in ‘future proofing’ planning policies by catering for a range of emerging trends, land uses and technologies, any subsequent reduction in the separation between sensitive and impacting land uses, should be approached with caution. Mixed use zones are important economically and socially but they should be in appropriate locations and with the appropriate mix of uses to avoid incompatible uses and land use conflicts. This critical land use framework detail is not shown in the *30 Year Plan* and needs to be reflected in a Regional Plan before any policy change can be contemplated.

If current industrial or other commercial zones are rezoned to mixed use zones, this could jeopardise opportunities for traditional industries. It is important to maintain sufficient land for ‘traditional’ commercial uses in suitable locations, including in inner metropolitan areas to avoid industries being pushed out to urban fringes where transport networks are inefficient and not readily accessible to supply and customer networks.

Adaptive Reuse

In a general sense, adaptive reuse occurs constantly through one occupant moving out of a building and a new occupant moving in and making changes to suit their use. The State Planning Policies highlight that older buildings are at particular risk of vacancy and neglect due to the challenges in meeting requirements such as car parking, noise attenuation, building rules requirements etc.

Heritage listed buildings are sometimes afforded dispensation in respect to some requirements such as reduced car parking provision or changes to disability access in certain circumstances. These allowances:

- recognise that accommodating the standard requirements might not be achievable without significantly compromising the value of the building;
- are an incentive to owners or occupants to continue active use of the building; and
- in some cases are seen as 'lessening some of the burdens' associated with the maintenance and regulation of heritage buildings.

Adaptive reuse policies can be used positively to encourage the retention of buildings, but any expansion of adaptive reuse policies in the future should not dilute any current policy flexibility provided to heritage listed properties. If the same dispensations are afforded to pre-1980's buildings as heritage buildings, what extra incentive will there be for someone to lease or buy a heritage building if they can get the same offsets/flexibility with a non-listed building which may have fewer development restrictions?

It is important that in any circumstances (whether it be a heritage or non-heritage building), the 'offsets' do not result in unreasonable impacts on surrounding properties or the broader locality more generally; adaptive reuse should not be to the complete detriment of others (benefits to a few but impacts on many). It is also important that any flexibility for building rules requirements doesn't make the building unsafe for occupants.

For a detailed assessment of further issues and policy responses, please refer to the attached draft submission contained in **Attachment C**.

OPTIONS

The Council has the following options with respect to how it responds to the draft Discussion Paper:

Option 1

Following consideration of the Discussion Paper, the Council can resolve to endorse the attached draft submission contained in **Attachment C**, with or without amendments, as being suitable for submitting to the Commission.

This Option is recommended.

Option 2

The Council can resolve to make changes to the submission beyond the discussion in this report.

This Option is not recommended, due to timing deadlines imposed by the close of submissions on 22 February 2019.

Option 3

The Council can resolve to not provide a submission to the Commission relating to the Discussion Paper, however this would result in a missed opportunity to raise issues of concern.

CONCLUSION

The *Productive Economy* Discussion Paper explores the opportunities for the new planning system to encourage and support growth in the State's economy. While this is clearly supported, the proposed pathway for achieving this, as proposed in the Discussion Paper, primarily rely on a more relaxed policy framework, an increase in mixed use areas and a dilution of centres hierarchy policy. If implemented, these methods would represent a significant disruption to the current policy environment and create a perception that the new system will favour the economic objectives of major developers over other needs of the community generally, or indeed sound planning. This approach could also impact significantly on mainstreets such as The Parade and Magill Road in favour of disruptive out of centres development, or new centres being established in advance of need.

The draft submission highlights these concerns and recommends alternative approaches where appropriate.

COMMENTS

Nil

RECOMMENDATION

1. That the draft submission contained in Attachment C, in response to the *Productive Economy Discussion Paper*, be endorsed and the submission be forwarded to the State Planning Commission.
 2. That the Chief Executive Officer be authorised to make any minor editorial/grammatical changes to the submission prior to the submission being lodged.
-

Cr Whittington moved:

1. *That the draft submission contained in Attachment C, in response to the Productive Economy Discussion Paper, be endorsed and the submission be forwarded to the State Planning Commission.*
2. *That the Chief Executive Officer be authorised to make any minor editorial/grammatical changes to the submission prior to the submission being lodged.*

Seconded by Cr Mex and carried unanimously.

11.2 TREE REMOVALS - MAGILL ROAD

REPORT AUTHOR: Acting Manager, City Assets
GENERAL MANAGER: General Manager, Urban Services
CONTACT NUMBER: 8366 4517
FILE REFERENCE: S/05483
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to seek direction from the Council in relation to the removal of street trees on the northern side of Magill Road from Fullarton Road to Portrush Road.

BACKGROUND

On 27 February 2018, the Department of Planning, Transport and Infrastructure (DPTI) met with Council staff to discuss the Department's proposed 2018-2019 works program. A number of projects were discussed, including the resurfacing of the full width of Magill Road from Fullarton to Portrush Road.

The Council's current practise prior to resurfacing a local road as part of the Annual Capital Works Program, is to replace damaged kerb and gutter in order to protect the edge of the road from erosion and provide structural support to the pavement edge. Undertaking kerb patching or replacement prior to a road being resurfaced increases the useful life of the kerb and in turn the road pavement.

Although Magill Road is an arterial road which is under the care, control and management of DPTI, the kerbing and associated drainage is the responsibility of the Council. As a part of the assessment of the kerbing, the street trees on both sides of the segment of Magill Road which is to be re-surfaced were also assessed.

An initial assessment of the segment of Magill Road which is proposed to be resurfaced was undertaken to determine if there were any sections of kerbing which had been damaged or lifted as a result of street trees in these locations.

Following the initial assessment, it was determined that there is a large number of damaged and lifted kerb segments scattered along the northern side of Magill Road. There is little to no damage to the kerbing on the southern side of Magill Road. The different tree species on both sides of the road is considered to be the main contributor to the damaged kerbing.

Following an initial assessment, the damaged kerb on the northern side was identified to be primarily due to the street tree roots and the fact that the trees are located in very close proximity to the back of the kerb. To overcome this issue and reduce future maintenance liability, Council staff proposed to alter the alignment of the kerb along the damaged segments on Magill Road whereby the face of kerb will be brought out approximately 300 mm from the existing alignment to provide adequate room for the tree and tree roots to grow.

Magill Road from Fullarton Road to Portrush Road is 1.6km long. The width of the bike lanes in both directions are 1.3 metres each and whilst there are four (4) vehicle lanes, the left outside lane 3.3 metres wide and right inside lane 3.0 metres wide in both directions of travel. Both the bike lanes and vehicle lanes in each direction are not considered to be excessively wide. As such, DPTI have advised that operational problems could arise for cyclists, motorists and bus drivers, by reducing the width of the lanes by bringing out the kerbing from its current alignment and that DPTI would not support any proposal to reduce the widths of the traffic lanes.

As a result, Council staff have undertaken an assessment of the street trees and the adjacent civil infrastructure to determine the future impact, if any, which the existing trees would have on the infrastructure and in particular, what impact cutting the tree roots, if required, would have on the health of the trees. This assessment has been undertaken for the trees located on the north side of Magill Road only.

A survey of this assessment is set out in the Discussion section of the report.

The removal of street trees throughout the City is managed through a process which involves an assessment of each tree which is proposed to be removed being undertaken by a qualified arborist in the first instance.

The report and recommendation from the arborist is then considered by the General Manager, Urban Services, who has delegated authority to approve or refuse the removal of a tree(s).

If following consideration of the arborist's report and recommendation, the General Manager, Urban Services, determines to approve the removal of a tree(s) then the process requires the General Manager, Urban Services, to consult with the Councillors representing the Ward within which the tree(s) is located.

If the Councillors concur with the General Manager, Urban Services' decision to approve the removal of the tree(s), then the removal of the tree(s) is actioned.

If the Councillors do not agree with the General Manager, Urban Services' decision to remove a tree(s) then the matter is referred to the Council for determination.

This process has been in place for many years and has worked well. The process is founded upon the need to ensure that the removal of any tree is assessed by a qualified arborist before a decision is made and that the protection and retention of street trees is the overarching objective.

Through the assessments which have been undertaken (based upon the objective of retaining trees whilst ensuring that future maintenance liability for infrastructure is minimised), it was recommended and determined by the General Manager, Urban Services, that only six (6) trees are required to be removed.

There is agreement amongst the Ward Councillors to remove only six (6) trees as determined by the General Manager, Urban Services. However, there is a view which has been expressed by some of the Councillors, that given the location and species of trees and the current and potential damage to infrastructure, that all of the trees on the northern side of Magill Road between Fullarton Road and Portrush Road, should be removed.

As this proposition extends beyond the decision which has been made by the General Manager, Urban Services, this matter is now referred to the Council for consideration.

To assist the Council in its consideration of this issue, this report and attachments, provides all of the details relating to the assessment which has been undertaken and the conclusions which have been reached.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

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

Outcome 1: Social Equity

A connected, accessible and pedestrian-friendly community

Objectives:

2. *A people-friendly, integrated, sustainable and active transport network.*
 - 2.2 *Provide safe and accessible movement for people of all abilities.*

Outcome 4: Environmental Sustainability

A leader in environmental sustainability.

Objectives:

3. *Sustainable and attractive streetscapes and open spaces.*
 - 3.1 *Improve the amenity and safety of streetscapes for pedestrians and cyclists, including provision for shade in summer.*
 - 3.4 *Protect, diversify and increase the existing tree stock.*

FINANCIAL AND BUDGET IMPLICATIONS

The relaying of the kerb and water table, including works associated with the adjacent footpaths, will be funded from the 2018-2019 Council's Capital Works Budget. However, no allowance has been made in the 2018-2019 financial year budget for the removal of any street trees associated with this particular project. The cost to remove and replace a tree with a mature species is approximately \$2,500 and based on a recommendation to remove six (6) trees, the cost to undertake this work is estimated to be \$15,000. This can be funded from the Council's recurrent budget and any adjustment that is required will form the basis of a budget revision for this financial year.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

The impact of removing healthy, functional street trees must be balanced against the requirement to ensure that infrastructure, in this case, kerb and water table displacement in directing stormwater into the drains, protecting the edge of the road from erosion, providing structural support to the pavement edge and providing a clear and delineated travel path for both cyclists and motorists.

Based upon the assessment which has been undertaken, every attempt has been made to keep the number of trees which must be removed to a minimum.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The Council acknowledges that the Council's street trees and streetscapes are highly valued and treasured assets within the City. Clearly, the removal of healthy, functional street trees for reasons of risk management may have negative environmental and aesthetic impacts. The impacts can however be mitigated by replacing trees which are removed, with semi-advanced specimens of an appropriate species.

RESOURCE ISSUES

The removal and the replanting of the trees will be coordinated by Council staff.

RISK MANAGEMENT

The risk management approach undertaken in dealing with this issue is to ensure that the risk, particularly to cyclists and motorists along this section of Magill Road is minimised. The fact that widths of both the cycle lanes and the traffic lanes are not generous, the path of travel for both cyclists and motorists must be clearly defined and the vertical displacement along the travel path, especially for cyclists must be minimised.

CONSULTATION

- **Elected Members**

In accordance with the tree removal process, the following Councillors have been consulted:

- Cr Mike Stock
- Cr Connie Granozio
- Cr Scott Sims
- Cr Kevin Shepherdson (Former Elected Member – Cr Shepherdson was consulted on this issue prior to the 2018 Council Elections).

- **Staff**
General Manager, Urban Services
City Arborist
Project Manager, Civil
Project Officer, Civil
- **Other Agencies**
Department of Planning, Transport and Infrastructure (DPTI)

DISCUSSION

There are a total of sixty five (65) street trees located on the northern section of Magill Road from Fullarton Road to Portrush Road.

In assessing the impact of the existing street trees on the infrastructure (both kerb and footpaths) the alignment of the travel paths for both motorists and cyclists and the health of each tree, the following criteria has been used:

Criteria 1:

Lean of a Tree onto the Bike path (DPTI Standard Vegetation Clearance Envelope)

The lean of a tree onto the bike path, otherwise referred to as “DPTI’s Standard Vegetation Clearance Envelope”, relates to the overhanging of vegetation on DPTI roads. The Envelope requires a vertical vegetation clearance of five (5) metres when measured from the face of the kerb or the edge of the shoulder of the road, as appropriate. Should the five (5) metre clearance not be able to be achieved, the vegetation / tree is required to be removed.

Criteria 2:

Impact on Civil Infrastructure Damage

This criteria identifies the offset of the tree from the back of kerb, the length of damaged kerb and water table, and the impact that the trees will have on the adjacent infrastructure (including the footpaths).

Criteria 3:

Visual Tree Assessment

The Visual Tree Assessment (VTA) was undertaken by the Council’s consulting arborist, Mr Colin Thornton of “Treevolution Arboricultural Consultants Pty Ltd”. The VTA provides an assessment of the trees overall health and structure to allow the formulation of detailed tree management options. The tree’s locations, in relation to site boundaries and features, have been captured and identified within the report. A total of sixty five (65) street trees, on the north side of Magill Road from Fullarton Road to Portrush Road, were assessed. A copy of the VTA is contained in **Attachment A**.

The results of the assessment using the criteria as described above resulted in twenty six (26) trees being identified for further investigation. These trees are shown in **table 1** below. The trees are also shown in **Attachment B**.

It should be noted that the tree numbers shown in Table 1 do not relate to the tree numbers used in the VTA report. In order to align the numbers, the corresponding tree number from the VTA report is shown in **Table 1**.

TABLE 1: TREES IDENTIFIED FOR FURTHER INVESTIGATION

Tree Number & Location	Criteria 1 (Lean of Tree onto bike path)	Criteria 2 (Impact on Civil Infrastructure)	Criteria 3 (Visual Tree Assessment)	VTA Number
No. 1 / 25 Magill Road	X			6
No. 2 / 31 Magill Road	X	X		11
No. 3 / 41 Magill Road (1 of 4)		X		13
No. 4 / 41 Magill Road (2 of 4)	X		X	14
No. 5 / 41 Magill Road (3 of 4)		X		15
No. 6 / 41 Magill Road (4 of 4)		X		16
No. 7 / 43 Magill Road		X		18
No. 8 / 57 Magill Road (1 of 2)	X			20
No. 9 / 57 Magill Road (2 of 2)	X	X		25
No.10 / 75 Magill Road	X	X		30
No.11 / 79 Magill Road	X	X		34
No.12 / 91 Magill Road (1 of 4)		X		37
No.13 / 91 Magill Road (2 of 4)		X		39
No.14 / 91 Magill Road (3 of 4)	X		X	40
No.15 / 91 Magill Road (4 of 4)		X		41
No.16 / 177 Magill Road	X			44
No.17 / 179 Magill Road	X			46
No.18 / 197 Magill Road	X	X		47
No.19 / 199 Magill Road	X			48
No.20 / 209 Magill Road	X			50
No.21 / 215 Magill Road (1 of 2)	X	X		52
No.22 / 215 Magill Road (2 of 2)	X	X		54
No.23 / 217 Magill Road	X	X		57
No.24 / 239 Magill Road		X		59
No.25 / 57 Magill Road			X	22
No.26 / 59 Magill Road			X	24

From the list of trees shown in **Table 1**, an assessment of each individual location is provided below. Photographs of the trees listed in Table 1, are contained in **Attachment B**.

Criteria 1

Tree numbers **1, 8, 16, 17, 19 and 20**, fall within Criteria 1, namely the clearance requirement by DPTI of five (5) metres or less from the face of the kerb due to the lean of the tree. This issue was considered by Council staff from a practical perspective and it was determined that a clearance of five (5) metres from the face of the kerb was considered to be excessive as it has minimal or no impact on cyclists using the bike lane.

A tree protruding at a height of two (2) metres or less at the centre of the bike lane, will govern whether the tree should be retained or removed. Council staff have concluded that a two (2) metre clearance over the bike lane is suitable in the interests of retaining the street trees and providing sufficient clearance for the normal use of the bike lane. That is, a tree with a leaning trunk which is less than two (2) metres when measured from the ground at the centre of the bike lane, should be removed. A diagram illustrating the lean of the tree onto the bike path is contained within **Attachment C**. In this instance, the trunks of the trees mentioned above, cleared the ground at a height of two (2) metres or more and therefore it was determined that these trees should not be removed.

Criteria 1 and 2

Tree Numbers **2, 9, 10, 11, 18, 21, 22 and 23** fall within Criteria 1 and 2, namely the lean of tree onto the bike path and the impact to civil infrastructure.

It has been determined that tree trunks in these locations all have a clearance height at the centre of the bike lane of two (2) metres or more and therefore it was determined that these these trees can be retained.

In order to assess the damage to the infrastructure, trees where the base is 50mm or less behind the back of kerb or in some instances within the kerb space where the face of the kerb has been pushed out, were investigated to assist in making an assessment on whether a tree should be removed.

Due to the location of tree roots, Council staff discussed with DPTI, the concept of lowering the kerb (drop kerb) in the locations where a full length upright kerb cannot be reinstated, and this has been agreed to by DPTI. As a result, seven (7) of the eight (8) trees identified in this category are able to be retained (Tree Numbers **2, 9, 10, 18, 21, 22 and 23**). In these instances, the kerb at the front of these trees will be replaced with a “drop kerb”.

However, the tree roots of Tree Number 11 are positioned directly within the existing kerb alignment. The tree roots in this location are in excess of 100mm in diameter and should these roots be cut and removed, the health of the tree will be compromised and the tree could possibly fail. The length of the tree roots on either side of the tree are approximately three (3) metres in length, thereby preventing the drop down kerb to be installed adjacent the base of the tree. It was therefore determined that Tree Number 11 should be removed.

Criteria 2

Tree Numbers **3, 5, 6, 7, 12, 13, 15 and 24** fall within Criteria 2, namely the impact to civil infrastructure only. As mentioned as part of the assessment of the tree's which fall within both Criteria 1 and Criteria 2 as set out above, the base of all trees which fall within Criteria 2, were also identified to be located within 50mm of the back of kerb, thereby causing damage to the kerb and water table. Each of the locations have been closely examined to determine whether the “drop kerb” would be able to be installed and the trees retained.

Although the “drop kerb” was identified as being able to be installed in the majority of the locations, it is not able to be installed in all locations. The tree roots of Tree Number 13 are positioned directly within the existing kerb alignment and water table similar to Tree Number 11, therefore preventing the re-installation of a “drop kerb” and water table. As a result, it has been determined that Tree Number 13 should be removed. A “drop kerb” will be placed adjacent the other trees within this criteria.

Criteria 1 and 3

Tree Numbers **4 and 14** fall within Criteria 1, namely the lean of tree onto bike lane and the Visual Tree Assessment. Each of the trees were initially assessed against Criteria 1 and it was identified that none of the trees overhang the face of the kerb to the centre of the bike lane at a height of two (2) metres or less, therefore eliminating Criteria 1 as a reason for possible removal. The trees were then assessed against Criteria 3 (Visual Tree Assessment).

The purpose of the VTA is to provide information to assist in the development of an overall management plan, with the aim of ensuring the preservation of the unique tree features located within the streetscape, whilst minimising risk to members of the public utilising the footpath and road infrastructure. The VTA was specifically commissioned to provide an arboricultural assessment of the health, structure and crown form of the trees, including an assessment of any factors that may be influencing the tree's health or stability which will assist in guiding the formulation of a comprehensive management plan.

Of the numerous factors assessed as part of the VTA, "structural condition" is considered the greatest influencing factor in this case, due to the high volume of pedestrians, cyclists and drivers using the footpaths and road infrastructure in this location. Although the other factors assessed as part of the VTA were considered, these factors did not have a strong influence in relation to the decision whether the tree would be retained or removed.

The assessment of the tree's "structural condition", categorized the trees into one (1) of four (4) classes. The four (4) classes were:

- Good - No identifiable defects to the tree
- Fair - Minor apparent defects to the tree
- Poor - Defects present and contributing to poor structure of the tree
- Very Poor - Major defects that have significantly compromised the tree structure

Although a recommended time frame for the removal of trees is not assigned to each of the four (4) structural condition classes, the VTA did however recommend any tree that has a structural condition class of poor or very poor, should be removed. As a result of the review, Tree Numbers 4 and 14 both rated "poor" and have been determined to be removed.

Criteria 3

Tree Numbers **25 and 26** fall within Criteria 3, namely Visual Tree Assessment. Although both trees have no impact on the civil infrastructure and / or adjacent bike path, following completion of the Visual Tree Assessment, the structural condition of both trees rated poorly. As a result, it has been determined that both trees should be removed.

Summary

In summary, following the completion of the assessment of the trees and adjacent civil infrastructure along Magill Road, from Fullarton Road to Portrush Road on the northern side against the various criteria, the six (6) trees identified for removal are:

- Tree Number 4;
- Tree Number 11;
- Tree Number 13;
- Tree Number 14;
- Tree Number 25; and
- Tree Number 26.

As such, a total of six (6) trees out of a total of sixty-five (65) street trees have been recommended for removal. That is approximately ten (10%) percent of the total tree stock along this section of Magill Road.

Based on the VTA report, it should be noted that there are six (6) varieties of street trees on the north side of Magill Road, from Fullarton Road to Portrush Road. These species are summarised in **Table 2**.

TABLE 2: VARIETY AND TREE SPECIES ALONG MAGILL ROAD, NORTH SIDE FROM FULLARTON ROAD TO PORTRUSH ROAD

Species	Number of Trees	Percentage
<i>Eucalyptus camaldulensis</i> (River red gum)	11	16.9
<i>Eucalyptus sideroxylon</i> (Iron bark)	30	46.1
<i>Eucalyptus scoparia</i> (Wallangarra white gum)	11	16.9
<i>Hymenosporum flavum</i> (Native frangipani)	5	7.7
<i>Pyrus calleryana</i> (Ornamental pear)	7	10.8
<i>Thuja plicata</i> (Western red cedar)	1	1.6
Total	65	100

As set out in Table 2, approximately 46% of the street trees located on the north side of Magill Road, from Fullarton Road to Portrush Road, are *Eucalyptus sideroxylon* (Iron bark).

Any future policy dealing with replacement tree species should take into consideration several criteria, including overhead power lines, the impact on infrastructure and adaption to the local environment.

OPTIONS

The options available to the Council regarding this issue are:

Option 1:

The Council has the option to not remove any of the trees located on the northern side of Magill Road between Fullarton Road and Portrush Road. This option is not recommend as the trees which have been assessed and recommended for removal have been assessed against all of the criteria and therefore they are recommended for approval.

Option 2:

Note the decision which has been made by the General Manager, Urban Services, (acting under delegation) to remove tree Numbers **11, 13, 4, 14, 25 and 26** as shown in **Table 1**.

Option 3:

Remove all of the trees located on the northern side of Magill Road between Fullarton Road and Portrush Road, on the basis of the location of the trees, the species and the current and potential damage to infrastructure (namely kerbing).

Option 4:

Determine which trees should be removed based on the Council's consideration of the assessment which has been undertaken.

CONCLUSION

The issue as to whether a tree is removed or retained, once a hazard, detrimental health or impact of the Council's infrastructure has been identified, is always a difficult one.

It is this Council's position that street trees should be retained whenever possible, as they provide a valuable asset for the City from an environmental and aesthetic perspective.

In this instance, from a total of sixty-five (65) trees which have been assessed, only six (6) have been identified and approved for removal. This decision has been made, following a thorough assessment of each tree, against the criteria which has been discussed within the report.

It should also be noted that the management of infrastructure in streetscapes which contain street trees, will always be a careful balancing act. In this instance, through the application of the Council's practices and processes associated with the management of its street trees, a total of six (6) trees have been identified and approved for removal.

COMMENTS

Not Applicable.

RECOMMENDATION

1. The Council notes that the General Manager, Urban Services, under delegation has approved the removal of six (6) trees, namely tree Numbers 4, 11,13, 14, 25 and 26 as identified in the report titled Tree Removals – Magill Road.
2. The Council notes that the trees which are removed, as set out in Point 1 above, will be replaced with trees of suitable/appropriate species.

Cr Moore moved:

1. *The Council notes that the General Manager, Urban Services, under delegation has approved the removal of six (6) trees, namely tree Numbers 4, 11,13, 14, 25 and 26, as identified in the report titled Tree Removals – Magill Road.*
2. *The Council notes that the trees which are removed, as set out in Point 1 above, will be replaced with trees of suitable/appropriate species.*

Seconded by Cr Granozio

Amendment

Cr Patterson moved:

1. *The Council notes that the General Manager, Urban Services, under delegation has approved the removal of six (6) trees, namely tree Numbers 4, 11,13, 14, 25 and 26, as identified in the report titled Tree Removals – Magill Road.*
2. *That as part of the replacement of the kerbing, consideration be given to the installation of Treenet Inlets.*
3. *The Council notes that the trees which are removed, as set out in Point 1 above, will be replaced with trees of suitable/appropriate species.*

Seconded by Cr Mex

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

11.3 MANAGEMENT STRATEGIES – QUEENSLAND BOX TREES

REPORT AUTHOR: General Manager, Urban Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4523
FILE REFERENCE: S/0004 S/1240
ATTACHMENTS: A - L

PURPOSE OF REPORT

The purpose of this report is to re-present to the Council a strategy for the management of Queensland Box street trees.

BACKGROUND

As Elected Members will recall, at its meeting held on 6 August 2018, the Council considered two (2) Notices of Motion associated with Queensland Box trees and the impacts from a pedestrian safety perspective of seed pods accumulating on footpaths.

Following consideration of the Notices of Motion, the Council resolved the following:

1. *That the report be received and noted.*
2. *That in accordance with the provisions of the Local Government (Elections) Act 1999 and Council's Local Government Elections Caretaker Policy, this matter be deferred for consideration at the March 2019 Council meeting.*

A copy of the Minutes of the meeting held on 2 October 2018 is contained in **Attachment A**.

In accordance with this decision, the report as presented to the meeting held on 2 October 2018, has been modified slightly so that any reference to the *Local Government (Elections) Act 1999* and the Council's *Local Government Elections Caretaker Policy* have been removed, as the Council Elections have now been finalised and also includes appropriate recommendations for the Council's consideration.

Prior to determining a strategy to address the issues which have been raised in the two (2) Notices of Motion, it is worthwhile re-visiting the previous decisions which have been made by the Council on this issue.

In response to a petition, in December 2005 the Council resolved the following:

1. *That the petition be received.*
2. *That the convenor of the petition be thanked for bringing the petitioners' views to the attention of the Council and be advised of the Council's resolution with regard to this matter.*
3. *That the matter be deferred pending further investigation into the options and a report, which will incorporate the following items:*
 - *the extent of the problem;*
 - *an analysis of the risks;*
 - *the various options available to address the risks; and*
 - *the costs associated with the various options.*

Subsequently, at its meeting held on 3 April 2006, the Council considered a report which provided information regarding the levels of risks associated with Queensland Box street trees and to identify and explore options to satisfactorily manage the hazard.

Following consideration of the matter at that meeting, the Council resolved the following:

1. *That upon completion, the information held in the Street Tree Inventory be analysed to map Queensland Box street tree populations and quantify the work required to reduce or eliminate hazardous situations involving Queensland Box street trees.*
2. *That the Street Tree Inventory data be used to better target the Council's footpath sweeping operations to where the sweeping will be of most benefit in reducing the hazard presented by nuts shed from Queensland Box street trees.*
3. *That the results of the footpath sweeping arrangements be monitored.*
4. *That following analysis of the results, if the need to increase the frequency of footpath sweeping is identified as being required, the additional resources required will be referred to the Council for consideration.*
5. *That the Street Tree Inventory data be used to consult with the relevant stakeholders, to identify specific, hazardous situations involving Queensland Box street trees and prioritise work required to reduce or eliminate the hazard.*
6. *That the Council acknowledges the concern of some of our elderly residents in respect to Queensland Box trees.*
7. *That the Council progressively removes and replaces Queensland Box trees along footpaths throughout the City over a twenty-five (25) year period, with priority being given to those areas where there are concentrations of elderly residents (ie. retirement villages).*

The Council also resolved that the anticipated costs for the 25 year program be investigated and that the estimates be incorporated into the draft 2006-2007 Budget for consideration.

A copy of the Minutes of the meeting held on 3 April 2006 are contained in **Attachment B**.

At its meeting held on 1 May 2006, the Council considered a Notice of Motion which rescinded the resolution which was made by the Council at its meeting held on 3 April 2006 and replaced it with the following Motion:

That the resolution of Council on 3 April 2006, be rescinded and substituted with the following motion:

1. *That upon completion, the information held in the Street Tree Inventory be analysed to map Queensland Box street tree populations and quantify the work required to reduce or eliminate hazardous situations involving Queensland Box street trees.*
2. *That the Street Tree Inventory data be used to better target the Council's footpath sweeping operations to where the sweeping will be of most benefit in reducing the hazard presented by nuts shed from Queensland Box street trees.*
3. *That the results of the footpath sweeping arrangements be monitored.*
4. *That following analysis of the results, if the need to increase the frequency of footpath sweeping is identified as being required, the additional resources required will be referred to the Council for consideration.*
5. *That the Street Tree Inventory data be used to consult with the relevant stakeholders, to identify specific, hazardous situations involving Queensland Box street trees and prioritise work required to reduce or eliminate the hazard.*

6. *That the Council acknowledges the concern of some of our elderly residents in respect to Queensland Box trees.*
7. *That prioritised work of a minor nature is actioned as soon as is practical, drawing on existing operational street tree maintenance budget allocations.*
8. *That prioritised work, which is likely to require significant resources, be subject to the Council's normal budget process.*

A copy of the Minutes of the meeting held on 1 May 2006 are contained in **Attachment C**.

At its meeting held on 5 June 2006, the Council considered a Notice of Motion and resolved the following:

That Council seek a legal opinion regarding Council's risk management position and Council's possible exposure to compensation claims with respect to Queensland Box street trees following the motion passed in Item 9.3 of the meeting of Council held on 1 May 2006 and specifically in respect to the report provided by the Council's arborist in the agenda for the Council meeting held on 3 April 2006.

A copy of the Minutes of the meeting held on 5 June 2006 are contained in **Attachment D**.

Following this decision, legal advice was obtained and presented to the Council at its meeting held on 4 September 2006.

A copy of the legal advice is contained in **Attachment E**.

In short, the legal advice which was provided to the Council, concluded that the recommendations which were contained in the report considered by the Council at its meeting held on 3 April 2006 (and which were subsequently adopted by the Council at its meeting held on 1 May 2006) "*are a reasonable response to the risk and an adequate strategy to limit exposure to compensation claims*". The legal advice also recommended an immediate risk assessment of high risk areas throughout the City, to assess the adequacy of the eight (8) week footpath sweeping program, liaise (negotiate) with the footpath sweeping contractors with a view to increasing the sweeping program in appropriate areas and ensure that the contractors keep adequate records of the sweeping regime.

At its meeting held on 6 November 2006, the Council considered a Notice of Motion and resolved the following:

The Council supports the motion that Staff investigate and prepare a Report on the Street and Footpath Sweeping Program with the view of varying the seasonal frequency to better target the actual need in areas of predominant tree species with varying leaf litter characteristics, with emphasis on the widespread Queensland Box Trees.

A copy of the minutes of the meeting held on 6 November 2006 are contained in **Attachment F**.

At its meeting held on 5 March 2007, the Council considered a report on the outcome of a review of the Council's Footpath Sweeping Program.

Following consideration of the matter at that meeting the Council resolved the following:

1. *That Footpath Sweeping Program, as set out in Table 1 below, be adopted.*

TABLE 1 – New Footpath Sweeping Program

Footpath sweeping frequency	Suburbs or sections
4-weekly	All main roads All bus routes Felixstow Firle Glynde Marden (east of Lower Portrush Road) Norwood Payneham (east of Portrush Road) Payneham South St Morris Trinity Gardens
8-weekly	Heathpool Joslin Kensington Kent Town Marden (west of Lower Portrush Road) Marryatville Payneham (west of Portrush Road) Royston Park St Peters (east of Winchester Street)
12-weekly	College Park Evandale Hackney Maylands St Peters (west of Winchester Street) Stepney
1 – 2 weekly (under the autumn leaf program)	Streets containing predominantly Plane and Celtis Trees during the leaf fall season.
1 – 2 weekly	Streets containing predominantly White and Red Cedar trees during the seed fall season.
Additional proactive and responsive sweeping (within allocated funding limits)	Higher risk areas during the most prolific period of the Queensland Box nut fall season. Other isolated areas as required to address unique tree species. Responsive sweeping as required to address problem areas not sufficiently covered by the base schedule.

2. *That the Chief Executive Officer be authorised to negotiate with the Council's current footpath sweeping contractors to amend the current contract to achieve the adopted Footpath Sweeping Program.*
3. *That a further report be presented to the Council, outlining the outcome of the negotiations with the Council's Footpath Sweeping contractors.*
4. *That the cost of the adopted footpath sweeping program be presented to the Council, for confirmation, as part of the 2007-08 Budget.*

A copy of the Minutes of the meeting held on 5 March 2007 are contained in **Attachment G**.

At its meeting held on 4 June 2007, the Council considered a report on the cost of the Footpath Sweeping Program as set out in Table 1 of the Council's resolution made at its meeting held on 5 March 2007 and the outcome of the negotiations regarding the revised Footpath Sweeping Program.

Following consideration of this matter the Council resolved the following:

1. That the Council approves a variation to the current City-wide footpath sweeping contract to increase the contract sum to \$138,190.20 (excluding GST) per year from 1 July 2007.
2. That the Chief Executive Officer be authorised to undertake any administrative action required to effect the variation.
3. That the Mayor and Chief Executive Officer be authorised to sign and seal any contracts and/or documents associated with this matter.

It should be noted that the contract sum of \$138,190, did not include additional sweeping in areas containing predominantly White Cedar trees during the "berry drop" season and other 'ad hoc' special footpath sweeping requirements during the year. The budget adopted by the Council for the Footpath Sweeping Program for the 2007-2008 financial year was \$170,000.

A copy of the Minutes of the meeting held on 4 June 2007 are contained in **Attachment H**.

At a Special Council meeting held on 17 April 2012, the Council resolved "*in principle*" to reduce the total Street and Footpath Sweeping Program by \$312,000. This reduction was confirmed by a resolution of the Council made at its meeting held on 2 July 2012, when the 2012-2013 Budget was adopted.

A copy of the Minutes of the meeting held on 17 April 2012 are contained in **Attachment I**.

In order to accommodate the reduction in the funds allocated for the total Street and Footpath Sweeping Program, the Footpath Sweeping Program was totally discontinued from 28 February 2013 (i.e. footpaths were no longer swept). The Program at that time was based on the frequencies as shown in Table 1, which was adopted by the Council at its meeting held on 5 March 2007.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

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

Outcome 1: Social Equity

A connected, accessible and pedestrian-friendly community

Objectives:

2. A people-friendly, integrated, sustainable and active transport network.
 - 2.2 Provide safe and accessible movement for people of all abilities.

Outcome 4: Environmental Sustainability

A leader in environmental sustainability.

Objectives:

3. Sustainable and attractive streetscapes and open spaces.
 - 3.1 Improve the amenity and safety of streetscapes for pedestrians and cyclists, including provision for shade in summer.
 - 3.4 Protect, diversify and increase the existing tree stock.

One of the targets within this section of the *CityPlan 2030*, is to plant an additional 300 trees in streets and in public places by 2020, in order to increase the total number of street trees by 1.3% on the 2016 level.

For the period 1997 to 2017, the Council's tree canopy for both street trees and reserves increased from 30% to 34%.

FINANCIAL AND BUDGET IMPLICATIONS

As Elected Members are aware, the Council discontinued the Footpath Sweeping Program and as such no funds are available in the 2018-2019 Adopted Budget.

The costs associated with the various options presented in this report are set out in the Discussion section of this report.

In respect to the cost of the various options, it should be noted that any works associated with sweeping footpaths, will be an operating expense (i.e. not capital).

Any works associated with the removal and replacement of the Queensland Box trees can however be treated as capital expenditure.

The rationale for this is based on the fact that trees are considered to be an asset and whilst a depreciation value cannot be placed against the asset, street trees serve the community over a long period of time, at least twenty (20) to twenty five years (25).

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

The impact of removing healthy, functional street trees must be balanced against the impact of providing elderly, frail and disabled residents and indeed pedestrians generally, with a safer environment in which to live.

Based upon complaints and concerns which have been raised by citizens, it is clear that there is a view in some sections of the community, that the seed pods produced by Queensland Box trees pose a potential hazard to pedestrians.

Debris on footpaths, especially the pods from the Queensland Box trees can cause accidents and injury. At the same time, Queensland Box trees require a low level of maintenance, are easy to prune, are slow growing, drought tolerant and generally not susceptible to pest and disease.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The Council's *CityPlan 2030*, acknowledges that the Council's street trees and streetscapes are highly valued and treasured assets within the City. Clearly, the removal of healthy, functional street trees for reasons of risk management will have negative environmental and aesthetic impacts. The impacts may be mitigated by replacing trees which are removed; with semi-advanced specimens of an appropriate species. At the same time, the Council's *CityPlan 2030* acknowledges the safety of pedestrians by providing safe and accessible movement for people of all abilities.

Hence, the dilemma in dealing with this important issue.

RESOURCE ISSUES

Should the Council resolve to introduce a revised Footpath Sweeping Program, then this service will be outsourced to a contractor.

Similarly, if the Council resolves to remove some or all of the Queensland Box street trees, then these works will be outsourced.

The implementation and management of both decisions will be undertaken by Council staff.

RISK MANAGEMENT

Legal advice which has been received and considered by the Council regarding the management of street trees, concluded that the recommendations which were contained in the report considered by the Council at its meeting held on 3 April 2006 (and which were subsequently resolved by the Council at its meeting held on 1 May 2006), are a reasonable response to the risk and an adequate strategy to limit exposure to compensation claims. The legal advice also made recommendation for an immediate risk assessment of high risk areas throughout the City to assess the adequacy of the eight (8) week cycle associated with the footpath sweeping program and to liaise with the footpath sweeping contractors with a view to increasing the sweeping program in appropriate areas.

Since that time and following the adoption of the Footpath Sweeping Program adopted by the Council at its meeting held on 5 March 2007, the Council has since resolved not to sweep all footpaths throughout the City. This resolution of the Council at its meeting held on 2 July 2007 increases the risk for the Council against claims made by persons against the Council for slipping on a footpath due to the debris falling from the Council's street trees.

CONSULTATION

- **Elected Members**
As set out in this report, the Council has considered several reports on this issue over a number of years, and most recently on 2 October 2018.
- **Community**
If the Council resolves to remove any of the Queensland Box street trees, then appropriate consultation is required to be undertaken in accordance with the Council's Consultation Policy and Section 232 of the *Local Government Act 1999*.
- **Staff**
Manager, City Services
Acting Manager, City Assets
City Arborist
Works Coordinator, Parks and Gardens
- **Other Agencies**
Not Applicable

DISCUSSION

This section of the report summarises the extent of the issues associated with Queensland Box street trees, the number and locations of Queensland Box street trees, the level of risk presented and the strategies which are available for the Council to address the issue.

1. Queensland Box Trees

As Elected Members are aware, the legal advice which has been received, has acknowledged that there are risks associated with Queensland Box trees when used as street trees. In particular, the propensity of Queensland Box trees to shed large volumes of semi-spherical seed capsules on to footpaths and the potential hazard that is created.

The behaviour of Queensland Box trees is thought to be largely due to Adelaide's drier climate when compared to the Queensland Box's natural rainforest habitat. The lack of water and other rainforest conditions causes the Queensland Box trees to assume that there is a drought and natural mechanisms trigger the production of copious amounts of seed pods which in turn has the potential to create trip hazards and in particular for the frail and elderly. Therefore, the risk can increase significantly when Queensland Box trees grow in proximity to the homes of elderly citizens – including aged accommodation.

In light of these issues, the Council resolved some time ago, that Queensland Box trees will no longer be used as a street tree and that when an existing Queensland Box tree is removed due to disease, structural defect or unmanageable risk, it will be replaced with an alternative, more appropriate species.

Notwithstanding this, Queensland Box trees make up a quarter of the Council's total street tree stock. That is, approximately 4,525 street trees from a total of approximately 22,000.

Sound environmental, aesthetic and social reasons encourage the Council to continue to plant street trees. Naturally, if Queensland Box trees are removed, a suitable replacement specie will be used. Therefore, it is important to note that although the particular issues surrounding the shedding of seed pods may not be typical of all species, all trees growing in urbanised environments will carry a certain level of risk. This is inevitable.

Unfortunately, from a risk management perspective, many of the Queensland Box trees exist in suburbs which have a generally older demographic profile and this tends to compound the risk of trip injury due to seed pods being shed onto the footpath and the fact that these pods are shed all year round.

Based upon previous assessments which have been undertaken, it has been determined that the spatial location of Queensland Box trees are distributed most densely within the suburbs of the Felixstow, Firlie, Glynde, Joslin, Marden, Payneham, Payneham South, Trinity Gardens, Norwood and Kent Town. There are also isolated plantings in Evandale, St Peters, Kensington and Marryatville.

At its meeting held on 5 March 2007, the Council was advised that:

In order to determine areas of highest risk, locations of schools, shopping centres, and known aged care homes and retirement villages of significant size, were overlaid on the distribution map. A copy of the overlay is available for review and will be provided at the Council meeting. It was considered that these places attract the greatest concentration of foot traffic and contain the most vulnerable members of the community in the highest concentrations (i.e. the frail aged). Most aged care and retirement facilities are located in the north-eastern parts of the City and in the suburb of Norwood. Interestingly, Queensland Box trees are prominent in these same areas. Parts of the City with scarce existence of Queensland Box, such as Stepney, St Peters, College Park and Maylands, have a lower concentration of aged care and retirement facilities.

Profile.id, a demographics analysis tool which correlates the results of previous censuses conducted by the Australian Bureau of Statistics, indicates that suburbs in which Queensland Box trees are prominent, also contain higher concentrations of aged residents than other areas.

Council staff have assessed the locations where Queensland Box street trees are planted adjacent to known aged care and retirement villages as being in the high risk category, with schools, bus routes and major shopping strips being in the medium risk category and all other streets where they are planted in the City in locations considered lower risk.

A copy of the tables containing a summary of this assessment is contained in **Attachment J**. The assessment also includes the estimated costs to remove and replace Queensland Box street trees and also include the cost to sweep the footpaths on which they are planted, at various frequencies.

A map showing the streets where Queensland Box street trees are planted in the higher risk areas is also shown in **Attachment J**.

2. Previous Decisions

At its meeting held on 3 April 2006, the Council resolved to review the Footpath Sweeping Program and at the same time, progressively remove and replace all Queensland Box trees throughout the City over a twenty-five (25) year period, with priority being given to those areas where there are a concentration of elderly citizens (i.e. retirement villages).

At its meeting held 1 May 2006, the Council resolved to rescind this decision.

As a result, a revised Footpath Sweeping Program was considered by the Council at its meeting held on 5 March 2007. The revised program which was presented and adopted by the Council at that meeting, included sweeping footpaths which included Queensland Box trees in streets which contained known aged care facilities and retirement villages, streets with bus routes and high pedestrian areas such as adjacent major shopping precincts. These streets were swept on a four (4) weekly cycle. At the same meeting, the Council resolved to sweep footpaths in other Council locations which contained Queensland Box trees on an eight (8) weekly cycle. These streets were categorised at a medium risk level.

At its meeting held on 17 April 2012, the Council resolved “in principle” to reduce the total Street and Footpath Sweeping Program by \$312,000. This decision was confirmed by a resolution of the Council at its meeting held on 2 July 2012, when the Budget was adopted. In order to accommodate the reductions in the Budget, the Footpath Sweeping was discontinued from 28 February 2013.

The only footpath sweeping program that currently exists is that associated with the sweeping of roads in the City with blowers in streets where there are vehicles parked on a continuous and frequent basis.

As such, the Council does not have any formal program (i.e. reactive or responsive) to deal with the issues which are caused by Queensland Box street trees. Legal advice which was received and considered by the Council at its meeting held on 4 September 2006, advised that whilst the recommendations contained in the report considered by the Council at its meeting held on 3 April 2006 (and rescinded by the Council at its meeting held on 1 May 2006) “*are a reasonable response to the risk and an adequate strategy to limit exposure to compensation claims*”. The legal advice also made recommendations to the Council to undertake an immediate risk assessment of high risk areas throughout the City and to assess the adequacy of the eight (8) week program. This assessment, together with the revised program was considered by the Council at its meeting held on 5 March 2007.

3. Current Footpath Sweeping Practices

Whilst the Footpath Sweeping Program has been discontinued, some footpaths are swept in conjunction with the Council's Road Sweeping Program.

In this respect, at its meeting held on 1 July 2013, the Council considered a report regarding a review which was undertaken of the Council's Street Sweeping Program. Following consideration of the matter, the Council resolved to sweep roads and footpaths where vehicles are parked on a frequent basis three (3) times during the summer with the aid of blowers and streets which contain Eucalyptus and White Cedar trees. Under these circumstances, some of the streets included in these programs contain Queensland Box trees.

An analysis of the lengths associated with the sweeping of those streets identified in **Attachment K** have been considered in determining the costs for any future strategies in dealing with this issue.

A map showing the location of streets with heavily parked vehicles and where sweeping takes place in autumn and summer is contained in **Attachment L**.

The major reason for including a sweeping program (for a limited duration) for streets containing White Cedar trees, is to address the potential slip hazard which is posed by the seeds which are shed during the summer months. This is undertaken as part of the Road Sweeping Program with the use of blowers.

As Queensland Box trees shed pods all year round, it is difficult and costly to facilitate such a program. Council staff attend to locations based on complaints. However, this is a reactive response.

If the Council wishes to be more responsive, other strategies need to be considered.

Similarly, streets are swept with the aid of blowers once a month in Beulah Road, Queen Street, William Street, George Street and Edward Street in Norwood, at the beginning of each month between September and April. That is, one sweep per month. These streets contain Queensland Box street trees for a portion of the total length of the street and experience major pedestrian activity. The length of these streets are also contained in **Attachment K**.

4. Complaints

The number of footpath sweeping complaints which have been received and the total number received associated with the dropping of seed pods from trees for the period 2013 to 2018 inclusive, are shown in Table 1 below.

TABLE 1 – COMPLAINTS RECEIVED FOR THE PERIOD 2013-2018

Year	Footpath Sweeping Complaints	Seed Pod Complaints	Percentage	Period
2013	40	12	30.00%	May to December
2014	47	17	36.17%	January to December
2015	74	21	28.38%	January to December
2016	100	29	29.00%	January to December
2017	133	27	20.30%	January to December
2018	48	5	10.42%	January to Date

Whilst the complaints which have and continue to be received do not distinguish the tree species, based upon experience it would be fair to say that the majority of these issues are associated with Queensland Box street trees. The major reasons for this assumption is the fact that Queensland Box street trees shed the pods all year round and that there is no formal program to sweep these footpaths.

The largest number of complaints occurred during the drier years, particularly in 2016 and 2017.

OPTIONS

The options available to the Council to address this issue are:

1. Immediate removal and replacement of all Queensland Box street trees

This option is not considered appropriate as it would involve the removal of some 4,425 street trees. Clearly, such an approach would have a significant impact on the City's streetscapes and is not considered to be a satisfactory outcome. The initial cost of removing and replacing approximately 4,425 street trees is likely to be in the vicinity of \$3.36M (approximately \$745 per tree), in addition to substantial initial maintenance costs.

Option 1 is not recommended from an aboricultural and cost perspective.

2. Progressively remove and replace all Queensland Box street trees

As with Option 1, this option is not considered appropriate. Even if the estimated cost of \$3.36m to undertake the work is spread over a number of years (for example 25 years as previously resolved by the Council), this will cost approximately \$134,000 per year.

3. The Identification of specific locations and the removal and replacement of those trees in these locations

Based upon the Council's Street Tree Inventory, there are approximately 691 Queensland Box street trees adjacent to known aged care facilities and retirement villages. The total cost to remove and replace these trees is approximately \$514,104. These trees can be removed and replaced at one time or over a period of time. The trees adjacent these locations present the greatest trip hazards.

Similarly, it has identified that approximately 692 Queensland Box street trees are located adjacent to high pedestrian use areas such as schools, regular stopping routes and bus routes. These areas fall into the medium risk category. The estimated cost to remove and replace these trees is \$514,840. Again, these trees can be removed and replaced in one (1) year or over a period of time.

This option addresses the immediate and most significant risk areas. If progressed through the removal and immediate replacement with advanced tree specimens, the impact on the respective streetscapes will be a short term.

4. Identify Queensland Box street trees in specific locations that are considered to be unhealthy or badly shaped and replace these trees

This option involves assessing the existing Queensland Box street trees and identifying those trees with poor health or having an unbalanced shape following vegetation clearance by SAPN and prioritising their removal and replacement.

This option will not address the problem immediately, however it provides a good longer term strategy and can be undertaken in tandem with Option 3.

5. Reintroduction of a Footpath Sweeping Program

This option will require identifying those streets with Queensland Box street trees and putting in place a footpath sweeping regime that will assist in minimising the risks associated with the dropping of seed pods on the footpaths.

At present, footpaths are not swept as the Council has resolved to discontinue the Footpath Sweeping Program from its operations. However, there are certain locations where streets and footpaths are swept and these are contained in **Attachment K**.

The risk management approach associated with the introduction of a Footpath Sweeping Program would include:

- identifying streets where Queensland Box street trees are planted;
- identifying the location of areas in the City which contain known aged care and retirement villages of significant size and hospitals (or similar);
- identifying the location of schools, bus routes and major pedestrian routes associated with shopping precincts;
- overlaying the information obtained above to determine areas of greatest risk; and
- determine the best frequency of sweeping to address the removal of the seed pods.

This exercise has been undertaken by Council staff and it has been determined that:

- There are approximately 41km of footpaths where Queensland Box street trees have been planted adjacent to known aged care homes and retirement villages. A list of these locations by street is contained in **Attachment J**. These footpaths present the higher risk locations.

A map showing these footpaths is also included as **Attachment J**.

- There are approximately 46km of footpaths with Queensland Box street trees which form part of a bus route, school route and major pedestrian routes associated with major shopping precincts. These footpaths present a medium risk. A list of these locations by streets is contained in **Attachment J**.
- There are approximately 189km of “other” footpaths with Queensland Box street trees. These footpaths present the lower risk for the Council. These streets are also shown in **Attachment J**.

It should be noted that there are risk issues associated from the dropping of seed pods from Queensland Box street trees, however, in some locations the risk is higher and hence the terminology used is higher and lower, rather than the highest and the lowest.

If the Council resolves to reintroduce a Footpath Sweeping Program, then in respect to the higher risk footpaths which have been identified, it is recommended to sweep these footpaths on a minimum four (4) weekly cycle, those footpaths with a medium risk on an eight (8) weekly cycle and those with the lower risk on a twelve (12) weekly cycle.

A combination of a more targeted Footpath Sweeping Program and the removal of Queensland Box street trees in selected locations is the preferred option from an environmental, risk management and cost perspective in specific locations.

6. Footpath Pavements

Alternative pavement treatments such as rubberised bitumen may offer more resistance to slipping than block paved footpaths, however alternative surface treatments tend to be expensive and seldom complement existing pavement surfaces, resulting in a 'patchwork appearance'.

This option can be used in isolated locations, however, it is generally found to be cost prohibitive and is not considered suitable for widespread application.

7. Do nothing

The Council can continue to adopt a reactive complaint-based approach associated with Queensland Box trees.

This option is likely to increase the Council's exposure to liability and complaints and is not the preferred option from a risk management perspective.

SUMMARY

As mentioned in this report, there is a risk associated with seed pods dropping on footpaths.

Legal advice which has been received and considered by the Council and advice which has been received from the Local Government Association's Mutual Liability Scheme, requires the Council to demonstrate that it has identified the extent of the problem and has established systems and programs to deal with the issue and satisfactorily mitigate levels of risk.

Based upon an assessment of the options which have been presented in this report, removal of all the Queensland Box street trees throughout the City, either immediately or over a period of time, is considered to be an over-reaction. Notwithstanding this, the removal of all Queensland Box street trees and replacement with a more suitable specie over a period of time can still be considered.

The Council has discontinued its Footpath Sweeping Program, except in those streets which contain Queensland Box street trees in locations where vehicles are frequently and continuously parked.

Table 2 below, summarises the various risk categories associated with Queensland Box street trees planted throughout the City, the cost to sweep these footpaths at various frequencies and the costs to replace the Queensland Box street trees associated with the categories of risk. The risks have been categorised as higher, medium and lower risk.

The figures shown in Table 2 for the various sweeping frequencies, have taken into account the sweeping of those streets where Queensland Box street trees are planted in streets which experienced parked vehicles on a frequent and continuous basis.

The higher risk areas are considered to be those locations where dense coverage of Queensland Box street trees exist in close proximity to known aged care facilities, retirement villages and hospitals.

Medium risk streets contain Queensland Box street trees adjacent to schools, bus routes and major shopping centres.

All other streets throughout the City which have Queensland Box street trees have been categorised as having the lower risk.

TABLE 2: VARIOUS OPTIONS & COSTS ASSOCIATED WITH STRATEGIES REGARDING QUEENSLAND BOX STREET TREES THROUGHOUT THE CITY

Risk	No. of QB Street Trees	Km of Footpath (km)	4 Weekly Cycle \$	8 Weekly Cycle \$	12 Weekly Cycle \$	Cost to Remove & Replace QB Street Trees \$
Higher Risk	691	27	55,522	27,614	18,409	514,104
Medium Risk	692	36	73,752	36,568	24,347	514,848
Lower Risk	3,141	148	420,260	210,130	140,086	2,457,432

Note: QB = Queensland Box street trees

From the options which have been considered and presented in this report and based on the cost estimates shown in Table 2, it is recommended that:

1. All Queensland Box street trees which are located in streets which have been identified in the higher risk category, be considered for removal and immediate replacement with a suitable specie. This can be undertaken in one (1) year or over a number of years. It is recommended that this be considered as part of the 2019-2020 Budget.
2. A Footpath Sweeping Program be introduced to sweep streets in the higher risk category on a minimum four (4) weekly cycle.
3. A Footpath Sweeping Program be introduced for those locations which are categorised at the medium risk on an eight (8) weekly cycle and those categorised at the lower risk on a twelve (12) weekly cycle.

The reasons for this recommendation are as follows:

- the removal and replacement of trees on the higher risk category account for less than 15% (or 692) of the Queensland Box street trees which are located within the City; and
- it provides a strategic, responsible and sensible way forward to address an identified risk, which the Council must address.

In respect to the removal and replacement of the Queensland Box street trees associated with the higher risk areas (that is areas adjacent to known aged care and retirement villages), it is recommended that the removal of these trees be staged over at least a two (2) year period (total 691 trees). This represents the removal of around three hundred and fifty (350) Queensland Box trees a year and the planting of new trees of a suitable specie.

All newly planted street trees are watered, fertilised and maintained for three (3) years following each planting. As such, to remove, replace and maintain all of the Queensland Box street trees associated with the higher risk areas, will require additional resources which also needs to be factored into the total cost.

CONCLUSION

The hazards associated with Queensland Box street trees are acknowledged as is the environmental and aesthetic contributions made by the City's streetscapes by Queensland Box trees.

Clearly, the Council must strike a balance between managing the risks associated with this particular tree species and the benefits which are derived from them.

Currently, there is no effective management strategy in place to deal with the risk issues associated with the dropping of seed pods from Queensland Box street trees on to the Council's footpaths (i.e. the Council does not have a strategy to effectively manage the risk). Most councils with Queensland Box street trees have similar problems and issues to deal with.

Effective management of the situation may require the Council progressing more than one management strategy.

Doing nothing is not an option as both the legal advice which has been received by the Council and advice received from the Local Government Association Mutual Liability Scheme (LGAMLS), requires the Council to demonstrate that it has identified the extent of the problem and has established systems or processes to deal with the issue and satisfactorily mitigate levels of risk.

COMMENTS

Sound risk management requires that once a hazard has been identified, the likelihood and potential consequences of an incident associated with the hazard must be considered and if required, appropriate action undertaken to mitigate the risk within a reasonable time.

The challenge for the Council in this instance, is to balance the effective management of risk against amenity, environmental considerations and the impact of removing healthy street trees potentially resulting in negative influences on property values and the potential psychological, social impact and opposition.

The Council has previously resolved to review, implement and discontinue a Footpath Sweeping Program. This Program placed an emphasis on the issues surrounding Queensland Box street trees. This report has presented the Council with a number of options, all which involve either progressively removing selected Queensland Box street trees or reintroducing a targeted Footpath Sweeping Program for those locations where Queensland Box street trees provided the greatest risk, or a combination.

The recommended option has been devised using a risk management approach in a way which addresses a higher level of service where the risk is greatest.

RECOMMENDATION

The Council notes that a Project Definition for:

- (a) the removal and replacement of Queensland Box street trees located in the higher risk areas (691 trees) over a two (2) year period; and
- (b) the sweeping of footpaths where Queensland Box streets are planted, in the following frequencies:
 - Locations of higher risk – every four (4) weeks;
 - Locations of medium risk – every eight (8) weeks; and
 - Locations of lower risk – every twelve (12) weeks;

will be submitted for the Council's consideration and approval as part of the draft 2019-2020 Budget.

Cr Sims left the meeting 7.52pm.

Cr Moorhouse left the meeting at 7.53pm.

Cr Sims returned to the meeting at 7.54pm.

Cr Moorhouse returned to the meeting at 7.54pm.

Cr Duke moved:

The Council notes that a Project Definition for:

- (a) *the removal and replacement of Queensland Box street trees located in the higher risk areas (691 trees) over a two (2) year period; and*
- (b) *the sweeping of footpaths where Queensland Box streets are planted, in the following frequencies:*
 - *Locations of higher risk – every four (4) weeks;*
 - *Locations of medium risk – every eight (8) weeks; and*
 - *Locations of lower risk – every twelve (12) weeks;*

will be submitted for the Council's consideration and approval as part of the draft 2019-2020 Budget.

Seconded by Cr Sims.

The Mayor sought leave of the meeting to allow Cr Dottore to address the Council for an additional two (2) minutes.

Leave was granted.

Cr Stock left the meeting at 8.35pm.
Cr Stock returned to the meeting at 8.37pm.

The motion was put and lost.

Division

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

Those in favour: Cr Minney, Cr Duke, Cr Stock and Cr Sims.

Those against: Cr Patterson, Cr Whittington, Cr Dottore, Cr Granozio, Cr Callisto, Cr Mex, Cr Moorhouse and Cr Moore.

The Mayor declared the motion lost.

Cr Moore moved:

The Council notes that a Project Definition for:

(a) the sweeping of footpaths where Queensland Box streets are planted, in the following frequencies:

- Locations of higher risk – every four (4) weeks;*
- Locations of medium risk – every eight (8) weeks; and*
- Locations of lower risk – every twelve (12) weeks; and*

(b) a program to identify unhealthy or poorly shaped Queensland Box trees for removal and replacement as part of a long-term management strategy;

will be submitted for Council's consideration as part of the draft 2019-2020 Budget.

Seconded by Cr Dottore and carried.

Division

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

Those in favour: Cr Patterson, Cr Whittington, Cr Dottore, Cr Sims, Cr Granozio, Cr Callisto, Cr Mex, Cr Moorhouse and Cr Moore.

Those against: Cr Minney, Cr Duke and Cr Stock.

The Mayor declared the motion carried.

Section 2 – Corporate & Finance
Reports

11.4 MONTHLY FINANCIAL REPORT – DECEMBER 2018

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: S/00697
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding its financial performance for the year ended December 2018.

BACKGROUND

Section 59 of the *Local Government Act 1999* (the Act), requires the Council to keep its resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review. To assist the Council in complying with these legislative requirements and the principles of good corporate financial governance, the Council is provided with monthly financial reports detailing its financial performance compared to its Budget.

RELEVANT STRATEGIC DIRECTIONS AND POLICIES

Nil

FINANCIAL AND BUDGET IMPLICATIONS

Financial sustainability is as an ongoing high priority for the Council. The Council adopted a Budget which forecasts an Operating Surplus of \$1.430 million for the 2018-2019 Financial Year. As part of the Mid Year Budget Update, the Operating Surplus was revised down to \$1.374 million

For the period ended December 2018, the Council's Operating Surplus is \$1.663 million against a budgeted Operating Surplus of \$1.032 million, resulting in a favourable variance of \$631,000.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Responsible Officers and General Managers.
- **Other Agencies**
Not Applicable.

DISCUSSION

For the period ended December 2018, the Council's Operating Surplus is \$1.663 million against a budgeted Operating Surplus of \$1.032 million, resulting in a favourable variance of \$631,000. The favourable variance is consistent with the variance presented in the October 2018 Monthly Finance Report. The primary driver of this variance is:

- Total revenue is \$240,000 (1%) favourable to the budget, comprising of a number of items with the most significant being:
 - User Charges are \$84,000 (5%) favourable to budget primarily driven by higher than anticipated income generated from the hire of Norwood Concert Hall;
 - Statutory Charges \$35,000 (3%) favourable to budget due to a higher than anticipated number of parking expiation notices being issued than budgeted.
- Employee Expenses are reporting a favourable variance of \$279,000 (4%). The variance is driven primarily due to a variation in the number of budget hours worked compared to the actual hours worked. The variance arises due to the timing of staff taking Annual and Long Service Leave compared to the allowance made in the budget, combined with the careful utilisation of contracted and casual staff hours when backfilling positions.

There are no other individually significant variations to highlight with variances primarily caused by expenditure timings to the budget.

The Monthly Financial report is contained in **Attachment A**.

OPTIONS

Nil

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

That the Monthly Financial Report – December 2018, be received and noted.

Cr Sims left the meeting at 9.11pm.

Cr Stock moved:

That the Monthly Financial Report – December 2018, be received and noted.

Seconded by Cr Minney and carried.

11.5 NORWOOD CONCERT HALL – QUARTERLY PERFORMANCE REPORT - DECEMBER 2018

REPORT AUTHOR: Manager, Norwood Concert Hall
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: S/00416
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Council with a status report on the activities of the Norwood Concert Hall, the first six (6) months of the 2018-2019 Financial Year ending December 2018.

BACKGROUND

The Norwood Concert Hall caters for events of various sizes and types, including Adelaide Fringe productions, international concerts, corporate meetings, school productions, cabaret acts and weddings.

As a concert venue, the main hall can seat between 150 and 790 in luxurious surroundings. The stage measures 15m x 16m, making it the second largest stage in the State.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Norwood Concert Hall supports the Council in attaining the following objectives as set out in *CityPlan 2030*:

Outcome 1: Social Equity

Objective 1: Convenient and accessible services and facilities.

Strategy: Maximise access to services, facilities, information and activities

Design and provide safe, high quality facilities and spaces which encourage use by people of all backgrounds, ages and level of ability

Outcome 2: Cultural Vitality

Objective 1: A visually interesting, artistic and creative City.

Strategy: Provide opportunities and facilities for creative expression for all age groups

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

Strategy: Host and facilitate community events & activities

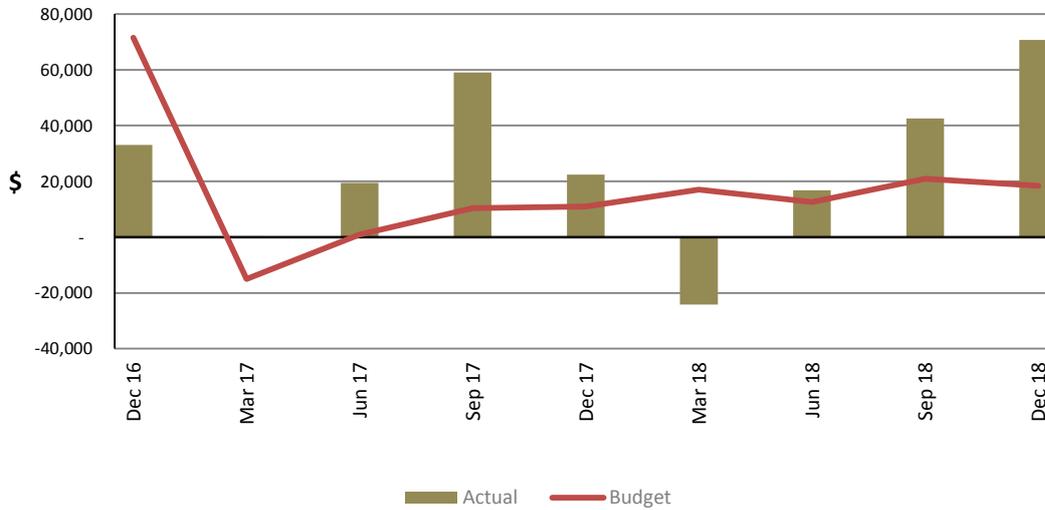
FINANCIAL AND BUDGET IMPLICATIONS

Financial Performance

During the first half of the 2018-2019 Financial Year, the Norwood Concert Hall is reporting an Operating Surplus of \$113,299, a favourable variance of \$73,922 against the Adopted Budget of \$39,377. The major driver for the favourable variance is due to the nature of the hires, with more commercial events being held during the first half year than anticipated when setting the 2018-2019 Adopted Budget.

Figure 1 below provides details of the Norwood Concert Hall's Quarterly operating result from December 2016.

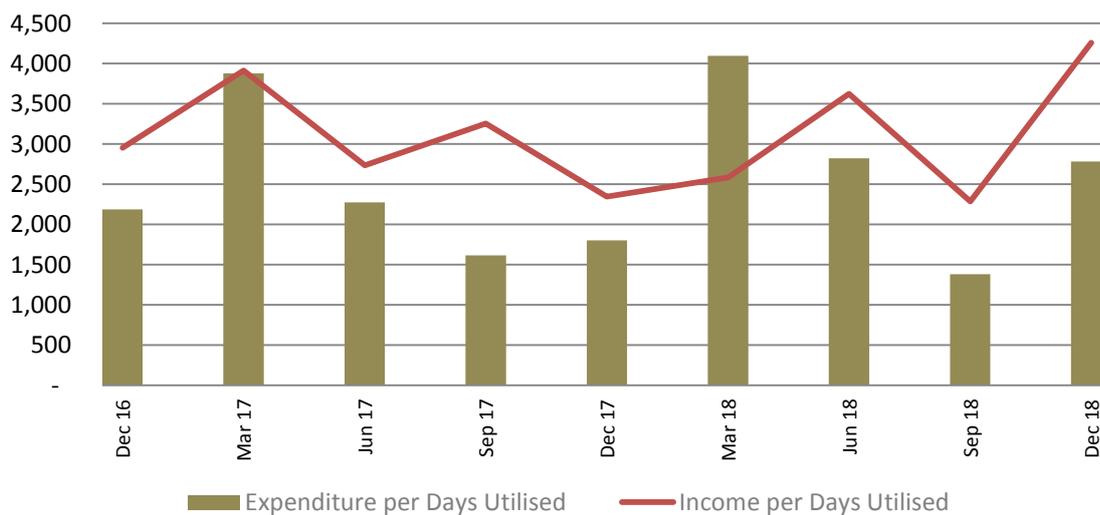
Figure 1: OPERATING SURPLUS/ (DEFICIT)



For the 2018-2019 December Quarter, the average income per day in which the Norwood Concert Hall was utilised is \$4,256 and the average expenditure per day is \$2,782 resulting in an average surplus per day of \$1,474. These averages are favourable when compared to the same period last year which had an average surplus per day of \$545. This is due to more commercial events being held in the December Quarter which has resulted in an increased hire income per hire.

Figure 2 below provides details of the average income and expenditure per day utilised from December 2016.

Figure 2: AVERAGE INCOME AND EXPENDITURE PER DAYS UTILISED



EXTERNAL ECONOMIC IMPLICATIONS

This report provides information on the performance of the Norwood Concert Hall for the December Quarter and the preparation of this report has no direct external economic implications.

Activities, events and functions conducted at the Concert Hall attract visitors to The Parade which in turn results in increased activity within the surrounding area and should result in increased revenues for traders, especially cafes and restaurants. A schedule of events is prepared each month and emailed to over twenty-five (25) restaurant/cafés to inform them of timing of the events and expected audiences. All businesses are invited to request this schedule.

SOCIAL ISSUES

The approved Fee structure provides community and not-for-profit hirers with discounted fees for the hire of a high quality facility.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

The operations of the Norwood Concert Hall are aligned to the requirements of the Council's Waste Management System and Environmental Policies.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

Working weight limits for the lighting and fly bars has been determined by an external engineering firm to ensure overloading does not occur.

CONSULTATION

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

DISCUSSION

The Norwood Concert Hall and Don Pyatt Hall have been registered as an Adelaide Fringe venue and potential participants have been offered a discounted hire package in order to encourage increased usage. This could result in more events and high attendance rates which will in turn, promote the Concert Hall as a desirable venue for the 2020 season. To date, twenty five (25) performers have registered for events to be hosted either the Norwood Concert Hall or Don Pyatt Hall.

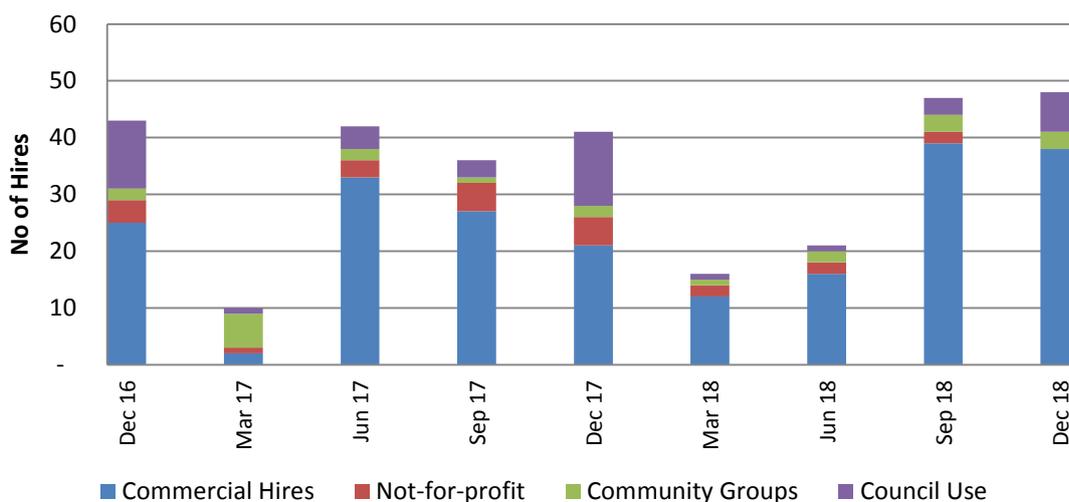
During the 2018-2019 Financial Year, the Council budgeted to develop a specific website and Facebook page for Norwood Concert Hall to promote the venue to potential local, interstate and overseas hirers and for the general public to find out about upcoming events. The website is nearing completion and will include a virtual tour of the space. The general public will be able to subscribe to the website to receive alerts for upcoming events.

Bookings Ended 31 December 2018

The Norwood Concert Hall was hired for forty-eight (48) events over forty-six (46) event days during the 2018-2019 December Quarter. Commercial bookings accounted for thirty-eight (38) event days, with Community hires utilising the Concert Hall for three (3) event days. The Council events totalled seven (7) days but no Not-for-Profit bookings were held. Comparative data for each hire category is shown in Figure 3 below.

Compared to the same Quarter of last financial year, the total number of days hired has increased by five (5). Audience numbers totalled over 25,000 for the Quarter. Nineteen (19) days were occupied by commercial dance schools, a number which has continued to grow and is expected to increase in 2019 also. Three (3) author talks were held as part of the NPSP Library and Dillon’s Bookshop collaboration and all three (3) events attracted large audience numbers with one (1) talk selling out to capacity. A highlight was four (4) John Edward events held over four (4) days in the Concert Hall which was the only venue in South Australia in which he performed. All but one (1) show sold out. Another successful event was a rock band from Latvia which performed as part of the Adelaide Latvian Festival. This event was held in a traditionally quiet period between Christmas and New Year and over \$7,100 was taken through bar sales. People from all across Australia and South Australia attended this event.

Figure 3: OCCUPANCY



Future Bookings

For the January 2019 to March 2019 Quarter, the Concert Hall is booked for eleven (11) days of hire compared to sixteen (16) days for the same period last year. These bookings for the Third Quarter are expected to generate an income of approximately \$25,000. Additionally, due to the nature of some of the events, strong bar takings is expected.

Upcoming highlights include performances as part of Adelaide Fringe such as Fusion Pops Orchestra, A Tribute to the Andrews Sisters, The 60 Four and Theatre Bug's performance of 'Oliver'. International acts, Petula Clark and The Little River Band, will be holding concerts. These concerts result in great promotion for Norwood Concert Hall as a concert venue due to the wide publicity and marketing involved with such events. A varied array of regular or repeat events such as Australian Citizenship Ceremonies, meetings, bodybuilding competitions, dance competitions, children's concerts and school theatre are also being held.

OPTIONS

Not Applicable.

CONCLUSION

Nil.

COMMENTS

Nil.

RECOMMENDATION

That the report be received and noted.

Cr Mex moved:

That the report be received and noted.

Seconded by Cr Whittington and carried unanimously.

11.6 ST PETERS CHILD CARE CENTRE & PRE-SCHOOL QUARTERLY REPORT – DECEMBER 2018

REPORT AUTHOR: Director, St Peters Child Care Centre & Preschool
GENERAL MANAGER: General Manager, Corporate Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: S/00913
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to provide the Council with a status report on the activities of the St Peters Child Care Centre & Preschool, for year to date period ending 31 December 2018.

BACKGROUND

The Centre has been in operation since 1976. The Centre is licenced for one hundred and five (105) long day care places per day, however to ensure that the Centre continues to provide high quality care, the number of available places is capped at ninety-four (94) places per day. The Centre provides care for babies from six (6) weeks old through to children aged up to and including five (5) years of age.

The Centre is an Approved Provider under the Education and Early Childhood Services (Registration and Standards) Act 2011 and the Education and Care Services National Regulations and Education and Early Childhood Services (Registration and Standards) Regulations 2011. The Centre was issued its Approved Provider Certificate on 25 June 2012, effective from 1 January 2012.

The Centre undertook its first round of Rating and Assessment under the new National Quality Standards in May 2016. The Centre received an overall rating of "Working Towards". In October 2018, the Centre undertook the second round of Rating and Assessment and received an overall rating of 'Meeting' under the revised framework.

The Council has established a Committee comprising Elected Members and parents, which meets quarterly and acts under the Terms of Reference which the Council established for the Committee.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The St Peters Child Care Centre & Preschool supports the Council attaining in the following objectives as set out in *CityPlan 2030* :

Outcome 1: Social Equity: A connected, accessible and pedestrian-friendly community

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

Strategy 1.2: Maximise access to services, facilities, information and activities.

Strategy 1.3: Design and provide safe, high quality facilities and spaces for people of all backgrounds, ages and abilities.

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

Strategy 4.2: Encourage and provide opportunities for lifelong learning.

Strategy 4.3: Provide spaces and facilities for people to meet, learn and connect with each other.

The Centre's policies and procedures are reviewed and updated over a twelve (12) month to two (2) year period, in line with National Quality Standards and the Centre's Continuous Review Policy

FINANCIAL AND BUDGET IMPLICATIONS

For the year-to-date period ended 31 December 2018, the Centre is reporting an Operating Surplus of \$39,732, compared to an Adopted Operating Surplus of \$11,085, a favourable variance of \$28,647.

The favourable result is primarily driven by increased income. The Centre received approximately \$12,000 (in the first half financial year) from the Federal Government, as funding for the special needs children. This funding was not budgeted for due to the unknown nature of amount which would be received. The other reason for the favourable result is the actual average daily attendance of 92 compared to 90 children a day which were used to estimate the income for budget purposes.

The financial report for 2018-2019 is contained in **Attachment A**.

EXTERNAL ECONOMIC IMPLICATIONS

While the information provided in this report has no direct external economic impact, it should be noted that the fees charged at the Centre from 1 July 2017, are within the mid to lower range charged by nearby competitors.

Table 1 sets out a comparison of fees with other nearby Centres, based on a benchmarking activity which was undertaken in September 2017.

TABLE 1 – COMPARISON OF FEES EFFECTIVE AS AT 30 SEPTEMBER 2017

Child Care Centre	Daily	am	pm
Precious Cargo (private centre)	\$109.00 (0-3 Years) \$97.50 (3-5 years)	N/A	N/A
Tree Tops Early Learning (private centre)	\$110.00(Under 3) \$105.00 (Over 3)	N/A	N/A
<i>St Morris Child Care Centre (community)</i>	\$99.50	\$50.50	\$48.00
<i>Magill Child Care Centre (community)</i>	\$87.00 (full-time care) \$100.00 per single day	\$66.00	\$61.00
<i>Good-start Early Learning Payneham (community)</i>	\$102.50 (0-2 Years) \$100.00 (2-3 Years) \$99.00 (3-5 Years)	N/A	N/A
St Peters Child Care Centre & Preschool (Council)	\$99.00	N/A	N/A
Adelaide Eastern Child Care Centre (community)	\$94.00	\$55.00	\$50.00
Margaret Ives (community)	\$100.00 (0-4 Years) \$65.00 (4-5 Years)	N/A	N/A

SOCIAL ISSUES

The Centre actively promotes a policy of inclusion for all children and their families. Location of the Centre in a mixed use area, results in a potential client base of working parents who live and work in close proximity to the Centre.

The information provided in the report has no direct social issues which need to be considered.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

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

DISCUSSION

Staff Numbers

The Centre is required by the National Quality Standards to maintain a minimum Educator to Child Ratio at all times. The minimum Educator to Child ratios is detailed in Table 2.

TABLE 2 – MINIMUM EDUCATOR TO CHILD RATIOS

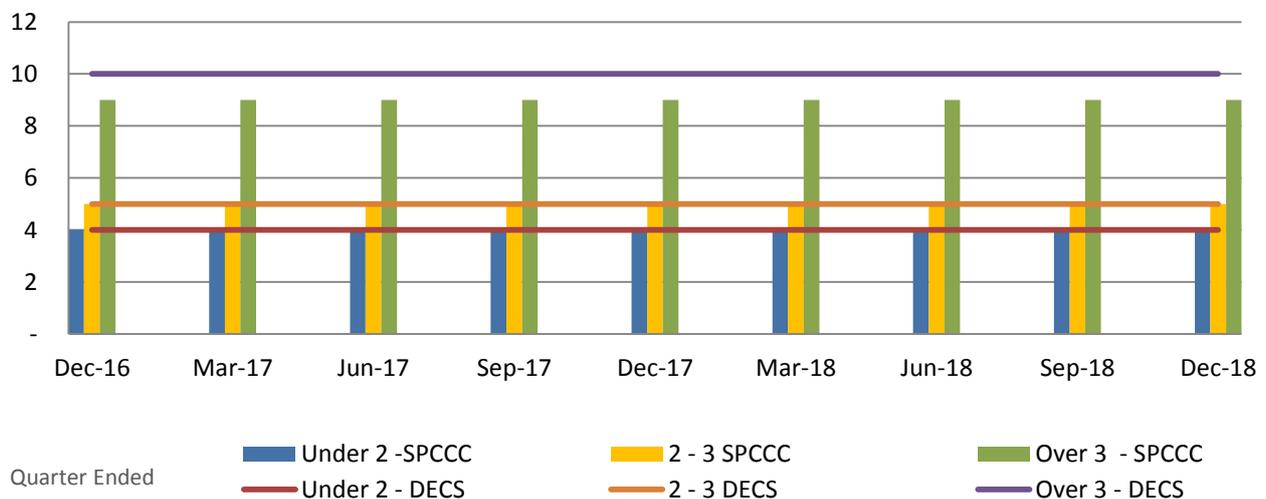
Age Grouping	Educator to Child Ratio
0-24 months	1:4
25 months – 36 months	1:5
37months to 5 years	1:10

As illustrated in Figure 1 below, as at the end of December 2018, the Centre continues to exceed the Educator to Child ratio in the Over Three's (3) only. Due to the strong demand for places in the three (3) and under age group, without appointing additional staff, it is difficult for the Centre to exceed the minimum Educator to Child ratio within this age group, while maintaining full Centre capacity.

To meet the required Educator to Child ratios, the minimum Full-time Equivalent Educator positions within the Centre are:

- Under 2's 7.00 FTE
- 2's to 3's 6.00 FTE
- Over 3's 4.00 FTE

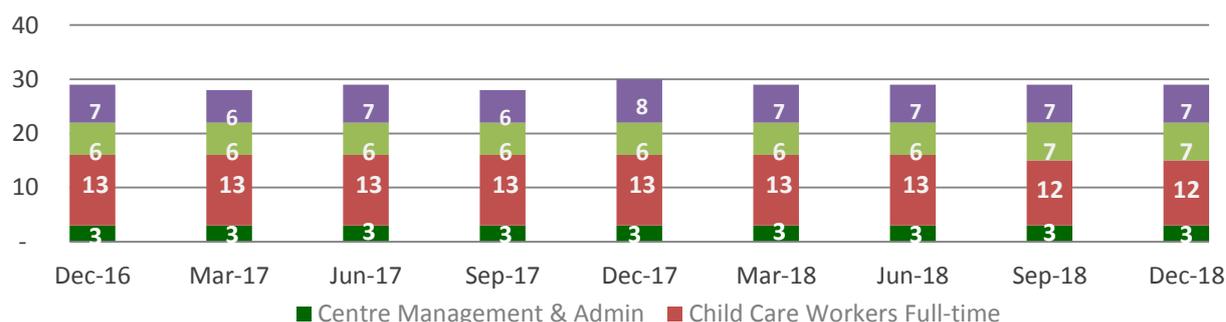
FIGURE 1: EDUCATOR TO CHILD RATIOS



To ensure the ongoing continuity of care, during periods of staff absences, the Centre utilises Educators from within its casual pool. Not only does this ensure that children are cared for by familiar Educators when their primary care givers are absent from the Centre, it ensures that operational costs are maintained, as there is less reliance on engaging temporary contract staff through temporary contract labour hire agencies to cover absences.

The staff numbers have kept relatively steady since the opening of the new room from 2016. The Centre has total 29 employees, which consist of 3 management and administration staff, 12 full-time, 7 part-time, and 7 casual staff as shown in Figure 2 below.

FIGURE 2: STAFF NUMBERS BY EMPLOYMENT CATEGORY



* The Casual Child Care Workers includes staff working in rooms and all relief staff

Child Numbers

The Centre is licensed for a maximum of 105 children daily however to ensure a high quality of care and the current staffing numbers, the daily attendance numbers are capped at 94 on Mondays, Thursdays and Fridays. To meet family needs, the daily attendance numbers are increased and capped at 98 on Tuesdays and Wednesdays. The mix of the numbers per age group may change on a needs basis. The Centre currently has capacity for up to 28 under two (2) year olds, up to 30 two (2) to three (3) year olds and up to 36 over three (3) year olds.

The average number of children for which services were provided is detailed in Table 3 below.

TABLE 3 – CHILD NUMBERS

Age of Child	Staffing Ratio	Number Allowed at the Centre (maximum)	Average Number of Children per day	
			This Year	Last Year
Under Twos (2)				
6 weeks to 24 months	1:4	12	12.41	11.68
6 weeks to 24 months	1:4	16	15.66	14.65
Over Twos (2)				
2 years to 3 years	1:5	15	14.60	14.05
2 years to 3 years	1:5	15	16.00	14.50
Over Threes (3)				
3.years to 4 years	1:10	18	17.18	18.51
4 Year to 5 years	1:10	18	17.35	17.41
Total		94	93.20	90.80
Budget			90.00	90.00
Number of sessions where 90 children attended for the quarter			44 days out of a total of 65 days	45 days out of a total of 60 days

To meet demand of peak days, the number of spaces has been increased to 98 places per day for Tuesday and Wednesday's. While the Centre has capped the number of available spaces to 94 per day, increasing the number of available spaces to 98 on Tuesday to Wednesday has enabled the Centre to build the centre for the December quarter being 103% of the Centre budget capacity.

The year to date utilisation has increased from 98.7% in the September quarter to 102% of budget capacity. The increase flexibility in being able to match daily available spaces with demand has driven the increased utilisation. It should be noted that with the current spread of demand across the week, given the current staffing numbers, there is no further capacity to increase the capped places beyond 98 places.

OPTIONS

Not Applicable.

CONCLUSION

The St Peters Child Care Centre & Pre-school is recognised as a leader in the provision of high quality child care. It is expected that this will continue. The Centre on average for the Year to Date by December 2018 has 92 children accessing the service on a daily basis, with an expectation that this will increase throughout the year. Despite the increase in licenced places the Centre continues to maintain a waiting list for 2019, with a significant proportion of these referrals coming from word of mouth.

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Sims returned at 9.14pm.

Cr Moore moved:

That the report be received and noted.

Seconded by Cr Dottore and carried.

Section 3 – Governance & General Reports

11.7 REPORTS OUTSTANDING

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 83664520
FILE REFERENCE: Nil
ATTACHMENTS: A

PURPOSE OF REPORT

As part of the Organisation's management system, a Reports Outstanding List will be prepared on a monthly basis. The purpose of the List is to keep track of any reports that have been requested and the status of those reports.

A copy of the List is contained in **Attachment A**.

BACKGROUND

Nil

DISCUSSION

Nil

RECOMMENDATION

That the report be received and noted.

Cr Duke moved:

That the report be received and noted.

Seconded by Cr Patterson and carried unanimously.

11.8 LOCAL GOVERNMENT ASSOCIATION (LGA) 2019 ORDINARY GENERAL MEETING – APPOINTMENT OF COUNCIL DELEGATE

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00022
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the Local Government Association of South Australia's (LGA) 2019 Ordinary General Meeting and the requirement, in accordance with the LGA Constitution, to appoint a Council Delegate to represent the Council and vote at the General Meeting.

BACKGROUND

The Local Government Association (LGA) 2019 Ordinary General Meeting, will be held on Friday 12 April 2019, at the Adelaide Entertainment Centre. The agenda will be issued to all Councils in the near future.

Pursuant to the LGA Constitution, councils are required to appoint a Council Delegate to represent the Council and vote at the LGA General Meeting, if the Council wishes to be represented and have voting rights at the Local Government Association 2019 Ordinary General Meeting. The Council may also appoint a Proxy Delegate in the event the Delegate is unable to attend the Ordinary General Meeting.

A Council Officer cannot be a Delegate, however, they can attend the LGA Ordinary General Meeting.

Traditionally, the Mayor has been appointed as the Delegate for the LGA Ordinary General Meeting.

It is considered appropriate that the Council also appoints a Deputy Council Delegate in the event that the appointed Delegate is unable to attend the Ordinary General Meeting.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

RECOMMENDATION

1. That Mayor Robert Bria be appointed as the Council Delegate for the Local Government Association 2019 Ordinary General Meeting.
 2. That Councillor _____ be appointed as the Deputy Council Delegate for the Local Government Association 2019 Ordinary General Meeting.
-

Cr Minney moved:

1. *That Mayor Robert Bria be appointed as the Council Delegate for the Local Government Association 2019 Ordinary General Meeting.*
2. *That Councillor Sue Whittington be appointed as the Deputy Council Delegate for the Local Government Association 2019 Ordinary General Meeting.*

Seconded by Cr Duke and carried unanimously.

11.9 LOCAL GOVERNMENT ASSOCIATION (LGA) 2019 ORDINARY GENERAL MEETING – ITEMS OF BUSINESS

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00022
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the Local Government Association of South Australia's (LGA) 2019 Ordinary General Meeting and the invitation from the LGA to submit *Items of Business* for consideration at the Ordinary General Meeting.

BACKGROUND

The Local Government Association (LGA) 2019 Ordinary General Meeting, will be held on Friday 12 April 2019, at the Adelaide Entertainment Centre.

The purpose of the OGM 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 OGM (or 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).

Whilst not strictly specified, the logical approach is to refer the *Item of Business* to the relevant body in accordance with its role.

Pursuant to the LGA Constitution, Councils are invited to submit Items of Business for consideration at the Ordinary General Meeting. Items of Business must be received by the Executive Director, LGA, by Friday 22 February 2019, if they are to be considered at the 2019 Ordinary 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 copy of the LGA 2016-2020 Strategic Plan is contained within **Attachment A**.

RECOMMENDATION

That the report be received and noted.

Cr Stock left the meeting at 9.17pm.
Cr Stock returned to the meeting at 9.17pm.

Cr Minney moved:

That the report be received and noted.

Seconded by Cr Stock and carried.

11.10 NOMINATIONS TO THE LOCAL GOVERNMENT MINISTERIAL ADVISORY COMMITTEE

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: S/00020
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Association of South Australia (LGA), for nominations to the Local Government Ministerial Advisory Committee (the Committee) and invite the Council to submit a nomination.

Local Government Ministerial Advisory Committee

The objective of the Local Government Ministerial Advisory Committee is to:

1. meet the requirements set out in Section 244 of the *Planning, Development and Infrastructure Act 2016* (the Act);
2. provide advice on and represent the interests of Local Government in South Australia on matters related to the implementation of the Act as referred to it by the Minister; and
3. act as a conduit for information and assist in the facilitation of engagement activities between Local Government and the Department for Planning, Transport & Infrastructure Planning Reform Project team through the implementation process.

A copy of the Local Government Ministerial Advisory Committee Terms of Reference is contained within **Attachment A**.

Appointment to the Committee will commence immediately for a term concluding on 30 June 2020. The position is available due to the resignation of one of the LGA nominated persons, Mayor Michael Lange (The Barossa Council).

Membership of the Committee is on a voluntary basis, with the Committee meeting at least four (4) times during the year. The Committee is only required to operate during the implementation phase of the new planning system as outlined in the Act.

Nominations for the Local Government Ministerial Advisory Committee must be forwarded to the LGA by 8 March 2019. All nominees must also provide an up-to-date Resume.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

RECOMMENDATION

The Council nominates _____ to the Local Government Association of South Australia for the Local Government Ministerial Advisory Committee.

Or

The Council notes the report and declines the invitation to submit a nomination to the Local Government Association of South Australia for the Local Government Ministerial Advisory Committee.

Cr Moore moved:

The Council nominates Eleanor Walters, Manager, Urban Planning & Sustainability (subject to her consent), to the Local Government Association of South Australia for the Local Government Ministerial Advisory Committee.

Seconded by Cr Minney and carried.

11.11 AMENDMENT TO DOG & CAT MANAGEMENT PLAN – FELIXSTOW RESERVE OFF-LEASH AREA

REPORT AUTHOR: Manager, Governance, Legal & Property
GENERAL MANAGER: General Manager, Governance & Community Affairs
CONTACT NUMBER: 8366 4507
FILE REFERENCE: S/04961 S/05246
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present to the Council a proposal to remove Felixstow Reserve from being classified as a Dog Off-Leash Area under the Council's 2019-2024 Dog & Cat Management Plan, for the Council's consideration.

BACKGROUND

At its meeting held on 12 September 2018, the Council endorsed the 2019-2024 Dog & Cat Management Plan ('the Plan') for approval by the Dog & Cat Management Board ('the Board'). The Plan received final approval from the Board on 25 October 2018 and is due to come into effect on 23 February 2019, for a five (5) year period.

Appendix 1 to the Plan sets out the Council's eleven (11) Dog Off-Leash Areas in the City, including the hours of operation, as required by Section 26A(2) of the *Dog & Cat Management Act 1995 (SA)* ('the Act'). These eleven (11) Off-Leash Areas were selected and introduced in 2007 as part of the Council's Urban Animal Management Plan 2007-2012.

At present, the new Plan continues to make provision for Felixstow Reserve as an Off-Leash Area between 7.00pm-10.00am in Summer and between 5.00pm-10.00am in Winter.

A copy of Appendix 1 to the Plan is contained in **Attachment A**.

In light of the recent redevelopment of Felixstow Reserve – in particular, the establishment of the wetlands and a running trail – it is proposed to remove Felixstow Reserve from being classified as an Off-Leash Area under the Plan. This would result in the Reserve becoming an On-Leash area at all times.

Pursuant to Section 26A(5) of the Act, the Council may amend the Plan (including the Off-Leash Areas) at any time with the approval of the Board.

Felixstow Reserve is due to be formally opened by the Council on Sunday 10 February 2019.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 1: Social Equity

A connected, accessible and pedestrian friendly community.

Objectives

1. Convenient and accessible services, information and facilities.

Outcome 4: Environmental Sustainability

A leader in environmental sustainability.

Objectives

1. Healthy and sustainable watercourses.
2. Sustainable and attractive streetscapes and open spaces.
3. Thriving and healthy habitats for native flora and fauna.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

As public open space, there is a need to balance the different uses of Felixstow Reserve, including recreational use, physical activity and exercise and as a dog exercise area.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The environmental impact of dogs roaming off-leash into the new wetlands and potentially into the water bodies at Felixstow Reserve is a key consideration. Wetlands are an ecologically sensitive environment that would be vulnerable to habitat damage and disruption by dogs, in addition to the risk to native wildlife.

The adjacent River Torrens Linear Park is vulnerable to the same risks – and indeed, Regulatory Services staff have previously dealt with reports of incidents in the section of Linear Park adjacent St Peters River Park.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**

Elected Members were involved in the development of the Dog & Cat Management Plan in 2018.

- **Community**

Community consultation was undertaken in connection with the preparation of the Plan in June-July and August-September 2018.

The Act does not impose a requirement on the Council to conduct community consultation in respect of a proposed amendment to the Plan.

- **Staff**

General Manager, Governance & Community Affairs
Manager, Governance, Legal & Property
Manager, Economic Development & Strategic Projects
Team Leader, Customer & Regulatory Services

- **Other Agencies**

Pursuant to Section 26A(5) of the Act, the Council may amend the Plan at any time with the approval of the Dog & Cat Management Board.

The Board was consulted by Council Staff in January 2019 regarding its requirements to grant approval for an amendment to the Plan. The Board has advised that it requires an explanation of how the Council will inform the community of the proposed amendment.

DISCUSSION

Felixstow Reserve

In developing its 2007-2012 Urban Animal Management Plan, the Council selected Felixstow Reserve as an Off-Leash Area on the basis that it:

- is a very large open park;
- has plenty of off-street parking available;
- is highly accessible by foot;
- is well separated from neighbouring dwellings;
- is a park which could be used in conjunction with a longer leashed walk in the River Torrens Linear Park; and
- is not fenced along the street frontage, however, the focus of off-leash activity is likely to be in the vicinity of the car park and away from the road.

Under the Council's 2019-2024 Dog & Cat Management Plan, which will come into operation on 23 February 2018, Felixstow Reserve is designated as an Off-Leash Area on the following conditions:

- Summer (from the commencement of daylight savings to the conclusion of daylight savings) – every day between the hours of 7.00pm and 10.00am; and
- Winter (from the conclusion of daylight savings to the commencement of daylight savings) – every day between the hours of 5.00pm and 10.00am.

This is essentially the continuation of the Off-Leash hours in place at the Reserve, although the Winter hours have been brought forward by one hour to commence at 5.00pm, as was amended for all Off-Leash Areas under the new Plan to come into effect from 23 February 2019.

Off-Leash Considerations

In light of the recent completion of the redevelopment of Felixstow Reserve, which is due to be formally opened by the Council on Sunday 10 February, it is proposed to remove Felixstow Reserve from being classified as an Off-Leash Area under the Plan.

While Felixstow Reserve remains a large open park that is intended to facilitate a number of public uses, its physical configuration and intended use has changed considerably as a result of the recent redevelopment. Importantly, a wetlands area has been created, new grassed areas established, exercise equipment located throughout the Reserve, and a running trail created (in addition to the existing Linear Park trail). In addition, a children Nature Play Area has been established in the Lower Park adjacent to the River Torrens.

Allowing Felixstow Reserve to remain as an Off-Leash Area during the current off-leash hours, and indeed at any time, would negatively impact upon other users of this space, particularly upon those seeking to make use of the upgraded grassed areas, exercise equipment and running / cycling trail. Additionally, the current off-leash hours remain peak use times as they are outside work hours, particularly for people visiting the Reserve to exercise.

Dogs roaming off-leash in these areas would potentially present a safety and collision risk to such users – not only within Felixstow Reserve, but also on the adjacent River Torrens Linear Trail. Additionally, roaming dogs may act as a deterrent for people wishing to make use of the upgraded Reserve and public facilities, in particular, families with young children and elderly members of the community.

Dogs roaming off-leash into the newly established wetlands and water bodies at the Reserve are also likely to cause damage to this ecologically sensitive environment through habitat destruction and disturbance of native wildlife.

Removing Felixstow Reserve as an Off-Leash Area from the Plan would not prevent members of the community from bringing their dogs to the Reserve, provided they remain on-leash at all times. This would strike an appropriate balance between facilitating different uses of the Reserve, without one particular use dominating.

Additionally, the Council retains ten (10) other Off-Leash Areas in the City. Drage Reserve is located nearby to Felixstow Reserve and also operates as an Off-Leash Area from 7.00pm-10.00am in Summer and from 5.00pm-10.00am in Winter, which provides an alternative location for residents living in that area. Additionally, the River Torrens Linear Park adjacent to Felixstow Reserve continues to provide an ideal option for a longer leashed walk for dogs.

Proposed Amendment

The proposed amendment to the Plan to remove Felixstow Reserve from being classified as an Off-Leash Area would involve:

- removing the wording on page 26 relating to Felixstow Reserve, including the heading '1. Felixstow Reserve – Langman Grove, Felixstow' and 'Conditions' and 'Criteria'; and
- removing Felixstow Reserve from the map on pages 30-31 – including the number on the map and the text in the legend.

As noted above, the Act does not impose a requirement on the Council to conduct community consultation in respect of a proposed amendment to the Plan.

Pursuant to Section 26A(5) of the Act, the Council may amend the Plan at any time with the approval of the Dog & Cat Management Board. The Board has advised that it requires an explanation of how the Council will inform the community of the proposed amendment.

As the proposed amendment would require all dogs to be kept on-leash at Felixstow Reserve at all times, it is important that the community is aware of this requirement (and the consequences of non-compliance) and the reasons for this change.

The following communication strategies (amongst others) would be undertaken in order to inform the community:

- installation of temporary 'On-Leash' and related signage and/or footpath stickers at the Reserve;
- public notices in the Messenger;
- information on the Council website and via the Council's social media channels;
- notifying registered dog-owners in adjacent suburbs in writing; and/or
- Council Compliance Officers providing verbal information to people at the Reserve and adopting an 'education' rather than 'enforcement' approach for a period of time.

As the Reserve has been closed whilst it has been undergoing redevelopment, and due to the nature of the new facilities and landscape features (ie the wetlands, extensive landscaping and running trail), it is reasonable to expect that the community would not expect the Reserve to remain as an Off-Leash Area. Nevertheless, it is important that the community understands the rationale for the proposed change.

OPTIONS

Option 1

The Council can determine not to amend the Plan and to retain Felixstow Reserve as an Off-Leash Area between the hours of 7.00pm-10.00am in Summer and between 5.00pm-10.00am in Winter.

Option 2

The Council can determine to amend the Plan and retain Felixstow Reserve as an Off-Leash Area, but amend the Summer and Winter hours.

Option 3

The Council can determine to amend the Plan and remove Felixstow Reserve from being classified as a Dog Off-Leash Area.

On the basis of the reasons set out in this report, Option 3 is recommended.

If the Council determines to amend the Plan, in accordance with Option 2 or Option 3, the Council must seek the Board's approval of the amendment and advise the Board of how it proposes to inform the community of the amendment.

CONCLUSION

The Council's 2019-2024 Dog & Cat Management Plan is due to come into operation on 23 February 2019. At present, Appendix 1 to the Plan includes Felixstow Reserve as one of the Council's eleven (11) Dog Off-Leash Areas in the City, and provides that the Reserve is off-leash between 7.00pm-10.00am in Summer and between 5.00pm-10.00am in Winter.

In light of the recent redevelopment of Felixstow Reserve, it is proposed to remove Felixstow Reserve from being classified as an Off-Leash Area under the Plan. This is proposed primarily on the basis that off-leash dogs would present a significant environmental risk to the newly established wetlands at the Reserve, and a considerable safety risk to users of the Reserve and in particular, the newly established exercise trail.

The proposed amendment to the Plan would enable on-leash dogs to continue to use the Reserve, and would strike an appropriate balance between facilitating different uses of the Reserve.

COMMENTS

Nil.

RECOMMENDATION

1. That the amendment of Appendix 1 to the 2019-2024 Dog & Cat Management Plan to remove reference to Felixstow Reserve as a Dog Off-Leash Area be endorsed, and that the amended Plan be forwarded to the Dog & Cat Management Board for approval in accordance with Section 26A(5) of the Act.
2. That the Council authorises the Chief Executive Officer to advise the Board of the Council's proposed communication strategy to inform the community of the amendment to Appendix 1 to the 2019-2024 Dog & Cat Management Plan, as set out below:
 - installation of temporary 'On-Leash' and related signage and/or footpath stickers at the Reserve;
 - public notices in the Messenger;
 - information on the Council website and via the Council's social media channels;
 - notifying registered dog-owners in adjacent suburbs in writing; and/or
 - Council Compliance Officers providing verbal information to people at the Reserve and adopting an 'education' rather than 'enforcement' approach for a period of time.

Cr Dottore moved:

1. *That the amendment of Appendix 1 to the 2019-2024 Dog & Cat Management Plan to remove reference to Felixstow Reserve as a Dog Off-Leash Area be endorsed, and that the amended Plan be forwarded to the Dog & Cat Management Board for approval in accordance with Section 26A(5) of the Act.*
2. *That the Council authorises the Chief Executive Officer to advise the Board of the Council's proposed communication strategy to inform the community of the amendment to Appendix 1 to the 2019-2024 Dog & Cat Management Plan, as set out below:*
 - *installation of temporary 'On-Leash' and related signage and/or footpath stickers at the Reserve;*
 - *public notices in the Messenger;*
 - *information on the Council website and via the Council's social media channels;*
 - *notifying registered dog-owners in adjacent suburbs in writing; and/or*
 - *Council Compliance Officers providing verbal information to people at the Reserve and adopting an 'education' rather than 'enforcement' approach for a period of time.*

Seconded by Cr Sims and carried.

12. ADOPTION OF COMMITTEE MINUTES
Nil

13. OTHER BUSINESS
Nil

14. CONFIDENTIAL REPORTS

14.1 APPOINTMENTS TO THE NORWOOD PARADE PRECINCT COMMITTEE

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until the announcement of the appointments are made.

Cr Sims 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, Acting General Manager, Urban Planning & Environment, General Manager, Corporate Services, General Manager, Urban Services, Manager, Economic Development & Strategic Projects and Executive Assistant, Urban Services], 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 Whittington and carried unanimously.

Mayor Bria sought leave of the meeting to make a Personal Explanation.
Leave was granted.

Appointment of Acting Presiding Member

Cr Stock moved:

That Cr Minney be appointed as Acting Presiding Member for this Item.

Seconded by Cr Sims and carried.

Cr Minney assumed the Chair.

Cr Dottore left the meeting at 9.56pm.
Cr Dottore returned to the meeting at 9.58pm.

Cr Sims 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 the announcement of the appointments are made.

Seconded by Cr Duke and carried.

Cr Moorhouse left the meeting at 10.02pm.

Resumption of Chair

At 10.03pm Mayor Bria resumed the Chair.

14.2 MEMBERSHIP OF THE BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until the announcement of the appointments are made.

Cr Duke 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, Acting General Manager, Urban Planning & Environment, General Manager, Corporate Services, General Manager, Urban Services, Manager, Economic Development & Strategic Projects and Executive Assistant, Urban Services], 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 Stock and carried.

Cr Moorhouse returned to the meeting at 10.04pm.

Cr Minney 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 the announcement of the appointments are made.

Seconded by Cr Patterson and carried.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 10.14pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)