

Council Meeting Minutes

3 July 2023

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 Claire Clutterham
Cr Garry Knoblauch
Cr Hugh Holfeld
Cr Josh Robinson
Cr Kevin Duke
Cr Connie Granozio
Cr Scott Sims
Cr Grant Piggott
Cr Sue Whittington
Cr John Callisto

Staff Mario Barone (Chief Executive Officer)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Lisa Mara (General Manager, Governance & Civic Affairs)
Teri Hopkins (Manager, Governance & Legal)
Simonne Whitlock (Manager, Communications & Community Relations)
Jared Barnes (Manager, City Projects)
Michael Surnak (Project Officer, Civil)
Marina Fischetti (Executive Assistant, Governance & Civic Affairs)

APOLOGIES Cr Christel Mex, Cr Victoria McFarlane

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Josh Robinson.

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 5 JUNE 2023

Cr Sims moved that the minutes of the Council meeting held on 5 June 2023 be taken as read and confirmed. Seconded by Cr Holfeld and carried unanimously.

4. MAYOR'S COMMUNICATION

| | |
|--------------------|--|
| Monday, 5 June | <ul style="list-style-type: none">Presided over a Council meeting, Council Chamber, Norwood Town Hall. |
| Tuesday, 13 June | <ul style="list-style-type: none">Attended a meeting with the Chief Executive Officer and representatives of the Trinity Gardens Bowling Club, Meeting Room 1, Norwood Town Hall. |
| Wednesday, 14 June | <ul style="list-style-type: none">Attended a meeting with the Chief Executive Officer, General Manager, Governance & Civic Affairs, Cr Kevin Duke and Cr Josh Robinson, Mayor's Office, Norwood Town Hall. |

| | |
|--------------------|--|
| Wednesday, 14 June | • Presided over a Public Meeting for the draft 2023-2024 Annual Business Plan, Mayor's Parlour, Norwood Town Hall. |
| Sunday, 18 June | • Attended the Feast of Saint Anthony of Padua Mass, Our Lady Queen of Peace Church, Payneham. |
| Sunday, 18 June | • Attended the pre-match function followed by the Norwood versus Port Adelaide SANFL football match, Norwood Oval. |
| Friday, 23 June | • Attended the Zion Disability Services Inc. Refugee Week fundraiser event, San Giorgio La Molara Club, Payneham. |
| Monday, 26 June | • Presided over a Citizenship Ceremony, Norwood Town Hall. |
| Tuesday, 27 June | • Attended the Mid-year Business Networking Event, Suburban Brew, Glynde. |
| Thursday, 29 June | • Attended a meeting with Cr Claire Clutterham, Adelaide. |
| Saturday, 1 July | • Attended a meeting with Cr Hugh Holfeld, Firle. |
| Sunday, 2 July | • Attended the pre-match function followed by the Sturt versus Norwood football match, Unley Oval, Unley. |
| Monday, 3 July | • Attended a meeting with the General Manager, Governance & Civic Affairs, Cr Sims and Cr Duke, Mayor's Office, Norwood Town Hall. |

- **King's Birthday Honours**

Mayor Bria advised the Council that he sent congratulatory letters to the following people for receiving awards in the 2023 King's Birthday Honours List:

- Mr John Minney OAM - Former Councillor - City of Norwood Payneham & St Peters;
- Mayor Jill Whittaker OAM - Campbelltown City Council;
- Mr Craig Fosdike OAM - Former Principal, St Joseph's Memorial School, Norwood; and
- Dr Karin Alexander AM.

- **Mid-Year Business Networking Drinks**

Mayor Bria briefed the Council regarding the Mid-Year Business Networking drinks held at The Suburban Brew, Glynde. He thanked all Council staff for organising the event and those Elected Members who attended. Mayor Bria also expressed his thanks to the following businesses for catering the networking event:

- The Suburban Brew, Glynde;
- Simply Flammekueche; and
- JD Cake Lab, Kent Town.

Mayor Bria also congratulated the following businesses for receiving Mayor's Business Awards at the event:

- Australian Medical Placements Health, Education and Training – received 10+ years;
- Adelaide Property Renovations – received 10+ years;
- Bambrick Legal – received 10+ years;
- No String Attached Theatre of Disability – received 10+ years;
- Taste of Nepal – received 10+ years;
- McConnell's Furnishings & Upholstery – received 25+ years; and
- Rio Coffee – received 50+ years.

5. DELEGATES COMMUNICATION

Cr Whittington advised that on Wednesday 28 June 2023, she and Cr Moorhouse attended the Eastern Health Authority Board meeting.

6. QUESTIONS WITHOUT NOTICE

7. QUESTIONS WITH NOTICE

7.1 QUESTIONS WITH NOTICE - STAFF VACANCIES - SUBMITTED BY CR GRANT PIGGOTT

QUESTION WITH NOTICE: Staff Vacancies
SUBMITTED BY: Cr Grant Piggott
FILE REFERENCE: qA1040
ATTACHMENTS: Nil

BACKGROUND

Cr Piggott has submitted the following Questions with Notice:

- Staff Vacancies
What are the staff vacancies outstanding at the City of Norwood Payneham & St Peters as at 25 June 2023?
What proactive strategies are in place to minimise the staff vacancies going forward?
- Payneham Memorial Swimming Pool
What is the expected timing of Council meeting to consider tender submissions for the upgrading of the Payneham memorial Swimming Pool?

REASONS IN SUPPORT OF QUESTION

Nil

RESPONSE TO QUESTIONS PREPARED BY CHIEF EXECUTIVE OFFICER

What are the staff vacancies outstanding at the City of Norwood Payneham & St Peters as at 25 June 2023?

- **Field Staff & Depot Operations**

At its meeting held on 1 May 2023, the Council was advised that as at 15 April 2023, there were nine (9) vacant positions in the City Services Unit.

As at 25 June 2023, there are currently **three** (3) vacant positions in the City Services Unit.

The vacant positions are:

- One (1) x Team Member, Arboriculture – Recruitment for this position is about to commence.
- Two (2) x Civil Maintenance Vacancies – Recruitment for these vacancies has been ongoing.

Upcoming:

- One (1) x Civil Apprentice Vacancy – the current apprentice has almost finished their apprenticeship, and recruitment to replace position this has commenced.

It should be noted that, as previously advised, where vacancies arise in the City Services Unit (Field Staff), temporary contract staff are engaged subject to availability. Notwithstanding this, as with most organisations at this time, temporary labour hire agencies are experiencing similar issues to this Council (and other Councils) in respect to sourcing suitably skilled staff. If temporary staff are engaged by the Council, a similar interview and selection process to that which is used for permanent positions is used to assess organisational/team fit and skills, knowledge, experience and importantly, attitude.

- **Manager, Finance**

As Elected Members may recall, as advised at the Council Meeting held on 1 May 2023, this position is not being replaced. Rather, following a review of the Finance Unit following the resignation of the General Manager, Corporate & Community Services and the Manager, Finance, in addition to the Chief Finance Officer, two (2) Finance Business Partner positions have been created – at least one of which is expected to be an external appointment. Recruitment for these Finance Business Partner positions will commence shortly.

- **Library Services Manager**

Recruitment for this position has commenced with the appointment scheduled to be made by late July.

- **General Manager, Urban Services**

This position became vacant following the retirement of the General Manager, Urban Services.

The title of this position has been changed to General Manager, Infrastructure & Major Projects to better reflect the functions of the position. Recruitment for this position has been completed. The successful candidate will commence on 24 July 2023.

- **Strategic Planner**

As advised at the Council Meeting held on 1 May 2023, there have been two (2) attempts to recruit for this position and no suitable candidates have been sourced. This is due to a significant shortage of Urban and Strategic Planners.

Notwithstanding this, to undertake the projects which have been assigned to this position, funds allocated for this position are being used to outsource work on the various projects which this position is responsible for completing.

At this stage, recruitment for this position will be undertaken post-30 June 2023.

- **Administration Assistant**

The title of this position was changed to Executive Assistant to ensure that suitable candidates could be sourced. Recruitment for this position has been completed and the successful candidate will commence on 17 July 2023.

- **Manager, City Assets**

Recruitment of this position is currently on hold and will be reviewed following the commencement of the General Manager, Infrastructure & Major Projects on 24 July 2023.

If it is determined that a similar position is required, then recruitment will commence in August/September 2023.

- **Manager, WHS & Risk**

A review of the functions, responsibilities and level of this position will commence shortly and at this stage, it is anticipated that recruitment for a WHS & Risk specialist will commence in August/September 2023.

In the interim, suitable operational arrangements have been put in place.

- **Senior Urban Planner**

Recruitment for this position has been authorised and will commence shortly.

- **Swimming Centres Manager**

This is a recent vacancy. As only the Norwood Swimming Centre will be operating in the coming season, interim arrangements have been put in place with existing staff to cover for this position.

Staff are currently scoping out the new position which will take into account the scope and type of the new facilities at the Payneham Memorial Swimming Centre.

What proactive strategies are in place to minimise the staff vacancies going forward?

The Council offers itself as a unique working environment with our goal being to improve the quality of life for citizens through demonstrating best practice and leadership in everything we do. An Employer of Choice strategy has been in place for a number of years to both attract and retain staff. An Employer of Choice is defined as an organisation that is attractive to employees and these organisations are also typically known for their values-based leadership and people-first approach.

To support our Employer of Choice strategy, the Council has, for a number of years, invested in a Culture Development Program for staff, which includes the following:

- a Leadership Development program;
- a Service Excellence Framework;
- Coaching program;
- Annual Corporate Training & Development; and
- Professional Development Review Process (EMPOWER) which is undertaken with staff annually;
- Study Assistance Program.
- an Annual Wellbeing program which includes:
 - access to counselling with a qualified counsellor or psychologist available to staff and immediate family members - 24/7 through a workplace Employee Assistance Program - Access Programs;
 - annual Influenza Vaccinations;
 - annual health and wellbeing assessments;
 - annual Skin Cancer screening;
 - a healthy ageing program; and
 - an annual Healthy Lifestyle Calendar which includes a range of wellbeing sessions.

Notwithstanding this, as Elected Members are aware, the nation is currently experiencing a significant labour shortage across many, if not all employment sectors. Local Government generally across Australia and this Council, are not immune from this situation.

Staff attraction and retention post the COVID-19 pandemic, has created a number of challenges and indeed opportunities. We are constantly reviewing, adjusting and pivoting, to ensure that with limited staff resources budget we can continue to attract and retain the best staff to ensure that we can continue to deliver on the ever-increasing community expectations. It is however a challenge.

- **Payneham Memorial Swimming Centre Project**

As Elected Members may recall, at the Council Meeting held on 5 June 2023 (Refer to Item 11.8), the Council was advised that the tender package for the Payneham Memorial Swimming Centre Project is scheduled to be released in July 2023.

It is anticipated that a report on the tender results will be presented to the Council at its meeting to be held in October 2023.

If the tender assessment process is completed earlier or after the date of the October Ordinary Council Meeting, then a Special Council Meeting will be scheduled.

8. DEPUTATIONS

8.1 DEPUTATION – TRAFFIC ISSUES – RICHMOND STREET, HACKNEY

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA1041
ATTACHMENTS: Nil

SPEAKER/S

Ms Marysia Marchant

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Ms Marysia Marchant has written to the Council requesting that she be permitted to address the Council in relation to the traffic issues in Richmond Street Hackney.

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

Ms Marysia Marchant addressed the Council in relation to this matter.

8.2 DEPUTATION – TRAFFIC ISSUES AND THE DRAFT 2023-2024 ANNUAL BUSINESS PLAN

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA1041
ATTACHMENTS: Nil

SPEAKER/S

Mr David Cree

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

St Peters Residents Association Inc.

COMMENTS

Mr David Cree has written to the Council requesting that he be permitted to address the Council in relation to traffic issues in Richmond Street, Hackney and the Draft 2023-2024 Annual Business Plan.

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

Mr David Cree addressed the Council in relation to this matter.

9. PETITIONS

9.1 PETITION – RICHMOND STREET, HACKNEY – TRAFFIC MANAGEMENT

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA126030
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to table a petition which has been received by the Council regarding concerns with traffic management, in Richmond Street, Hackney.

BACKGROUND

The Petitioners are requesting that the Council consider measures to address their concerns about speeding and dangerous driving in Richmond Street, Hackney between Torrens Street and Hatswell Road.

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

The petition has been signed by a total of 180 citizens, which includes approximately 46 signatories who reside outside this City (eg, Athelstone, Belair, Bridgewater, Campbelltown, Dernancourt, Fullarton, Ingle Farm, Kings Park, Lobethal, Salisbury, Walkerville, to name a few).

In accordance with the Council's *Privacy Policy*, the personal information of the petitioners, (i.e. the street addresses) have been redacted from the petition. The names of the signatories and the suburb which have been included on the petition have not been redacted from the petition.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 1: Social Equity

Objective 1.2: A people friendly, integrated and sustainable transport network.

Strategy:

1.2.4 Provide appropriate traffic management to enhance residential amenity.

DISCUSSION

The Petitioners are requesting that the Council considers options to address their concerns regarding speeding and dangerous driving in Richmond Street, Hackney.

The Petitioners are requesting the installation of speed humps or and/or narrowing of the road and a bike path in the street to address the issues.

The Council's *Local Area Traffic Management Policy* sets out the following process in respect to petitions which are received regarding traffic management issues:

Petitions

Petitions regarding traffic management issues which are received by the Council, will be referred to the Committee for consideration.

The Committee shall acknowledge the petition and note that Council staff will then investigate the issues which are raised through the petition. The process which will be used by Council staff in addressing the matter shall be the same as that which is set out in the Traffic Management Investigations Section of this Policy.

RECOMMENDATION

That the petition regarding the petitioners concerns regarding traffic management issues associated with Richmond Street, Hackney, be received and noted and referred to the Council's Traffic Management & Road Safety Committee, in accordance with the Council's *Local Area Traffic Management Policy*.

Cr Duke moved:

That the petition regarding the petitioners concerns regarding traffic management issues associated with Richmond Street, Hackney, be received and noted and referred to the Council's Traffic Management & Road Safety Committee, in accordance with the Council's Local Area Traffic Management Policy.

Seconded by Cr Moorhouse and carried unanimously.

10. WRITTEN NOTICES OF MOTION

**10.1 WRITTEN NOTICE OF MOTION – GLYNDE AND STEPNEY FOOD AND BEVERAGE
MANUFACTURING PRECINCT – SUBMITTED BY MAYOR ROBERT BRIA**

NOTICE OF MOTION: Glynde and Stepney Food and Beverage Manufacturing Precinct
SUBMITTED BY: Mayor Robert Bria
FILE REFERENCE: qA1039
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

1. That staff prepare a report regarding the Glynde and Stepney Food and Beverage Manufacturing Precincts discussing the following issues:
 - (a) potential for new food and beverage related events and activities;
 - (b) a new marketing and promotional campaign, including reviving the Food Secrets Ambassador program;
 - (c) opportunities for collaboration between food and beverage business within and across both precincts;
 - (d) legal and regulatory requirements to facilitate exports of local produce to overseas markets;
 - (e) increasing the level of engagement between Council and the South Australian Government (Department for Trade and Investment) and other relevant stakeholders;
 - (f) preparing a strategic document/business plan to attract state and/or federal government funding to improve infrastructure and facilitate the expansion of existing business and the overall growth of the food and beverage manufacturing sector;
 - (g) identify threats and challenges to existing and future land use in Glynde and the Stepney Triangle to determine if there is a need for Council to prepare a Code Amendment to provide certainty to existing and potential food and beverage manufacturers regarding long-term planning and investment in the sector;
 - (h) the level of connectivity with the South Australia Food and Beverage Five Year Strategy (2022-27);
 - (i) opportunities to partner with South Australia universities for research into food innovation; and
 - (j) other issues considered relevant.
2. That the report be presented to the Council's Business & Economic Development Advisory Committee to be held on 12 September 2023 for consideration and recommendations to the Council.

REASONS IN SUPPORT OF MOTION

Over the past seven to eight years, the Council has undertaken several successful initiatives to promote the food and beverage manufacturing sector in our City. These initiatives include the *Food Secrets of Glynde* (and later *Food Secrets of Glynde and Stepney*) official book launch and associated event, bus tours to those precincts and the *East Side Wine and Ale Trail*.

Glynde and Stepney are among the small number of remaining precincts in Adelaide's eastern suburbs that accommodate this type of activity. In my considered opinion, they should be vigorously protected to ensure food and beverage manufacturing has a long-term future in Norwood Payneham & St Peters.

According to the City of Norwood Payneham & St Peters' *Economic Development Strategy 2021-2026*, ("The Strategy") there were 422 people employed in local food and beverage manufacturing in 2020, comprising 38.6% (almost two in five) of the 1,098 manufacturing jobs.

While these number may not seem large, food and beverage manufacturing has a direct link to our city's hospitality (Accommodation Food Sector) sector, of which they are almost twice as many (2,005) jobs.

The Strategy sets out a number of targets over its five-year life and makes provision for annual reviews of achievements/accomplishments. In my opinion, the targets regarding food and beverage related activities eg. Bus Tours and Wine and Ale Trail events are modest and can easily be met.

I believe Council should play a more active role to not only promote our city's food and beverage manufacturing sector but also secure its future such as developing appropriate policy settings regarding current and future land use.

A quick review of food and beverage manufacturing hubs in other Australian jurisdictions shows the amount of time and effort Councils have invested to develop strategies designed to attract state and federal government funding to help realise their vision of building a food manufacturing hub/precinct.

In some cases, these hubs did not exist at the time funding submissions were made but were instead a bold vision supported by a sound business case developed by a Council in partnership with relevant stakeholders, which included extensive plans for infrastructure to accommodate the anticipated expansion over time.

For example, in 2022 the New South Wales Central Coast region received a \$17.2 million federal government grant for the construction of the Central Coast Food Manufacturing Precinct and Innovation Hub project at Lisarow.

In 2021-2022 the Latrobe City Council was awarded a \$10 million grant by the Victorian Government in the State Budget for the Latrobe City Food Manufacturing Precinct in Morewell. The funding for this project went to upgrading infrastructure to help the precinct expand. The Council lodged a funding submission for the grant.

Using these examples as a reference point, it is clear there is a case for the Council to explore funding opportunities to invest in infrastructure in the Glynde Light Industrial Zone, which is in poor condition and not conducive to attracting investment from potential food and beverage manufacturers.

By building a strong business case showcasing the importance of food and beverage manufacturing in our City and the wider South Australian food and beverage economy, the Council can engage and work closely with local businesses to better understand the economic environment for their sector and their infrastructure needs.

This information will be critical to inform the development of grant applications to submit to either the South Australian Government or Australian Government to attract funding.

The Notice of Motion aligns with the following Objectives of *CityPlan 2030* and the *Economic Development Strategy (2021-2026)*.

City Plan 2030

Economic Prosperity:

Objective 3.2 – Cosmopolitan business precincts contributing to the prosperity of the city.

- 3.2.3 - Promote the City as a visitor destination.

Objective 3.3 – Attract new enterprises and local employment opportunities to locate in our city.

- 3.3.3 - Promote and support local food and beverage manufacturing.

Objective 3.5 – A local economy supporting and supported by its community

- 3.5.1 – Support opportunities for people to collaborate and interact in business precincts.
- 3.5.4 – Support opportunities for the community to access locally produced food and beverage produce.
- 3.5.5 - Encourage community support for an promote awareness of business in our city.

Economic Development Strategy (2021-2026)

Diverse City

Objective: Focus on the support and growth of the City's priority sectors:

- 1.1 Food & Beverage Manufacturing.
- 1.3 Identify emerging trends and support opportunities for economic growth.
- 1.4 Promote opportunity and collaboration across the sectors.
- 1.5 Identify and promote local competitive advantages.

Destination City

Objective: Increase the number of people who live, work and visit the city and enhance the community well-being of existing residents, workers and visitors.

- 2.4 Work with local business operators to strengthen the viability of precincts and enhance the customer experience.

Innovative City

Objective: Attract and maintain competitive businesses with the capacity for resilience and ongoing sustainability, innovation and growth.

- 3.1 Maximise new investment and growth opportunities.
- 3.2 Recognise businesses and business sectors that make a significant contribution to the city.
- 3.4 Embrace new and emerging technologies that will enhance business productivity.
- 3.5 Encourage sustainable working methods in all aspects of business

Business Friendly City

Objective: Remove barriers and make it easy for. business owners to start, run and grow a business.

- 4.3 Establish an effective planning policy framework to encourage investment and enable businesses to establish in the City.

STAFF COMMENT

PREPARED BY MANAGER, ECONOMIC DEVELOPMENT & STRATEGY

A report regarding the Glynde and Stepney Food Manufacturing Precincts can be prepared and presented as requested in the Motion to the Council's Business & Economic Development Advisory Committee at its September meeting.

In respect to the issues which are identified in the Notice of Motion, it is recommended that the sessions be presented to the Business & Economic Development Advisory Committee, for the Committee's consideration in the first instance. The next meeting of the Business & Economic Development Advisory Committee is scheduled for Tuesday 4 July 2023.

It is envisaged that this project together with the issues which are identified in the Notice of Motion, will form part of a broader discussion with the Committee, to assist in identifying the Economic Development priorities for the City over the next 12-18 months. Other topics that will be discussed with the Committee at the meeting include:

- the Year 3 and Year 4 Actions as identified in the Council's *Economic Development Strategy 2021-2026*;
- the development of a 3 year strategy for The Parade;
- Kent Town as a knowledge base to align with the Government's investment in the defence and space sectors; and
- the more general matters relating to the light industrial pockets of Glynde and Stepney.

Cr Sims left the meeting at 7.34pm.

Cr Callisto moved:

1. *That staff prepare a report regarding the Glynde and Stepney Food and Beverage Manufacturing Precincts discussing the following issues:*
 - (a) *potential for new food and beverage related events and activities;*
 - (b) *a new marketing and promotional campaign, including reviving the Food Secrets Ambassador program;*
 - (c) *opportunities for collaboration between food and beverage business within and across both precincts;*
 - (d) *legal and regulatory requirements to facilitate exports of local produce to overseas markets;*
 - (e) *increasing the level of engagement between Council and the South Australian Government (Department for Trade and Investment) and other relevant stakeholders;*
 - (f) *preparing a strategic document/business plan to attract state and/or federal government funding to improve infrastructure and facilitate the expansion of existing business and the overall growth of the food and beverage manufacturing sector;*
 - (g) *identify threats and challenges to existing and future land use in Glynde and the Stepney Triangle to determine if there is a need for Council to prepare a Code Amendment to provide certainty to existing and potential food and beverage manufacturers regarding long-term planning and investment in the sector;*
 - (h) *the level of connectivity with the South Australia Food and Beverage Five Year Strategy (2022-27);*
 - (i) *opportunities to partner with South Australia universities for research into food innovation; and*
 - (j) *other issues considered relevant.*
2. *That the report be presented to the Council's Business & Economic Development Advisory Committee to be held on 12 September 2023 for consideration and recommendations to the Council.*

Seconded by Cr Whittington and carried unanimously.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 DRAFT BODY-WORN VIDEO AND CAMERA DEVICE POLICY

REPORT AUTHOR: General Manager, Urban Planning & Environment
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4501
FILE REFERENCE: qA64322
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to seek the Council's endorsement of a new Policy relating to the regulated use of body-worn video and camera devices by the Council's Regulatory Services and Planning Compliance staff.

BACKGROUND

The Council has a responsibility to provide employees with a safe work environment. Council employees who undertake regulatory and compliance related functions are, from time to time, subjected to anti-social and or disorderly conduct from citizens, whilst discharging their duties to administer and enforce legislation and by-laws on behalf of the Council.

The use of body-worn video and camera devices is relatively common-place for government employees who operate across a range of emergency, regulatory and compliance roles and their use is considered to, among other things, deter citizens from anti-social and disorderly behaviour and improve the safety of the wearer.

A review of Work, Health & Safety (WHS) data for the period 2018 to 2023 has identified a significant increase of anti-social and disorderly conduct against the Council's Regulatory and Compliance staff and as such, it is considered timely for the Council to consider the use of regulated body-worn video and camera devices by the Council's Regulatory Services and Planning Compliance staff.

On this basis, the draft *Body-worn Video and Camera Device Policy* has been prepared for the Council's consideration and endorsement. A copy of the draft Policy is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The draft Policy is consistent with the Chief Executive Officer's *Work, Health & Safety (WHS) Statement*, which considers, among other things, that the safety of Council staff is of utmost importance and stipulates that all risks to health and safety must be managed in a proactive manner. The draft Policy also aligns with the organisation's *WHS Strategic Plan 2022-2024*, which seeks to develop and maintain a 'resilient' workforce and includes an overarching theme of managing safety in a way that staff feel valued in respect to their safety.

The controlled use of body-worn video and camera technology, also aligns with the Council's *Smart City Plan*, which encourages the use of innovative technology, whilst at the same time recognising the need to ensure that the collection of digital data is managed in a secure manner to ensure that the privacy of citizens is reasonably maintained at all times.

The draft Policy also aligns with the Council's *Privacy Policy*, which states that the Council is committed to a culture that protects the privacy of individuals.

FINANCIAL AND BUDGET IMPLICATIONS

Body-worn video and camera devices and associated equipment such as vests and badge signs vary significantly in cost. Quotes which have been obtained by Council staff indicate that the cost of purchasing body-worn video and camera devices and associated equipment as well as software to ensure the digital data is recorded and stored securely is approximately \$790 per device, including its associated equipment.

Employees in the staff positions set out below have been identified to wear body-worn video and camera devices to assist them to discharge their duties including the enforcement of legislation and by-laws on behalf of the Council:

- **Team Leader, Regulatory Services** (will not require a dedicated video and camera device);
- **Senior Compliance Officer, Regulatory Services;**
- **Compliance Officer, Regulatory Services** (subject to this position being funded by the Council as part of the 2023-2024 Budget);
- **Compliance Officer, Parking (x 3)** (subject to the third Compliance Officer, Parking position being funded by the Council as part of the 2023-2024 Budget);
- **Compliance Officer, Planning Services;** and
- **Compliance Officer, Public Realm.**

A total of seven body-worn video and camera devices and associated equipment and software would be required at a projected approximate total cost of \$5,600. The cost will be incurred within the operational budget for Regulatory Services functions.

EXTERNAL ECONOMIC IMPLICATIONS

Nil.

SOCIAL ISSUES

The use of body-worn video and camera devices is considered to, among other things, deter citizens from anti-social and disorderly behaviour and improve the safety of the wearer.

The effectiveness of body-worn video and camera devices was comprehensively considered in a study funded by the Becker Friedman Institute (University of Chicago) in 2021, titled '*Body-worn cameras in policing: benefits and costs*'¹. The study found that the benefit to cost ratio was in the order of 5:1, suggesting that for every dollar spent on the use of body-worn video and camera devices, the community obtains fivefold benefits in return, measured not just in monetary terms, but also increased safety of the wearer and reductions in anti-social and or disorderly conduct.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

A review of Work, Health & Safety (WHS) data for the period 2018 to 2023, identified a significant increase of anti-social and disorderly conduct against the Council's Regulatory and Compliance staff. The WHS data indicates that four (4) incidents of anti-social/disorderly conduct occurred in the first quarter of 2023, which is equivalent to the average number of incidents that have occurred annually since 2018. Whilst the overall number of incidents remains relatively low, the recent increase in incidents has warranted a review of the work environment provided for the Council's Regulatory and Compliance staff.

The three (3) key risks involved in the proposed use of body-worn video and camera devices include:

- that the use of the devices may potentially worsen or aggravate a citizen's reaction in a confrontational situation;
- some citizens may perceive that the use of body-worn video and camera devices to record interactions will result in an unreasonable loss of privacy; and
- the devices may be used for an improper purpose.

¹ Williams Jr, Morgan C., Nathan Weil, Elizabeth A. Rasich, Jens Ludwig, Hye Chang, and Sophia Egrari. "*Body-worn cameras in policing: Benefits and costs.*" (2021).

Collectively, these risks are considered to be high in the absence of suitable controls. However, by regulating and controlling the manner in which body-worn video and camera devices are used, the residual risk rating would reduce to a low and acceptable level.

In relation to the first point, whilst there will always be a risk that the use of a body-worn video and camera devices will potentially worsen or aggravate a citizen's reaction in a confrontational situation, the available information set out in relevant academic studies and peer reviewed articles, as well as anecdotal evidence provided by the Council's Team Leader, Regulatory Services, who has used a body-worn video and camera device in a regulatory role at another Council, suggests that the use of the devices will assist to deter anti-social and disorderly conduct against Council employees when citizens are informed that their interactions are being recorded and provide the wearer with greater confidence in their safety. This '*civilising effect*' may prevent situations from escalating to levels requiring the intervention of SA Police.

The perception that the use of body-worn video and camera devices to record interactions will result in an unreasonable loss of privacy and the risk that the devices may be used for an improper purpose, can be controlled via regulating the use of the devices. The draft Policy contained in Attachment A addresses, among other things, issues of how privacy and digital data security and storage will be managed and imposes limits to the extent of what can and should be recorded by the wearer of the body-worn video and camera device as well as detailing requirements to ensure citizen privacy is maintained in accordance with the requirements of the *Surveillance Devices Act, 2016* and the Council's *Privacy Policy*.

If the Council endorses the draft Policy, an internal procedure will be prepared that will provide more detailed guidance for how staff must use body-worn video and camera devices and how they must store and retain digital data securely.

CONSULTATION

- **Elected Members**
Not Applicable.

- **Community**
Not Applicable.

- **Staff**
 - General Manager, Governance & Civic Affairs
 - Manager, WHS & Risk
 - Manager, Governance & Legal
 - Team Leader, Regulatory Services
 - Compliance Officer, Planning Services
 - Public Realm Compliance Officer

- **Other Agencies**
Not Applicable.

DISCUSSION

A recent analysis of increases of anti-social and disorderly conduct against the Council's Regulatory and Compliance employees, has warranted a review of the work environment provided for the Council's Regulatory and Compliance staff.

The review has identified an opportunity to provide the Council's Regulatory and Compliance staff with body-worn video and camera devices, at a relatively low cost, to:

- deter anti-social and disorderly behaviour through the recording of interactions that have the potential to involve conflict or when the Council employee is of the view that a complaint may arise from the interaction or when the Council employee determines that recording via video footage is necessary for their safety;
- enhance the safety of the work environment provided for the Council's Regulatory and Compliance staff;
- implement innovative and contemporary digital technology to assist the Council's Regulatory and Compliance staff to discharge their duties in a safe working environment;

- capture data from interactions with citizens to expediently document evidence, including any incidents of physical or verbal abuse, dog attacks, dogs wandering at large and animal management and as part of investigations, to capture digital data relating to interviews and actions taken in relation to alleged breaches of legislation and or Council by-laws; and
- periodically monitor Council employee behaviours and their interactions with citizens captured by body-worn video devices for training opportunities to ensure interactions are undertaken in a manner consistent with Council's Organisational Values and employee codes of conduct.

Body-worn video and camera technology is a body-worn portable system that provides an audio and visual record of legislative policing activities undertaken by the wearer. Images and recordings are recorded on a tamper proof storage device. The use of body-worn video and camera devices is wide-spread across Local Government and these devices are currently in use to some degree at the City of Adelaide, City of Prospect, City of West Torrens, City of Charles Sturt, City of Port Adelaide Enfield, City of Marion, City of Mitcham, City of Holdfast Bay, City of Onkaparinga and the Campbelltown City Council.

The draft Policy has been prepared for the purpose of regulating the use of body-worn video and camera devices, to ensure a reasonable balance is struck between maintaining citizen privacy, whilst providing a safer work environment for the Council's Regulatory and Compliance staff.

OPTIONS

The Council can determine to endorse the draft Policy with or without changes or not endorse the draft Policy.

It is recommended that the draft Policy be endorsed for the reasons set out in this report.

CONCLUSION

The Council has a responsibility to provide employees with a safe work environment. Council employees who undertake regulatory and compliance related functions are particularly vulnerable to anti-social and or disorderly conduct from citizens, whilst discharging their duties.

The use of body-worn video and camera devices is relatively common-place proven and low-cost technology that can assist to deter citizens from anti-social and disorderly behaviour and improve the safety of the wearer, as well as providing a robust method of capturing evidence and interactions with citizens, within a controlled environment to ensure citizen privacy is maintained.

The Council's endorsement of draft Policy contained in Attachment A will enable staff to procure body-worn video and camera devices for its regulatory and compliance staff and this will provide those staff with an assurance that the Council considers their safety to be of the utmost importance.

COMMENTS

Nil.

RECOMMENDATION

That the draft *Body-worn Video and Camera Device Policy* contained in **Attachment A** to this report, relating to the regulated use of body-worn video and camera devices by the Council's Regulatory Services and Planning Compliance staff, be endorsed.

Cr Sims returned to the meeting at 7.41pm.

Cr Whittington moved:

That the draft Body-worn Video and Camera Device Policy contained in Attachment A to this report, relating to the regulated use of body-worn video and camera devices by the Council's Regulatory Services and Planning Compliance staff, be endorsed.

Seconded by Cr Clutterham and carried unanimously.

Section 2 – Corporate & Finance
Reports

11.2 DRAFT 2023-2024 ANNUAL BUSINESS PLAN – CONSIDERATION OF PUBLIC SUBMISSIONS

REPORT AUTHOR: Manager, Communications & Community Relations
GENERAL MANAGER: General Manager, Governance & Civic Services
CONTACT NUMBER: 8366 4528
FILE REFERENCE: qA123537
ATTACHMENTS: A – B

PURPOSE OF REPORT

The purpose of this report is to present for the Council's consideration, the submissions which have been received on the Draft 2023-2024 Annual Business Plan and Budget.

BACKGROUND

As required by Section 123 of the *Local Government Act 1999* (the Act), the Council must have an Annual Business Plan and Budget for each financial year and the community must be given an opportunity to comment on that Plan.

At its meeting held on 8 May 2023, the Council endorsed the Draft 2023-2024 Annual Business Plan (the Draft Plan), as required by the Act, for release for community consultation.

Pursuant to the Section 123 (6a) of the Act, should the Council propose to make amendments to the Draft Plan, the adopted Annual Business Plan must include a statement which sets out the significant amendments from the Draft Plan and provide the reason for the amendments.

A copy of the Draft Plan which was released for community consultation is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The Council's Long-term Strategic directions are outlined in the *CityPlan 2030: Shaping Our Future*. The Draft Plan and supporting Draft 2023-2024 Budget (the Draft Budget), set out the proposed services and programs and initiatives for the 2023-2024 Financial Year and explains how the Council intends to finance its continuing services, programs and initiatives which are to be undertaken during the year.

The Council's Long-term Financial Plan (LTFP), is a key document in the Councils Planning Framework. It is the primary financial management tool which links the Councils Strategic Plan, *CityPlan 2030: Shaping Our Future*, Whole-of-Life Assets Management Plans and the Annual Business Plan and Budget.

The adoption of the Draft Plan will, assist the Council in the achievement of its goals and objectives as set out in the suite of endorsed suite of Strategic Planning documents set out above.

FINANCIAL AND BUDGET IMPLICATIONS

If the Council resolves to amend the Draft Plan as a result of its consideration of the submissions which have been received, it should be noted that there may be financial implications on the Draft Budget. The financial implications on the Draft Budget will be determined following the Council's consideration of the submissions.

As such, if Elected Members are proposing to put forward any amendments, please contact the General Manager, Governance & Civic Services, to discuss the possible impacts of any amendments.

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**
Elected Members have been involved throughout the preparation of the Draft Plan and Budget and have considered the various components of the Draft Plan and made 'in-principle' decisions as appropriate.
- **Community**
Throughout the public consultation process, citizens have been provided with the opportunity to have input into and comment on the Draft Plan.
- **Staff**
The review of the Operating Expenditure and Special Projects and the draft Annual Business Plan process has been completed with the involvement of the Chief Executive Officer, General Managers, Managers and the various responsible officers.
- **Other Agencies**
Not Applicable.

DISCUSSION

At its meeting held on 8 May 2023, the Council approved the Draft Plan for release for community consultation, subject to any editorial changes as authorised by the Chief Executive Officer.

The Draft Budget, was also released for consultation in conjunction with the Draft Plan. As Elected Members will recall, the Draft Budget released for community consultation is based on an 8.5% increase in rate revenue (from \$39,921 million in 2022-2023 to \$43,421 million in 2023-2024).

At the time, the Draft Plan was released for community consultation, the proposed rate revenue increase translated to an increase in the average residential rate of 5.25%; an average commercial rate increase of 21.18% and a rate cap on residential properties of two (2) times the rate revenue increase of 8.5%, to be applied to all eligible assessments without the requirement for an application to be made.

Key aspects of the Draft Budget are set out in Table 1 below.

TABLE 1: DRAFT BUDGET AS RELEASED ON COMMUNITY CONSULTATION

| | |
|--|-------------|
| Rate Revenue Increase | 8.5% |
| Average Residential Rate Increase | 5.25% |
| Average Commercial Rate Increase | 21.8% |
| Operating Surplus | \$1.387 m |
| Expenditure on continuing services and programs (excluding Regional Landscapes Levy) | \$38.775 m |
| Expenditure on new initiatives and strategic operating projects (including 2020-2021 Carry-forward projects) | \$1.54 m |
| Total Capital Works Program expenditure | \$43.694 m |
| Non- Rate Operating Revenue | \$9.2 m |
| Net General Rate Revenue (excluding Regional Landscapes Levy) | \$42.038 m |
| Regional Landscapes Levy ** | \$1.4 m |
| Capital Grant Funding | \$9.310m |

** The Council is acting as a revenue collector for the Green Adelaide Board in this regard and does not retain this revenue.

Public Consultation

Pursuant to Section 123 (3) and (4) of the Act, a Public Notice was published in The Advertiser's General Notices section on Monday, 23 May 2023, advising citizens that the Council's Draft Annual Business Plan was be available for comment and that written comments were required to be received by 5:00pm, on Friday, 16 June 2023.

Promotion of the Community Consultation also included:

- a Latest News Item on the Council's website;
- News Items in the Council's E-newsletters, which include *Your NPSP*, *Business on Parade* and *Your Business*;
- Social Media posts via Facebook, LinkedIn and Instagram;
- A4 posters at the Council's Customer Service Centres; and
- Roadside Posters.

The Draft Plan, was also available for viewing at the Norwood Town Hall and at each of the Council's three (3) Libraries. Citizens could also download a copy of the Draft Plan from the Council's website.

Interested citizens were provided with the opportunity to provide comments on the Draft 2023-2024 Plan via the following methods:

- attending the Public Meeting which was held on Wednesday, 14 June 2023;
- completing an on-line form via the Council's website;
- completing a hard copy Feedback Form, which was available at the Reception Foyer at the Norwood Town Hall; and
- writing to the Council.

Nine (9) written submissions were received by the closing date on 16 June 2023.

A copy of the written submissions which have been received are contained in **Attachment B**.

In addition to the written submissions, nine (9) members of the public attended the Public Meeting, which was held on 14 June 2023.

Comments which have been prepared by staff in respect to the written submissions are provided below.

1. Comments submitted by Mr Brendan Warn

Mr Warn's submission raises the following concerns relating to traffic management.

- There is a significant lack of capital investment expenditure focussed on traffic calming and residential street amenity.
- Specific examples include First Avenue and Second Avenue in St Peters, Joslin and Royston Park which have incidences of rat running.

Staff response:

The proposed traffic management projects have been determined by the Council using evidence based-data to prioritise the streets with the highest traffic speeds and volumes. Plans are currently underway for community consultation regarding the proposed introduction of a 40km/h speed limit in the suburbs of Hackney, College Park, St Peters, Joslin, Royston Park and Marden. This area was identified as the next area for 40km/h speed limit following the implementation of the 40 km/h speed limit in Stepney, Maylands, Evandale, Norwood and Kent Town and should address a number of concerns which have been raised by Mr Warn.

Over the last three (3) years, the Council has demonstrated a strong commitment to improving and funding traffic management and citizen safety by creating the staff position of Manager, Traffic & Integrated Transport in 2020, and has also recently created and established the position of Traffic Engineer/Officer.

Mr Warn also asked the following questions in his submission regarding the Payneham Memorial Swimming Centre Project.

- What is the final tendered construction price for the proposed Payneham swimming complex?
- What is the capital cost component related to water slides? Why are Council rate-payers funding such capital items?
- At the current interest rate, what is the life of loan interest cost, to service the borrowings for the Payneham Swimming Complex?

Staff response:

The Council is seeking final costings through the tender process which will include all components of the Centre including the water slides. Until the tenders are received, the costs associated with the water slide and the details relating to the life of the loan interest costs cannot be determined.

Notwithstanding this, the current cost estimate and the tender estimate of the project has been assessed as part of the Prudential Report, which has been considered by the Council's Audit & Risk Committee and by the Council.

2. Comments submitted by Mr Liam Connolly

Mr Connolly raised the following comments in his submission:

- Swimming Pool redevelopment – is this really necessary?
- Dunstan Playground – remodelled again hey?
- High speeds and volume of vehicles in the Trinity Ward area

Staff response:

Payneham Memorial Swimming Centre

The redevelopment of the Payneham Memorial Swimming Centre is required as the asset is now beyond its useful life.

Dunstan Adventure Playground

Dunstan Adventure Playground has not been upgraded (or re-modelled) since the 1970s. The facilities are outdated and are beyond its useful life.

High speeds in the Trinity Ward

It is proposed in the Budget to implement an area-wide 40kph speed-limit in the suburbs of Trinity Gardens St Morris, Firle, Payneham and Glynde in 2023-2024. In addition, it is proposed to prepare concept designs of traffic calming devices in these suburbs.

3. Comments submitted by Mr Peter Holmes

Mr Holmes has raised concerns about the Payneham Memorial Swimming Centre's Business Case and has submitted a range of comments and questions including:

- Can the Council outline the budget control and project risk management process to ensure cost control and delivery?
- Will any contract be a fixed price contract?
- What business case, costing and assessment of the project has occurred over the years?
- Is the 'two pool' strategy still relevant appropriate?
- Who are the members on the Project Steering Group?

Staff response:

In relation to budget control, the initial cost of the Payneham Memorial Swimming Centre was estimated at \$24 million, however this cost is expected to increase. The Council is in the process of going out to tenders shortly, as with any project, the tenders will be assessed and a final position reached by the Council

All of the risks associated with the project have been considered and are included in the Prudential Report, which has been considered by the Council's Audit & Risk Committee and by the Council.

Contract documentation is ultimately being finalised and the most prudent way of progressing this redevelopment (including whether a fixed price contract should be entered into) will be considered.

In relation to the business case, all of the required documentation regarding this project is in the Prudential Report.

The Payneham Memorial Swimming Centre Redevelopment was also included in the Council's Draft Annual Business Plan for 2022-2023, which was released for community consultation. In addition, the Council has undertaken consultation with key stakeholders including the Payneham and Norwood Swimming Clubs, the Department for Education and Royal Life Saving South Australia and incorporated the functional requirements of these organisations into the design.

The Council's Swimming Centres Long Term Strategy sets out the direction for the Norwood Swimming Centre and the Payneham Memorial Swimming Centre. The key components within the Strategy include the retention of two (2) outdoor pool facilities and providing diverse aquatic recreational opportunities. The development of this Strategy included community consultation.

A governance structure for the stages of the project is currently being developed.

4. Comments submitted by Yolande Tregenze

Ms Tregenze's submission raises concerns about the loss of Norwood's significant heritage value and she questions why there is a rate increase when there are "*cheap infill developments akin to living at Mawson Lakes*".

Staff response:

The City of Norwood Payneham & St Peters has developed a five-year Built Heritage strategy and is committed to the protection and enhancement of its built heritage. The purpose of the Strategy is to set out the Council's desired outcomes and intended actions for the next five (5) years to ensure the City's built heritage continues to be valued and protected.

The Strategy also publicly expresses what the Council values and recognises with respect to built heritage and provide information to the community regarding heritage and historic area protection in the context of the State's planning framework.

5. Comments submitted by Kensington Residents Association (co-signed by President Roger Bryson and Secretary Andrew Dyson)

The Kensington Residents Association submission is summarised below:

"Our Association urges Council to invest in biodiversity expertise in its staff so that reports can be prepared and acted upon. With warming of the climate bearing down upon us, we suggest that the time is overdue for Council to seize the initiative and show leadership in the areas of biodiversity and climate change.

We urge Council to allocate sufficient funding in the 2023-2024 Budget to enable both the appointment of an Officer for Biodiversity and Climate Change and a review and update of the Biodiversity Strategy 2006-16 as a matter of urgency.

We also call for the preparation of the report specified in the motion passed at the Council Meeting of 6th December 2021 regarding Linear Park. This should be incorporated into the updated Biodiversity Strategy."

Mr Bryson and Mr Dyson also attended the Draft Annual Business Plan Public Meeting on 14 June 2023.

Staff response:

The Council is committed to mitigating the impacts of climate change and creating a more sustainable community. The Council's *Corporate Emissions Reduction Plan 2020-2030*, sets out that the Council has committed to achieving zero corporate carbon emissions by 2030.

6. Comments submitted by Mr John Legg (member of the Kensington Residents Association)

In addition to his written submission, Mr Legg attended the Draft Annual Business Plan Public Meeting on 14 June 2023, and spoke on a wide-range of issues including climate change and the environment, water smart solutions, cat containment, increasing open space, facilitating improved standards for building insulation and the need for the Council to act on various measures recommended by expert panels.

Specifically, Mr Legg requested that the Council appoints a Specialist Biodiversity Officer with conversation management skills, who also has a focus on climate change

Staff response:

The Council has a number of priorities which includes biodiversity, however there are limited resources to fund all priorities. The Council will consider biodiversity training opportunities for existing staff as relevant opportunities arise.

Notwithstanding this, Council staff will review the Biodiversity Policy over the next 12 months and part of that review will make recommendations in respect to its implementation,

7. Comments Submitted by Ms Jane Godsmark

Whilst providing positive comments on the positive partnership between Kensington Volunteers and the Council which has resulted in 6000 locally indigenous trees planted in Borthwick Park and hundreds more in Pioneer Park, Ms Godsmark says there is much more the Council can do to enhance habitat for native species and mitigate against climate change.

Staff response:

The Council manages approximately 23,000 street trees and 7,000 reserve trees and has a target of planting at least 500 new trees per year in streets and other public spaces - with the goal to increase green cover by 20 percent by 2045.

8. Comments submitted by Peter Fairlie-Jones

Mr Fairlie-Jones raised concerns about the need for greater investment in open space on the basis that development is becoming more intense and land for housing is becoming too small.

Mr Fairlie-Jones also raised concerns about the financial implications of the Payneham Memorial Swimming Centre Redevelopment Project, resulting in higher debt for the Council in the future.

Staff response:

Investment in Open Space

The Council is currently developing an Open Space, Playgrounds & Recreation Strategy which will determine the priorities for open space investment over the next ten (10) years. Notwithstanding this, the Council has invested significantly, in the upgrade of open space in recent years including Felixstow Reserve, Burchell Reserve, Dunstan Adventure Playground and land purchased to expand Hannaford Reserve and Richards Park.

Payneham Memorial Swimming Centre

The initial cost of the Payneham Memorial Swimming Centre was estimated at \$24 million, however this cost is expected to increase. The Council is in the process of going out to tender shortly.

At its meeting held in May 2023, the Council's Audit & Risk Committee considered the Prudential Report for the Payneham Memorial Swimming Centre Redevelopment Project.

On the basis of the outcome and recommendations contained in the Prudential Report, the Audit & Risk Committee acknowledged that there is no reason not to proceed with the construction tender of the Project. After the tenders are received and the actual costs will be known. This is no different to any other process used by other Councils.

9. Comments submitted by the St Peters Residents Association.

The Secretary of St Peters Residents Association also attended the Draft Annual Business Plan Public Meeting on 14 June 2023.

At the Public Meeting, Mr Ensor asked a range of questions primarily relating to the Payneham Memorial Swimming Centre Redevelopment Project, which were answered at the meeting.

A summary of the questions which were included as part of the St Peters Residents Association's written submission are set out below.

Raising the Bar

The expenditure raises several questions, including:

- Does the Council pay to hire rooms from the venues?
- Are speakers paid?
- Do attendees pay an entry fee?

Staff response:

The Council does not pay to hire rooms from the venues, the speakers are not paid and attendees do not pay an entry fee.

Food Secrets

The Budget proposes \$40,000 to appoint “a highly acclaimed celebrity/influencer as the City’s Food Secrets Ambassador, - -surely this rate revenue could be spent in better ways?

Staff response:

Food Secrets

\$40,000 is the total amount to be spent on the Food Secrets Program, including marketing and promotion of the event as well as the cost of appointing an Ambassador.

Trailer Mounted Speed Radar and Data Collection Device

The Association hopes that this device has revenue raising potential, and that it will assist in traffic and ‘rat-running’ issues.

Staff response:

This is not a revenue raising initiative, but rather an education device which has been purchased by the Council to deter speeding. However, the data collected could be passed on to SA Police, where the need arises. In addition, the radar speed data will be used to inform the implementation of future traffic calming measures.

Additional Resources for Regulatory Services Unit

The budget puts a cost of \$13,000 against this item?

Staff Response:

This figure should be \$200,000 and the draft Plan will be updated to correct this. It should also be noted that the cost of the additional resources for the Regulatory Services Unit will be entirely offset by projected additional revenue of \$388,000.

DRAFT ANNUAL BUSINESS PLAN PUBLIC MEETING

As previously stated, nine (9), citizens attended the Draft Annual Business Plan Public Meeting which was held on 14 June 2023.

Citizens were advised that their questions were being transcribed by Council staff and would be emailed to them for review and confirmation and a response would be provided.

At the time of writing this report, only one (1) citizen has responded to the email which was sent to confirm their verbal submission.

Whilst Mr Ensor’s questions were answered at the meeting, for completeness, the questions and staff comment are set out below.

Verbal comments made by Paul Ensor, Secretary of St Peters Residents Association

- On what basis does this project (the Payneham Memorial Swimming Centre Redevelopment) and cost reflect the priorities of the whole community for the use of its resources?
- Is it expected that rates will be increased even further to pay for its cost?
- What impact will there be on other community priorities given that funding will be crowded out by this single project?
- Will the Council reconsider this project before it is too late and becomes a long-term burden on our community?

Staff response:

The Payneham Memorial Swimming Centre Redevelopment is a significant project for the City of Norwood Payneham & St Peters. The redevelopment will transform the Payneham Memorial Swimming Centre into a regional aquatic facility for swimmers, families, and the wider community.

Planning for the Payneham Memorial Swimming Centre Redevelopment has been underway for many years and there has been extensive community consultation at various stages of the planning of the project. This upgrade is highly anticipated and very much wanted in our City.

The Council is cognisant of the current volatility in the construction industry. However, this is being felt across the State and is being managed carefully by Council staff.

The Payneham Memorial Swimming Centre Redevelopment is scheduled in accordance with the Council's Long-term Financial Plan as are other similar projects. The Council, through its Audit & Risk Committee is aware of the financial impact of this project and this has been taken into account in the Prudential Report that has been prepared for this project.

The scheduling and priority of all projects are reviewed each time the Council reviews its Long-term Financial Plan which will be undertaken again later this year.

There will always be more projects and more initiatives for the Council to progress and it is the Council's task to consider and set these priorities, taking into account the Council's ongoing financial sustainability.

CONCLUSION

Based on the comments which have been received, it is recommended that no changes be made to the Council's draft 2023-2024 Annual Business Plan & Budget.

A response will be forwarded to all citizens who provided comments regarding the draft 2023-2024 following the Council's consideration of the submissions.

COMMENTS

If Elected Members have any questions or require clarification in relation to specific budget items, and/or any issues raised in this report, do not hesitate to contact the Manager, Communications & Community Relations Simonne Whitlock on 8366 4528, prior to the meeting.

RECOMMENDATION

1. That the submissions which have been received in respect to the Draft 2023-2024 Annual Business Plan and Budget, be received and noted and where considered appropriate by the Council, the Draft 2023-2024 Annual Business Plan and Budget be amended for consideration and final adoption by the Council at the Council meeting scheduled to be held on 10 July 2023.
2. That the citizens and organisations who have made written submissions in respect to the Draft 2023-2024 Annual Business Plan, be thanked and advised of the Council's decision in respect to their submissions.
3. The Council notes that a further report in respect to the adoption of the Draft 2023-2024 Budget will be prepared for the Council's consideration at its meeting to be held on 10 July 2023.

Cr Sims moved:

- 1. That the submissions which have been received in respect to the Draft 2023-2024 Annual Business Plan and Budget, be received and noted and where considered appropriate by the Council, the Draft 2023-2024 Annual Business Plan and Budget be amended for consideration and final adoption by the Council at the Council meeting scheduled to be held on 10 July 2023.*
- 2. That the citizens and organisations who have made written submissions in respect to the Draft 2023-2024 Annual Business Plan, be thanked and advised of the Council's decision in respect to their submissions.*
- 3. The Council notes that a further report in respect to the adoption of the Draft 2023-2024 Budget will be prepared for the Council's consideration at its meeting to be held on 10 July 2023.*

Seconded by Cr Granozio and carried unanimously.

**Section 3 – Governance & General
Reports**

11.3 EASTERN HEALTH AUTHORITY – REVIEW OF CHARTER

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA69175
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the proposed amendments to the Eastern Health Authority (EHA) Charter and to seek the Council's position on the proposed amendments, to assist in finalising the review of the Charter.

BACKGROUND

The Eastern Health Authority (EHA) is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999*, for the purpose of providing environmental health services to the Constituent Councils. This Council, together with the Cities of Burnside, Campbelltown and Prospect and the Town of Walkerville are members of EHA (ie the Constituent Councils).

Pursuant to Clause 19 of Schedule 2 of the *Local Government Act 1999*, a Regional Subsidiary is required to have a Charter which is prepared by the Subsidiary's Constituent Councils. The Charter is required to be reviewed every four (4) years. The last review of the Eastern Health Authority Charter was finalised in May 2016. A review of the current Charter commenced in June 2020.

An initial review of the current EHA Charter was undertaken by the Authority's Administration, including seeking advice in relation to what aspects of the Charter need to be amended from a legal and best practice perspective. The proposed changes were considered by the EHA Board, at meetings held on 2 December 2020 and 25 February 2021.

At its meeting held on 25 February 2021, the EHA Board was advised that at its meeting held in December 2020, that the EHA Audit Committee, had requested that the EHA Board give consideration to whether the Chair of the EHA Board should be an Independent Member. The EHA Board considered this recommendation from the EHA Audit Committee, however the EHA Board was of the view that the current arrangements, where the Chair is selected from the Constituent Council Board representatives was suitable, taking into consideration the size and structure of EHA and the regulatory nature of the services provided by EHA. The EHA Board therefore resolved, that the draft revised Charter and amended "Summary of Charter Amendments" document be provided to Constituent Councils for consideration and comments.

On 11 March 2021, the Authority's Chief Executive Officer sought feedback from the Constituent Councils regarding the proposed changes to the Charter and invited Constituent Councils to provide any additional comments or suggestions in relation to the review of the Charter that they would like considered.

At that time (between April and June 2021), the majority of the proposed changes were unanimously endorsed by all Constituent Councils. There were however a number of clauses where Constituent Councils had differing or opposing views. These included the following:

- 1.7 *Area of Activity;*
- 2.1 *Board of Management – Functions;*
- 2.2 *Membership of the Board;*
- 2.5 *Chair of the Board;*
- 3.3 *Telephone and video conferencing; and*
- 8.1 c) *Business Plan.*

On 7 July 2022, EHA forwarded a letter to the Constituent Councils providing an update on the review of the Charter, a revised Summary of Amendments and requesting a meeting of the Constituent Council Chief Executive Officers in order to progress and finalise the review of the Charter.

On 15 August 2022, a meeting was held at the offices of EHA with the Chief Executive Officers of the Constituent Councils to consider the various clauses of the Charter which remain unresolved.

On 26 May 2023, EHA forwarded the final draft Charter to the Council for consideration and endorsement.

A copy of the final draft Charter is contained within **Attachment A**.

A 'marked up' copy of the Charter which highlights the proposed changes, is contained in **Attachment B**.

Amendments to the EHA Charter can only be made by unanimous resolution of the Constituent Councils and it is therefore necessary for the Council to consider and endorse any proposed amendments to the Charter.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The requirement for the Charter has been undertaken in accordance with the provisions of the *Local Government Act 1999*.

CONSULTATION

- **Elected Members**
Cr Sue Whittington and Cr Kester Moorhouse are the Council's appointees on the Authority's Board of Management and are aware of the various stages of the Charter review process.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

A summary of the proposed amendments to the Charter is set out below.

Clause 1.7 - Area of Activity

The suggested change enables the Authority to undertake an activity outside of the Local Government Areas of the Constituent Councils, subject to obtaining unanimous endorsement from the EHA Board Members and the concurrence of the Chief Executive Officers of the Constituent Councils. Currently, unanimous approval is required to be obtained from the EHA Board and the Constituent Councils, rather than the Constituent Council Chief Executive Officers. The lengthy timeframes associated with obtaining endorsement from the five (5) EHA Constituent Councils could result in the Authority missing out on an opportunity to undertake an 'extra' activity that could benefit the Constituent Councils. For example, if a Council (other than an EHA Constituent Council) calls for Expressions of Interest to provide vaccination services to local businesses within their Local Government Area, the Authority's Chief Executive might be interested in tendering for EHA to provide the service on the basis that it aligns with EHA's core functions and could provide the Authority with additional revenue that in turn could offset some of the annual financial contributions that Constituent Councils make to EHA.

However, the current need to obtain unanimous endorsement from the EHA Board Members and all of the Constituent Councils, could take a significant amount of time to obtain and this could comprise the Authority's ability to submit a tender within the required timeframe.

Clause 1.8 - Common Seal

Clause 1.8 of the EHA Charter relates to the use of the Common Seal to authenticate corporate documents. It is proposed to delete Clause 1.8 (b) and (c) as they replicate existing requirements stipulated in the *Local Government Act 1999* in relation to the circumstances in which a common seal should be used and who should affix the common seal.

Clause 2.1 - Board of Management - Functions

Clause 2.1 of the EHA Charter prescribes the functions of the EHA Board of Management. It is proposed to amend the wording to have language that reflects the *Local Government Act 1999* more closely, to amend subclause (f) to remove the reference to the Board assisting with the development of the Regional Public Health Plan and to add subclause (g) to acknowledge Board participation in development of the Annual Business Plan.

The amendment to subclause (f) is proposed on the basis that the Regional Public Health Plan is considered to be a plan of the Constituent Councils that is adopted by each of the Constituent Councils rather than EHA. The elements of the Regional Public Health Plan that are directly relevant to EHA are reflected in EHA's Annual Business Plan, which is endorsed by the EHA Board.

The rationale for the suggested changes to Clause 2.1 is based on legal advice obtained by EHA's Administration.

Clauses 2.2 - Membership of the Board and 2.5 - Chair of the Board

During the original consultation phase of the draft Charter, the Town of Walkerville suggested reducing the number of Board Members from two (2) per Constituent Council to one (1) per Constituent Council, with an Independent Chairperson.

The EHA Audit Committee supported the proposal that the Chairperson should be an Independent Member. The EHA Audit Committee's rationale was that:

- the appointment of an Independent Chairperson reflects best practice and good governance;
- an Independent Chairperson is primarily free of Conflicts of Interest (Risk Management);
- is able to act as a conciliatory element when and if elements of the Board differ; and
- the Independent Chairperson is best placed to manage other Board Members' Conflicts of Interest.

The EHA Board considered the feedback from the Audit Committee and were of the collective opinion, that the current arrangements, where the chair is selected from the Constituent Council Board Members was suitable, considering the size and structure of EHA and the business transacted at Board meetings.

However, the draft Charter has been amended to reflect the appointment of an Independent Chairperson and one (1) Member and one (1) Deputy Board Member from each of the Constituent Councils.

This structure is similar to the arrangements for the East Waste, ERA Water and Highbury Landfill Authority Boards.

Under the current Charter, Board Members do not receive remuneration or a sitting fee for attendance at meetings.

However, as with the Boards of other Council Regional Subsidiaries, it would be appropriate for the Independent Chairperson of the EHA Board to receive a sitting fee for each meeting attended.

EHA have advised that the Independent Chairperson would also be appointed as an ex-officio member of all EHA committees and therefore, the Independent Chair would be required to attend five Board of Management meetings and any Special Board Meetings (usually one (1) per year), and three (3) Audit Committee meetings and Chief Executive Officer Performance Review Committee meetings each calendar year. EHA have therefore advised that the sitting fee would apply for each Committee meeting attended by the Independent Chairperson.

In event the appointment of an Independent Chairperson is supported by the Constituent Councils, EHA will be required to include funding as part of their Annual Business Plan and Budget.

EHA have advised that an Agreement for Remuneration will be required to determine how this additional cost is distributed between the Constituent Councils, ie if the cost is considered an operating cost and included in the Recurrent Budget, the calculation would be on the basis of the EHA contribution formula (currently Burnside 27%, Campbelltown 24.8%, NPSP 32%, Prospect 11.8%, Walkerville 4.5%). The other alternative is to split the cost evenly between the Constituent Councils.

Notwithstanding this, the Charter could specify that the Independent Chairperson is only entitled to receive a Sitting Fee for attendance at meetings of the EHA Board, given the ex-officio appointment to EHA Committees as set out above.

The current sitting fee for the Chair of the East Waste Board is \$24,000 per year. The Chair of the ERA Water Board receives \$12,252 per year. The Chair of the Highbury Landfill Authority Board does not receive a sitting fee.

As Elected Members will recall, the Council, as was the case for the other Constituent Councils, was required to consider and appoint new Board Members to the EHA Board following the conclusion of the 2022 Local Government Election.

At that time, the Council appointed Crs Whittington and Moorhouse to the EHA Board for a two (2) year term.

Taking into account the proposed changes to the membership arrangements as set out in the draft Charter and the current membership arrangements, from a practical perspective it is recommended that the Council support the proposed membership arrangements on the basis of a transitional period.

This means that the new arrangements, whilst set out in the Charter, would be implemented at a time determined in the future which would allow the current Board Members to see out their current terms.

The transition period could conclude at the conclusion of the term of the current Board Members or at an alternative date (ie at the next Local Government Election).

A new Clause would therefore be required to be included within Clauses 2.2 and 2.5 of the Charter to reflect the transition period.

The new Clauses would be set out as follows:

- The provisions of clauses 2.2 a) (a) and (b) of the Charter dealing with the amended composition of the EHA Board, will take effect at the 2026 Local Government Election; and
- The provisions of clauses 2.5 of the Charter dealing with the Independent Chairperson of the EHA Board, will take effect at the 2026 Local Government Election.

In addition, the draft Charter makes provision to deal with the resignation of the Chair and those occasions when the Chair is unable to attend a meeting of the Board.

In both circumstances, the Deputy Chair will act until either a new Chair is elected (in the event the Chair resigns) or the Chair resumes their duties.

Clause 2.4 - Board Policies and Codes

The draft Charter amends Clause 2.4 to remove references to the EHA Board being consulted or involved in the development of policies and codes. It is the Board's responsibility to provide their input by discussing, debating and ultimately adopting or not adopting policies and codes when they are presented to the Board for endorsement.

Clause 2.4 has also been updated to reflect that EHA has developed its own Code of Conduct for Board Members.

Clause 3.2 - Special Meetings

Clause 3.2 of the draft Charter now allows for a four (4) hour notice period to convene a Special Meeting of the EHA Board, rather than the current requirement of one (1) hour notice.

Clause 3.3 - Telephone or Video Conferencing

Clause 3.3 of the EHA Charter sets out the circumstances in which Special Meetings of the EHA Board can occur by telephone or video conference. It is proposed to delete the descriptive parts of this Clause and include them in a meeting procedure document to be adopted by the EHA Board.

Clauses 3.6 & 3.8 - Quorum and Voting

Clauses 3.6 and 3.8 of the draft EHA Charter clarify that a quorum is required for business to be transacted and that Board Members attending meetings by electronic means must vote on a question arising from a decision at the meeting.

Clause 3.9 - Circular Resolutions

Clause 3.9 of the draft Charter has been simplified by including the requirements for circular resolutions (resolutions passed without the need for a Board meeting) in a procedure document that is to be adopted by the ERA Board.

Clause 4.4 - Acting Chief Executive Officer

Clause 4.4, clarifies that the Chief Executive Officer of EHA may appoint a suitable person to act as Chief Executive Officer and remove the ability for the Board to revoke the appointment.

Clause 9.2 - Withdrawal of a Member

Clause 9 sets out the process associated with the withdrawal of a Member Council. Clause 9.2 a) of the draft Charter increases the minimum notice period required to be provided by a Council when withdrawing from EHA from 12 months to 24 months. This notice period has been extended to protect the remaining Constituent Councils.

Clause 9.2(e) and (f) have been included in the draft Charter to provide some clarity in relation to equity considerations relating to the withdrawal of a Member Council. The new clauses require a withdrawing Member Council to reimburse EHA for any direct operating costs relating to the withdrawal. The clause also now clarifies that a withdrawing Member Council is not automatically entitled to any retained equity.

Clause 12.6 – Civil Liability Protection for Subsidiary Employees

Clause 12.6 has been included in the draft Charter to provide EHA employees with the same protection afforded to Local Government employees under the *Local Government Act 1999*.

Schedule 1 – Funding Contribution Calculation Formula

Schedule 1, which determines how Constituent Council contributions are calculated now shows the revised formula which was endorsed by this Council and all other Constituent Councils in 2021.

Additional Amendments

Some minor changes are also proposed to the following Clauses set out below, however none of these amendments change intent and effect of the Clauses.

- Clause 4.3 - Functions of the Chief Executive Officer;
- Clause 5 – Staff of EHA;
- Clause 6 – Regional Public Health Plan;
- Clause 7 – Insurance & Superannuation Requirements;
- Clause 8 – Business Plan; and
- Clause 12.3 – Alteration & Review of Charter.

Additional Considerations

Whilst some sections of the *Local Government Act 1999* (the Act), apply to Regional Subsidiaries, Councils need to specify those other sections of the Act which they determine should apply to Subsidiaries.

This is reflected in the inclusion of the new Clause 12.6 as set out above, where the Constituent Councils, through the adoption of the Charter, will determine that Section 121 - *Protection from Personal Liability* of the Act will apply to EHA employees.

In terms of employees, there are a number of provisions within the Act that apply to Council staff that are, in terms of best practise governance, intended to provide transparency and accountability in respect to the integrity of staff employed as public officers.

It is therefore proposed that the Council recommends to the EHA Board that the provisions of the Act in respect to Section 105 *Register of remuneration, salaries and benefits* and Section 119A – *Register of gifts and benefits* should apply to EHA.

Schedule 5 of the Act requires both Registers to be published on the Council's website. This provision therefore would also apply to EHA and EHA will be required to publish these Registers on EHA's website.

The Eastern Health Authority is a Regional Subsidiary which has been established by the Constituent Councils in accordance with Section 43 of Act to provide public and environmental health services for the Constituent Councils. As the entity has been established in accordance with the Act it is reasonable that certain provisions of the Act apply to its employees consistent with the provisions that apply to Council staff.

On this basis it is recommended that the following clauses be included within Clause 4.3 of the Charter:

- the provisions of Section 105 of the *Local Government Act 1999*, extend to the Eastern Health Authority as if it were a Council, requiring the Chief Executive Officer to keep, maintain and publish on the website of the Authority, a Register of Salaries containing the information prescribed in Section 105 in relation to each position held by an employee of the Eastern Health Authority; and

- the provisions of Section 119A of the *Local Government Act 1999*, extend to the Eastern Health Authority as if it were a Council, requiring the Chief Executive Officer to keep, maintain and publish on the website of the Authority, a Register of Gifts and Benefits containing the information prescribed in Section 119A in relation to each position held by an employee of the Eastern Health Authority.

Next Steps

As set out above, it is a requirement of the EHA Charter, that any amendments to the Charter are unanimously agreed to by all Constituent Councils. If there are any elements of the draft Charter that are not unanimously agreed, it will be necessary to convene additional meeting(s) with appropriate Constituent Council representatives in an attempt to gain an agreed position on all elements of the revised Charter.

To date, the Cities of Burnside and Prospect and the Town of Walkerville, have considered the draft Charter. The Campbelltown City Council has not yet considered the draft Charter.

The City of Prospect have endorsed the draft EHA Charter as presented to the Constituent Councils and as contained within Attachment A.

The City of Burnside and the Town of Walkerville have not supported the proposed amendments to Clause 2.2 Membership of the Board and Clause 2.5 Chairperson of the Board.

OPTIONS

The Council can either resolve to approve or reject the proposed changes to the EHA Charter.

If the Council resolves to approve the proposed changes to the EHA Charter and the recommended new Clauses as set out above, it is important to note that any amendments to the Charter can only be made by the unanimous resolution of the Constituent Councils and therefore the City of Burnside and the Town of Walkerville's concerns and objections to the proposed changes to Clauses 2.2 and 2.5, will prevent the changes from being implemented and this in turn will delay the finalisation of the Charter review process (however the review does not mean that the Charter has to be amended).

Notwithstanding the above, this Council is the only Council to suggest transition provisions to these proposed new arrangements and therefore these provisions could alleviate any concerns held by these Councils in respect to the proposed amendments which in turn could result in these Councils endorsing Clauses 2.2 and 2.5.

In this context, it is suggested that the Council has three (3) options available.

Option 1

If the Council is inclined to endorse the draft EHA Charter with the new clauses regarding transition provisions and the provisions of Sections 105, 119A and Schedule 5 of the Act, the Council should advise the Authority's Chief Executive Officer of its position and request that these new matters be presented to all Constituent Councils for consideration and resolution of the final EHA Charter.

In terms of best practise governance this is the recommended option.

Option 2

The Council can endorse the draft EHA Charter as contained within Attachment A without the recommended new Clauses.

This option is not recommended on the basis that following endorsement of the draft Charter, the Charter will not be reviewed for a further four (4) years and therefore the current review process provides an opportunity to ensure any new Clauses which reflect good governance practises can be incorporated at this stage into the EHA Charter.

Option 3

The Council can determine not to endorse the draft EHA Charter.

CONCLUSION

The requirement for the EHA Charter to be reviewed is a legislative requirement in accordance with the *Local Government Act 1999*.

The proposed changes provide clarity around a number of matters that will enhance the Authority's ability to carry out its responsibilities and activities and the governance arrangements with respect to Board meetings and the role of Board Members and the Authority's Chief Executive Officer.

COMMENTS

Nil.

RECOMMENDATION

That the Council advise the Eastern Health Authority Inc. Board of Management, that:

1. The Council endorses the proposed changes to the EHA Charter, as contained in Attachment A to this report, subject to the inclusion of the additional new Clauses regarding the following matters in accordance with the *Local Government Act 1999*:
 - the provisions of clauses 2.2 a) (a) and (b) of the Charter dealing with the amended composition of the EHA Board, will take effect at the 2026 Local Government Election; and
 - the provisions of clauses 2.5 of the Charter dealing with the Independent Chairperson of the EHA Board, will take effect at the 2026 Local Government Election; and
 - the provisions of Section 105 of the *Local Government Act 1999*, extend to the Eastern Health Authority as if it were a Council, requiring the Chief Executive Officer to keep, maintain and publish on the website of the Authority, a Register of Salaries containing the information prescribed in Section 105 in relation to each position held by an employee of the Eastern Health Authority; and
 - the provisions of Section 119A of the *Local Government Act 1999*, extend to the Eastern Health Authority as if it were a Council, requiring the Chief Executive Officer to keep, maintain and publish on the website of the Authority, a Register of Gifts and Benefits containing the information prescribed in Section 119A in relation to each position held by an employee of the Eastern Health Authority.
 2. That the Authority's Chief Executive Officer write to the Constituent Councils advising of the City of Norwood Payneham & St Peters' position regarding the draft EHA Charter and new Clauses regarding transition provisions and Sections 105, 119A and Schedule 5 of the *Local Government Act 1999*, and in particular requesting that the City of Burnside and the Town of Walkerville re-consider their positions regarding their objections to the proposed changes to Clauses 2.2 and 2.5 of the draft Charter on the basis of the transition provisions endorsed by the City of Norwood Payneham & St Peters.
-

Cr Duke left the meeting at 8.18pm.
Cr Sims left the meeting at 8.19pm.
Cr Sims returned to the meeting at 8.20pm.

Cr Piggott moved:

That the Council advise the Eastern Health Authority Inc. Board of Management, that:

1. *The Council endorses the proposed changes to the EHA Charter, as contained in Attachment A to this report, subject to the inclusion of the additional new Clauses regarding the following matters in accordance with the Local Government Act 1999:*
 - *the provisions of clauses 2.2 a) (a) and (b) of the Charter dealing with the amended composition of the EHA Board, will take effect at the 2026 Local Government Election; and*
 - *the provisions of clauses 2.5 of the Charter dealing with the Independent Chairperson of the EHA Board, will take effect at the 2026 Local Government Election; and*
 - *the provisions of Section 105 of the Local Government Act 1999, extend to the Eastern Health Authority as if it were a Council, requiring the Chief Executive Officer to keep, maintain and publish on the website of the Authority, a Register of Salaries containing the information prescribed in Section 105 in relation to each position held by an employee of the Eastern Health Authority; and*
 - *the provisions of Section 119A of the Local Government Act 1999, extend to the Eastern Health Authority as if it were a Council, requiring the Chief Executive Officer to keep, maintain and publish on the website of the Authority, a Register of Gifts and Benefits containing the information prescribed in Section 119A in relation to each position held by an employee of the Eastern Health Authority.*
2. *That the Authority's Chief Executive Officer write to the Constituent Councils advising of the City of Norwood Payneham & St Peters' position regarding the draft EHA Charter and new Clauses regarding transition provisions and Sections 105, 119A and Schedule 5 of the Local Government Act 1999, and in particular requesting that the City of Burnside and the Town of Walkerville re-consider their positions regarding their objections to the proposed changes to Clauses 2.2 and 2.5 of the draft Charter on the basis of the transition provisions endorsed by the City of Norwood Payneham & St Peters.*

Cr Duke returned to the meeting at 8.22pm.

Seconded by Cr Whittington and carried unanimously.

11.4 2023 AFL GATHER ROUND

REPORT AUTHOR: Chief Executive Officer
GENERAL MANAGER: Not Applicable
CONTACT NUMBER: 83664539
FILE REFERENCE: qA110426
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to provide information regarding the 2023 AFL Gather Round, as requested by the Council at its meeting held on 1 May 2023.

BACKGROUND

At its meeting held on 7 November 2022, the Council resolved the following regarding the possibility of South Australia hosting the inaugural AFL Magic Round (as it was previously known as):

That the Norwood Football Club and SANFL be advised, that the Council will consider any reasonable request by the Club to help facilitate the playing of AFL matches at Norwood Oval, should it be selected as a venue as part of the AFL Magic Round in Adelaide.

Subsequent to this decision, at its meeting held on 5 December 2022, the Council was advised that the State Government had secured the rights to host the inaugural AFL Magic Round from 13-16 April 2023. At this time however, it was unknown which venues, in addition to Adelaide Oval, would be used.

At this meeting, the Council was also advised that in order to secure Norwood Oval as a venue, a number of improvements to the facilities at the Norwood Oval would be required (ie. new food outlet/kiosk, kitchen, coaches' boxes and media boxes).

In addition, the Council was requested to contribute to the 'one-off' items (ie. camera stands, public toilets, etc.) which were required to facilitate the playing and telecasting/broadcasting of the AFL matches should Norwood Oval be selected as a venue.

Following consideration of the report, the Council resolved to fully fund and allocate \$570,000 for the construction of a new food outlet/kiosk (with a new kitchen) at the eastern end of the Sir ET Smith Stand.

It also resolved to contribute up to \$65,000 to assist with the provision of additional permanent game day infrastructure (ie. new coaches' boxes, media boxes, etc.) on the basis that the Council's contribution would be directed towards the permanent assets (ie. coaches' boxes and media boxes) and not towards temporary infrastructure such as toilets, camera stands, etc.

The total cost estimate for these additional game day items of infrastructure (which included coaches' boxes, media boxes, etc.) and temporary infrastructure, as provided by the SANFL, was \$225,000. The Council's contribution towards these additional items was \$65,000, as this was based on the cost estimate provided by the SANFL for the construction of new coaches' boxes and media boxes.

As Elected Members may recall, that subsequent to this decision, a number of discussions ensued between Council staff, the AFL, the SANFL, the State Government and the Norwood Football Club.

The basis of these discussions and negotiations, stemmed from the fact that the original cost estimates which were provided to the Council by the SANFL, were significantly less than the quotations that were sourced by the Council for the coaches' boxes and media boxes and the Council took the position that it would only contribute towards the permanent infrastructure and not temporary items.

In this respect, whilst the Council was prepared to originally contribute \$65,000 towards these permanent assets (which was based on estimates provided by the SANFL), based on the final design of these structures (which received approval from the AFL as the structures were required to meet AFL standards), the cost of these structures was \$278,976.

Whilst these structures are permanent structures and will be owned by the Council and would be used by the Norwood Football Club for SANFL matches, AFLW matches and future AFL Gather Round matches, it was considered that the Council should not fund the total cost of these structures. In short, a four-way cost sharing arrangement was being advocated for by the Council.

The final outcome of the discussions and negotiations, was that agreement was reached based on sharing the following cost arrangements:

- AFL \$120,000;
- NPSP \$120,000; and
- SANFL/Norwood Football Club \$75,000;

noting that the costs associated with the temporary infrastructure (ie. camera stands, toilets, etc.) was, as the Council understands, met by the AFL.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

In respect to the cost of activating the Memorial Gardens, marketing and other promotional activities, the final cost is \$85,660, comprising \$15,000 from the Norwood Parade Precinct Committee's Budget (as resolved by the Committee) and the remainder of the funds being sourced from existing unspent/unused events, grants and marketing budget lines.

The final quotation for the new coaches' boxes and media boxes was \$278,976 with the final construction cost being \$283,552 (which includes a variation of \$3,650, which was required to replace iron roofing above the coaches' and media boxes) and with the inclusion of consultant fees of \$38,270, the total project cost is \$321,822.

In respect to the new outlet/kiosk, the preliminary first order cost estimate was \$570,000.

The final contract construction price was \$498,200.

The final construction cost was \$581,105, which included variations totalling \$52,658, which with consultant fees of \$59,303, amounted to a total cost of \$640,408.

EXTERNAL ECONOMIC IMPLICATIONS

In respect to the economic impact of the two (2) matches being played at Norwood Oval on 14 April 2023 and 16 April 2023, the data which has been provided by Spendmapp by Geografia, has been used to quantify the quantum of expenditure and hence economic activity.

The data which has been sourced from Spendmapp by the Council, provides an analysis of expenditure in the 'Dining and Entertainment' sector in the suburb of Norwood.

The data is based on transactions that relate purely to businesses that have their respective EFTPOS terminals registered in the suburb of Norwood. It does not include however, expenditure involving cash transactions.

This means that it can be assumed that expenditure was greater than has been reported as cash is not recorded. It also means that those businesses that traded in the Memorial Gardens on match days, would have their terminals registered elsewhere and therefore, their respective transactions would not have contributed to the expenditure data captured by Spendmapp in the suburb of Norwood.

This data highlights that the businesses that participated with the Council with offers and discounts and the marketing and promotion which was undertaken by the Council and the AFL, benefited from this strategy.

In respect to expenditure, the data provided by Spendmapp is set out below:

- **Friday 14 April 2023**

- (Freemantle v Gold Coast)
- \$876,594 total daily expenditure in the 'Dining & Entertainment' sector in the suburb of Norwood.
- This represented the single largest daily expenditure of all recorded data (dating back to 1 July 2018) in the 'Dining & Entertainment' sector in the suburb of Norwood.

- **Sunday 16 April 2023**

- (GWS v Hawthorn)
- \$774,184 total daily expenditure in the 'Dining & Entertainment' sector in the suburb of Norwood'.
- This represents the 11th single largest daily expenditure of all recorded data (since 1 July 2018) for expenditure in the 'Dining & Entertainment' sector in the suburb of Norwood.

- **Combined Weekend**

- Combined expenditure for Friday, Saturday and Sunday was \$2,215,031.
- This represented the largest combined weekend expenditure in the 'Dining & Entertainment' sector in the suburb of Norwood.
- This represented \$167,566 more than the next best performing week in 'Dining & Entertainment' sector in the suburb of Norwood.
- Which in turn represented \$573,766 more than the average weekend expenditure in the 'Dining & Entertainment' sector in the suburb of Norwood.

- **Additional Findings from the Data**

- Spendmapp data indicates that Thursday 14 April 2023 (ie. prior to the Gather Round weekend) was the best performing day of 2023, for the 'Department Stores & Clothing' sector in the suburb of Norwood, however, Friday, Saturday and Sunday were 'somewhat quieter'.
- Across all of the combined categories of expenditure within the suburb of Norwood, the Gather Round weekend was second best performing weekend of the year (besides Easter 2023).
- The Gather Round weekend was also second-best performing weekend in all of the combined sectors across the entire City of Norwood Payneham & St Peters (again besides Easter 2023).
- The 'Dining & Entertainment' sector across the entire City of Norwood Payneham & St Peters performed well with Friday 14 April 2023 being the 3rd best performing daily expenditure based on data that has been collected by Spendmapp.

- **Interstate Expenditure**

Expenditure for interstate visitors was mixed:

- Total expenditure in April 2023 from Victoria and Western Australia visitors was the second most per month over the last 12 months (besides December 2022).
- Expenditure from NSW visitors in April 2023 declined from the previous month.
- Expenditure from visitors from Queensland and Tasmania was the highest recorded in the last 12 months.

SOCIAL ISSUES

The hosting of two (2) matches at Norwood Oval has resulted in a significant event for this City in which both the local and wide community had the opportunity to participate in.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Whilst the AFL Gather Round presented a significant undertaking for the organisation which had to be successfully delivered within a short space of time, all of the staff involved '*rose to the occasion*' and provided the discretionary effort that was required to achieve the outcome expected by the Council, the AFL, the State Government and the community.

Like the AFL, our staff have never been involved in the organisation of an event of this type and scope, there was no 'manual' to work from and as such, our staff were required to achieve significant outcomes within a short period of time with limited experience with the staging of AFL matches.

At the same time, whilst this process was challenging, the experience and skills gained by our staff including some of our young and developing staff, has been immeasurable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**
The Council considered this matter at its meetings held on 7 November 2022, 5 December 2022, 6 February 2023, 3 April 2023 and 1 May 2023.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

As Elected Members are aware, from when the Council first considered its potential participation in the 2023 AFL Gather Round (ie. 5 December 2022), discussions, negotiations and decisions, proceeded at a very fast pace.

Notwithstanding this, following completion of the negotiations for the cost sharing arrangements for the coaches' boxes and media boxes (as resolved by the Council at its meeting held on 6 February 2023), construction of these facilities and the new food outlet/kiosk, was completed within the required timeframe that was set by the AFL.

In accordance with the Council's resolution made at its meeting held on 6 February 2023, the Council's financial contribution towards the coaches' boxes and media boxes was \$120,000. As Elected Members, may recall, the final quotation for the construction of these facilities (ie. the contract price) was \$283,627.

The final construction cost (including variations of \$3,650) is \$283,552. In addition, consultant fees amounted to \$38,270, resulting in a total expenditure of \$321,822.

As set out above, these facilities are permanent assets and represent significant improvements to the old facilities at the Oval. These facilities remain as assets which are owned by the Council.

In respect to the new kiosk/food outlet, the final contract construction price was negotiated at \$498,200. Noting that given the limited timeframe within which to deliver this facility, it is likely that this price reflected this situation.

Based upon preliminary first order cost estimates, at its meeting held on 5 December 2022, the Council approved a budget of \$570,000 towards the new food outlet/kiosk.

The final construction cost was \$581,105 which includes variations totalling \$52,658. In this respect, the location of tree roots (from the significant Elm tree in front of the Sir ET Smith Stand) required the grease arrester to be relocated, as well as variations associated with removal of existing bitumen and soil and replacement of the bitumen surface within the kiosk area. Consultant fees amounted to \$59,303, giving a total cost of \$640,408.

In respect to the place activation components, as Elected Members may recall, the original concept that was adopted by the AFL, was that the Memorial Gardens at the front of the Sir ET Smith Stand, would be incorporated as part of the AFL game day facilities and would be fenced off from the general public.

This was an unacceptable outcome as it was not conducive to the community involvement component of Gather Round as promoted by the State Government and the AFL. In this respect, only those members of the community with match day tickets/passes would have been able to enter the fenced area.

Following considerable discussion and negotiation between the AFL and Council staff who were managing this project, agreement was reached that resulted in the Memorial Gardens being handed over to the Council and the Norwood Football Club. In short, the area would not be fenced and segregated. This area was therefore 'handed back' to the Council and as such, Council staff worked with both the AFL and the Norwood Football Club to activate this space.

The consequent impact of this decision then resulted in negotiations regarding the extent of the closure of The Parade. In this respect, on the basis of the original concept that the Memorial Gardens would be fenced off and used by the AFL, it was proposed that The Parade would be closed off (between Woods Street and Osmond Terrace) and activated by the Council to allow members of the community (who were not attending matches at the Oval and who could not access the Memorial Gardens) to participate in the event.

As the Memorial Gardens were no longer being fenced off, closure of The Parade was no longer required. Notwithstanding this, the AFL continued to request that The Parade be closed off to allow for buses to enter the area and to mitigate any risks with patrons spilling out onto The Parade.

Again, following discussions and considerable negotiations between Events SA, SAPOL and the Department of Infrastructure & Transport, it was resolved to allow The Parade to be closed off between Osmond Terrace and Woods Street. The cost of this was met by the Department of Infrastructure & Transport, following discussions and negotiations between the Department's Chief Executive Officer and Council staff.

OPTIONS

Nil

CONCLUSION

Notwithstanding the pace at which discussions and negotiations regarding the staging of this event at the Norwood Oval and the (at times) challenging negotiations and decision-making, the final outcome was successful.

Achieving construction of the new infrastructure that was required within a very limited time-frame, together with obtaining the necessary approvals, supply chain issues and labour/skill shortages, was a major achievement and a credit to the staff and contractors involved.

Despite the pace of this project, the collaboration between the AFL, Council staff, the SANFL, the Norwood Football Club and the State Government, was tremendous. Indeed, the whole event and construction of the new assets could not have been delivered without the high level of co-operation and collaboration that existed throughout the organisation of this event.

From a staff perspective, with very limited experience, when *'thrown the challenge'*, all of the staff involved, particularly our young and emerging staff, *'rose to the occasion'* and have gained valuable experience and skills.

From the feedback that has been received, both the Premier of South Australia and the AFL are very appreciative of the Council's commitment and leadership in delivering this event.

Following a debrief which occurred a few weeks ago and informal discussions which are continuing with the AFL and other stakeholders, plans are already underway for the 2024 Gather Round, should Norwood Oval again be selected to host AFL matches.

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Robinson left the meeting at 8.38pm.

Cr Sims moved:

That the report be received and noted.

Cr Robinson returned to the meeting at 8.39pm.

Seconded by Cr Granozio and carried unanimously.

12. ADOPTION OF COMMITTEE MINUTES

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

PURPOSE OF REPORT

The purpose of the report is to present to the Council the Minutes of the following Committee Meetings for the Council's consideration and adoption of the recommendations contained within the Minutes:

- Traffic Management & Road Safety Committee – (20 June 2023)
(A copy of the Minutes of the Traffic Management & Road Safety Committee meeting is contained within **Attachment A**)

ADOPTION OF COMMITTEE MINUTES

- **Traffic Management & Road Safety Committee**

Cr Duke moved that the Minutes of the meeting of the Traffic Management & Road Safety Committee held on 20 June 2023, be received and noted. Seconded by Cr Knoblauch and carried unanimously.

13. OTHER BUSINESS
Nil

14. CONFIDENTIAL REPORTS

14.1 TENDER SELECTION REPORT – ROAD RESEALING 2023-2026

RECOMMENDATION 1

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

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

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

RECOMMENDATION 2

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

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

Cr Granozio moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999, the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment, Manager, City Projects, Project Officer, Civil, Manager Governance & Legal, Executive Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

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

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

Seconded by Cr Holfeld and carried unanimously.

Cr Callisto declared a conflict of interest in this matter, as his cousin is the General Manager of one of the companies which submitted a tender and left the meeting at 8.40pm.

Cr Knoblauch moved:

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

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

Seconded by Cr Piggott and carried unanimously.

Cr Callisto returned to the meeting at 8.47pm.

14.2 EASTERN REGION ALLIANCE (ERA) WATER – APPOINTMENT OF INDEPENDENT CHAIRPERSON

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 minutes be kept confidential until the announcement in respect to the position of Independent Chairperson of the Eastern Region Alliance (ERA) Water Board is 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 & Civic Affairs, General Manager, Urban Planning & Environment, Manager, Governance & Legal and Executive Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

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

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

Seconded by C Piggott and carried unanimously.

Cr Duke moved:

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes be kept confidential until the announcement in respect to the position of Independent Chairperson of the Eastern Region Alliance (ERA) Water Board is made.

Seconded by Cr Robinson and carried unanimously.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.50pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)