

AGENDA

Ordinary Council Meeting Tuesday, 28 March 2023

Members of the public are advised that meetings of Council are live streamed on Council's YouTube Channel and video recorded.

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 28 March 2023

Time: 7pm

**Location: Tirkanthi Kuu Room
Level 1 at Payintha
128 Prospect Road
Prospect**

**Chris White
Chief Executive Officer**

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1 OPENING**1.1 Acknowledgment of the Kurna people as the traditional custodians of the land**

'City of Prospect acknowledges that we are on the traditional country of the Kurna people of the Adelaide Plains region and we pay our respect to Elders past and present.

We recognise and respect their cultural heritage, beliefs and relationships with the land and we acknowledge that they are of continuing importance to the Kurna people living today.'

1.2 Council Pledge

We seek wisdom and understanding as we face the duties of our united task, praying for the peace and prosperity of our City.

2 ON LEAVE**3 APOLOGIES****4 DECLARATION BY MEMBERS OF CONFLICT OF INTEREST****5 CONFIRMATION OF MINUTES**

Ordinary Council Meeting - 28 February 2023

6 PUBLIC QUESTION TIME**7 PETITIONS**

Nil

8 DEPUTATIONS

8.1 Elizabeth Crisp / City of Propsect Section 270 Review – Broadview Community and Sports Hub

9 QUESTIONS WITHOUT NOTICE

10 REPORTS FOR DECISION**10.1 REVIEW OF A COUNCIL DECISION - BROADVIEW COMMUNITY & SPORTS HUB****File Number:** IC23/30**Author:** Deborah Horton, Team Leader Governance & Risk**Responsible Executive:** Ginny Moon, Director City Corporate**EXECUTIVE SUMMARY**

On 7 December 2022, Council received an email from the Prospect Resident's Association (the Applicant) requesting Council review its decision as made on 30 August 2022 (**Item 5.1 Broadview Community & Sports Hub – 70% Design and Cost Plan update**).

This covering report provides background contextual information and ultimately facilitates Council's compliance with its legislative responsibilities to review this decision 'afresh' having considered all matters regarding the original decision's merits and the independent report undertaken by KelledyJones Lawyers (**Attachment 1**).¹

DECISIONS FOR COUNCIL PROVIDED AS OPTIONS**DECISION 1 – WAIVE FEE****That Council:**

1. Having considered Item 10.1 Review of a Council Decision - Broadview Community & Sports Hub receives and notes the report and acknowledges the Independent Review Report including its findings as provided at Attachment 1.
2. Having considered Item 10.1 Review of a Council Decision - Broadview Community & Sports Hub [waives/does not waive] the prescribed \$20 application fee [in full/or in part].
3. Advises the applicant of this decision in writing.

DECISION 2 – rescind, affirm or vary the original decision (1 of 3 options as below)**Option 1 RESCIND THE ORIGINAL DECISION and REMAKE A NEW DECISION****That Council:**

1. Having considered Item 10.1 Review of a Council Decision - Broadview Community & Sports Hub receives and notes the report and acknowledges the Independent Review Report including its findings as provided at Attachment 1.
2. Having considered Item 10.1 Review of a Council Decision - Broadview Community & Sports Hub rescinds its decision in full as made on the 30 August 2022 for Item 5.1 Broadview Community & Sports Hub – 70% Design and Cost Plan update.
3. Makes the following decision(s) in relation to the Broadview Community & Sports Hub;
 - (a) *Insert here*
 - (b) *Insert here*
 - (c) *Insert here*

¹ Local Government Act 1999 (SA) s270.

4. Advises the applicant of this decision in writing, noting that the applicant may seek alternative complaint mechanisms (ie Ombudsman of South Australia) should they continue to be aggrieved of this decision.

Option 2 - AFFIRM THE ORIGINAL DECISION

That Council:

1. Having considered Item 10.1 Review of a Council Decision - Broadview Community & Sports Hub receives and notes the report and Attachment 1.
2. Acknowledges the findings of the Independent Internal Review at Item 6 of Attachment 1 of Item 10.4 Review of a Council Decision – Broadview Oval, being;

6.1 Having carefully considered all available information relevant to the Decision, we find the Decision:

6.1.1 was within the Council's powers under the Act;

6.1.2 was not inconsistent with any Council policies, including the Caretaker Policy;

6.1.3 was open to be made on the information available to the Council;

6.1.4 is not improper or legally flawed; and

6.1.5 was reasonable and, in all respects, lawful.

6.2 There is nothing to support a finding that the Decision was other than reasonably made by a responsible public authority in what the Council considered to be the best interests of the community. Further, the Decision is, on balance, consistent with the Council's role and functions under the Act.

6.3 Having considered this Report and any further submissions from the Association, it is open to the Council to determine the Application in one of two ways:

6.3.1 to reaffirm the Decision; or

6.3.2 to revoke or otherwise vary the Decision.

3. Having considered Item 10.1 Review of a Council Decision - Broadview Community & Sports Hub affirms its decision in full as made on the 30 August 2022 for Item 5.1 Broadview Community & Sports Hub – 70% Design and Cost Plan update.
4. Advises the applicant of this decision in writing, noting that the applicant may seek alternative complaint mechanisms (ie Ombudsman of South Australia) should they continue to be aggrieved of this decision.

Option 3 - VARY THE ORIGINAL DECISION (RECISION/REMAKE OFFENDING COMPONENT)

That Council:

1. Having considered Item 10.1 Review of a Council Decision - Broadview Community & Sports Hub receives and notes the report and acknowledges the Independent Review Report including its findings as provided at Attachment 1.
2. Having considered Item 10.1 Review of a Council Decision - Broadview Community & Sports Hub rescinds the following components of the decision as made on the 30 August 2022 for Item 5.1 Broadview Community & Sports Hub – 70% Design and Cost Plan update being;
 - (a) [copy offending provision here] to replace with [place text here]
 - (b) [copy offending provision here] to replace with [place text here]
 - (c) [copy offending provision here] to replace with [place text here]

3. **Advises the applicant of this decision in writing, noting that the applicant may seek alternative complaint mechanisms (ie Ombudsman of South Australia) should they continue to be aggrieved of this decision.**

DISCUSSION

Background: What is a 'review of a decision'?

Under the Local Government Act,² any person (with sufficient interest) is entitled to ask for a review of a decision made by Council, its employees or other person acting on behalf of Council. This is referred to colloquially as a 'section 270', 'internal review' and/or 'review of a decision'.

Council has a policy position that guides administration in facilitating a review, which can be found at this link:

https://www.prospect.sa.gov.au/_data/assets/pdf_file/0029/103889/Internal-Review-of-Council-Decisions-Policy-Adopted-26-05-2020.pdf

The policy provides a contact person initially for the applicant to liaise with in relation to their application and to assess the application. This person is identified as the Independent Review Contact Officer (IRCO).

In addition, the policy indicates who is responsible for conducting the review (the reviewer) depending on which decision is requested to be reviewed (administration, agent of administration, or full Council as the elected body).

A review of a decision essentially investigates whether the decision maker (Council in this matter) followed established and endorsed policies and procedures, the merits of the decision, and whether due consideration was given to relevant information available at the time the decision was made – including gathering new information where possible and reconsidering the decision 'afresh'.

The reviewer is required to consider the following in accordance with Council policy:³

- Whether Council has the power to make the decision.
- All relevant matters are taken into account.
- That a decision is made in good faith and not for any improper purpose.
- That findings of fact are based on evidence.
- Decisions must be reasonable.
- That procedural fairness is accorded to all parties.
- The application and effect of any Council policies (as it relates to the matter seeking to be reviewed).
- Discretionary power must not be exercised at the direction of another person.

The Review

The Applicant emailed Council's Chief Executive Officer on the 7 December 2022, requesting (**Attachment 1**) Council review its decision made at a Special Council meeting on 30 August 2022 (**Item 5.1 Broadview Community & Sports Hub – 70% Design and Cost Plan update**) (the decision). The Applicant's request was made in accordance with the Local Government Act.⁴

The 30 August 2022 Agenda can be accessed electronically at this link;

https://www.prospect.sa.gov.au/_data/assets/pdf_file/0021/1201845/30-August-2022-Special-Council-Meeting-Agenda.pdf

The 30 August 2022 Minutes can be accessed electronically at this link:

² Local Government Act 1999 (SA) s270.

³ Independent review of a Decision Policy Clause 7.3.1

⁴ Ibid.

https://www.prospect.sa.gov.au/_data/assets/pdf_file/0025/1204459/30-August-2022-Special-Council-Meeting-Minutes.pdf

In accordance with Council's 'Internal Review of a Decision Policy', where a decision under review was made by the full council, the Chief Executive Officer appoints an external person or body who will report the review undertaken to the Council.⁵

On this matter, KelledyJones Lawyers was appointed as the Independent Reviewer (IR) in December 2022 with the review commencing in earnest in January 2023 upon return from the Christmas/New Year holiday season, with the following chronological time frame provided below;

December 2022

- Request received by City of Prospect (7 December, letter dated 5 December)
- CEO internal appointment of Independent Review Contact Officer (8 - 9 December)
- Liaison with Applicants/City of Prospect (12 – 23 December)
- Verbal appointment of IR (23 December)

23 December 2022 – 4 January 2023 Christmas Closure for City of Prospect

24 December 2022 – 16 January 2023 Christmas Closure for Kelledy Jones

January 2023

- Written confirmation of IR by City of Prospect (11 January)
- IR commenced (16 January)
- Time for applicant to provide additional information for IR to consider (17 Jan – 3 Feb) affording procedural fairness
- Applicant response to IR (20 January)
- Draft Report being prepared (6 February onwards)
- IR update received by City of Prospect from IR regarding unanticipated delay (23 February)

March 2023

- Draft Report received City of Prospect (17 March)
- Finalised Report received by Applicant and City of Prospect (20 March)
- This report to Council (28 March)

In giving effect to the requirement to afford procedural fairness, the Applicant was provided with an opportunity to provide any further submissions they wished the IR to consider as part of the review. The Applicant responded on 20 January 2023 outlining three alternative outcomes which have been included and addressed in the IR's report.

Findings of IR (KelledyJones)

The IR identified and addressed the Applicants 15 initial submissions at the following clauses;

- Submission 1 – Identified at Item 5.3 and responded to at 5.14.
- Submissions 2 & 3 - Identified at Item 5.15 and responded to at 5.24.
- Submissions 4, 5 & 6 – Identified at Item 5.25 and responded to at 5.36.
- Submissions 7 & 8 – Identified at Item 5.37 and responded to at 5.46.
- Submissions 9 & 10 – Identified at Item 5.47 and responded to at 5.58.
- Submissions 11 & 15 – Identified at Item 5.59 and responded to at 5.63.
- Submissions 12 & 14 – Identified at Item 5.64 and responded to at 5.71.

⁵ Independent review of a Decision Policy, 2022, Clause 7.1.2

https://www.prospect.sa.gov.au/_data/assets/pdf_file/0029/103889/Internal-Review-of-Council-Decisions-Policy-Adopted-26-05-2020.pdf

- Submission 13 – Identified at Item 5.72 and responded to at 5.79.

The IR identified and addressed the Applicants further three (3) submissions from Items 5.80 to 5.98.

The IR made the following overall findings, as copied verbatim below (**at Item 6 of Attachment 1**);

6. CONCLUSION

6.1 Having carefully considered all available information relevant to the Decision, we find the Decision:

6.1.1 was within the Council's powers under the Act;

6.1.2 was not inconsistent with any Council policies, including the Caretaker Policy;

6.1.3 was open to be made on the information available to the Council;

6.1.4 is not improper or legally flawed; and

6.1.5 was reasonable and, in all respects, lawful.

6.2 There is nothing to support a finding that the Decision was other than reasonably made by a responsible public authority in what the Council considered to be the best interests of the community. Further, the Decision is, on balance, consistent with the Council's role and functions under the Act.

6.3 Having considered this Report and any further submissions from the Association, it is open to the Council to determine the Application in one of two ways:

6.3.1 to reaffirm the Decision; or

6.3.2 to revoke or otherwise vary the Decision.

The next steps for Council

All relevant documents are now provided to council for a final determination as the ultimate decision maker. In doing so, there are two decisions for Council to make. The decisions are provided as Options in this report, in no priority and are explained in further detail below.

Decision 1

The first decision is the applicant's request to waive the \$20 fee for a request to review a decision. This fee is a result of the legislative reforms introduced on 10 November 2021, which added the following relevant provisions verbatim;

(3) An application for review must be accompanied by the prescribed fee.

(3a) A council may, as the council thinks fit, reduce, waive or refund (in whole or part) the fee under subsection (3).

As this provision has not been delegated (from Council to the Chief Executive Officer), this decision remains a matter for Council.

Decision 2

The second decision is in relation to the substantive matter regarding the review, being the IR's report findings (as provided above) to determine whether to;

Option 1 - revoke the original decision to remake a completely new decision. This option requires a rescission motion prior to making the new decision as council can not have two decisions that are in direct legal conflict.

Option 2 - affirm the original decision.

Option 3 - vary the original decision to make a change to text that does not change council's intent. This option allows for council to identify the 'offending' text in the original decision, revoke and replace that text. As with option 1, the option is drafted to ensure that council does not have two decisions that are in direct legal conflict.

The South Australian Ombudsman has been explicitly clear that an internal review must consider the decision being reviewed afresh (which is both a process *and* merit review of the original decision) in the report “Right of Review” published in 2016.⁶ This is why the motions are presented as options rather than ‘Recommendation’. To assist members in revisiting the original decision, the Agenda and Minutes have been provided as links within this report for handy reference.

Current Status of the Project

As members are aware, this project has been proceeding on the basis of this and other related decisions of Council. Contracts have been awarded, budgets allocated, and works are underway.

For a more complete update on the status of the project, members are referred to the most recent edition of the Projects Update report, included in last month’s Council Meeting agenda.

Since that report, piers have been poured and work is continuing.

In addition, for further clarity and transparency to City of Prospect community, Members will be aware that the Draft Capital Expenditure Budget discussed at the Council’s public budget Workshop on 21 March includes an additional \$30k for the operable wall (being extra scope) and additional funding of \$220k to restore the project contingency budget to a suitable level.

Although not considered in the IR report, as a matter of administrative practice, all members of the Audit & Risk Committee are provided with the Full Council Meeting Minutes (as provided to Members) as an additional mechanism to inform them of the decisions as made by Council.

Costs of the Section 270

At the time of writing this report, whilst not all invoices on this matter have been received, a total budget of \$8,000 has been attributed in existing operational budgets (and capped) for the legal costs for this body of work.

In addition to legal costs, staff resources have been utilised in the delivery of this report for this Agenda which are estimated to be approximately several hours for Governance and Executive Leadership Team members.

Relevance to Core Strategies / Policy

Intelligent Community Indicators

6. Advocacy: Engaging leaders and citizens, businesses and institutions, in identifying opportunities to champion positive change

ATTACHMENTS

1. **Section 270 review - Independent Report Broadview Community Sports Hub**

Please be advised that a separate attachment will be provided including all appendices to Attachment 1.

⁶ <https://www.ombudsman.sa.gov.au/publication-documents/audit-reports/2016/Right-of-Review-An-audit-of-Local-Government-Internal-Review-of-Council-Decisions-Procedures.pdf>

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CITY OF PROSPECT

SECTION 270 REVIEW

**BROADVIEW COMMUNITY AND
SPORTS HUB**

**CITY OF PROSPECT
INTERNAL REVIEW PURSUANT TO SECTION 270 OF LOCAL GOVERNMENT ACT 1999
BROADVIEW COMMUNITY AND SPORTS HUB**

1. INTRODUCTION

- 1.1 By way of letter dated 5 December 2022, Ms Elizabeth Crisp (the **Applicant**) made an application to the City of Prospect (the **Council**) for an internal review of a Council decision (the **Application**) pursuant to section 270 of the *Local Government Act 1999* (the **Act**).
- 1.2 The Applicant identifies in the Application that the Applicant is President of the Prospect Residents Association Inc. (the **Association**) and makes clear the concerns raised therein are raised on behalf of that organisation. A copy of the Application is contained in **Appendix 1**.
- 1.3 The decision subject of the Application concerns the Broadview Community and Sports Hub (**BCSH**) development. In particular, the decision made by the Council at its special meeting on 30 August 2022 (Resolution 2022/161)(the **Decision**), endorsing an increase to the level of Council funding for the development. A copy of the extract of the minutes of the 30 August 2022 meeting that relate to the Decision are contained in **Appendix 20**.
- 1.4 The Decision is that the Council:
 1. *Having considered Item 5.1 Broadview Community & Sports Hub – 70% Design and Cost Plan Update receives and notes the report.*
 2. *Notes the Broadview Community & Sports Hub has reached 70% Design development status (as presented in Attachment 1)*
 3. *Note the project cost has increased beyond the budget allocated due to:*
 - a. *alignment with the maturity of the design*
 - b. *a better cost alignment with actual scope,*
 - c. *risks costs associated with contamination [soil and asbestos] being costed*
 - d. *Principal held contingency being included to align with prudential reporting requirements*
 - e. *Escalation for material supply increases estimated being allocated to the project completion.*
 4. *Endorse increasing the funding for the Broadview Community and Sports Hub project by \$554,150 to a revised total budget of \$5,204,150*
 5. *Endorse that the additional amount of \$554,150 project budget will be funded as follows:*

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- a. *\$100,000 allocated from the 2022/23 Annual Budget Capital Contingency of \$255,000.*
 - b. *\$21,817 allocated from the Asbestos Removal Budget provision in 2023/24.*
 - c. *\$432,333 allocated from the 2023/24 Annual Budget associated with New Capital works projects (ie open space).*
6. *Note the two staged procurement approach proposed, namely to release the Expression of Interest to short-list the tender field and then a Select Request for Fixed Price Tender of the works.*
 7. *Direct that the inclusion of an Operable Wall on the upper level of the facility be included as the first priority option within the Expression of Interest and Tender, to be funded from the project contingency in the event sufficient funds are available.*
 8. *In the event the Operable Wall cannot be accommodated within the project contingency, that it be reported to Council as a Capital budget bid in FY23/24.*
 9. *Delegate to the Chief Executive Officer to procure the building works for BCSH project, and subject to the tendered price being no more than 5% over the estimated cost, award the tender.*
 10. *Note this 5% overrun, if realised, will be funded initially by additional funds proposed to be allocated to the project.*
 11. *Receive advice of the outcome of the tender process and if a contract has been awarded as soon as possible after the Local Government caretaker period.*

2. THE APPLICATION

- 2.1 The Application outlines fifteen (15) submissions which collectively indicate why the Association is opposed to the Decision and why the Application has been made. These submissions are reproduced in full and addressed within the body of this Report.
- 2.2 The submissions (where in scope) are primarily targeted at items 4 and 5 of the Decision as set out at paragraph 1.4 above, being those aspects of the Decision that concern both the overall increase of Council funding and the intended sources of that funding.
- 2.3 Taken together, we reasonable construe that the Applicant contends that the Council, in making the Decision, failed to take into account all relevant considerations and thereby acted contrary to sections 6 and 8 of the Act by not acting as a representative, informed and responsible decision maker in the interests of its community.

3. THE SECTION 270 REVIEW PROCESS

- 3.1 The review process has been guided by the Council's *Internal Review of Council Decisions Policy and Procedure* (the **Procedure**). The Procedure provides at clause 7.1.2 that, where a request for internal review concerns a decision of the elected Council, the Chief Executive Officer (the **CEO**) of the Council 'will appoint an external person or body who will report the outcome of the review to the Council.'
- 3.2 To facilitate the process, the Council has engaged Kelley Jones Lawyers (**KJL**) to:
- 3.2.1 undertake an independent, 'arms-length' review of all relevant information available to the Council at the time of the Decision; and
- 3.2.2 having regard to the concerns raised by the Applicant, review the decision-making processes undertaken in relation to the Decision and prepare a report for the consideration of the Council (the **Report**).
- 3.3 In undertaking this review, KJL has assessed whether the Decision was:
- 3.3.1 a reasonable decision to be made in the circumstances;
- 3.3.2 open to be made by the Council on the facts before it;
- 3.3.3 made in the public interest; and
- 3.3.4 subject to any legal flaws in the decision-making process.
- 3.4 The objective of this Report is to assist the Council in finalising the review process.
- 3.5 The Report sets out:
- 3.5.1 the background facts that have given rise to the Application;
- 3.5.2 a summary of relevant information considered by KJL during the course of the review;
- 3.5.3 the findings of KJL in relation to the relevant issues (as we see them); and
- 3.5.4 the options now available to the Council to finalise the matter.
- 3.6 The review has involved consideration of the following documents provided by the Council or that are otherwise publicly available on the Council website:
- 3.6.1 the following Council reports and minutes relevant to the Decision:
- (a) minutes and reports of ordinary meeting held 28 April 2020;
- (b) minutes and reports of ordinary meeting held 19 January 2021
- (c) minutes and reports of ordinary meeting held 23 November 2021
- (d) minutes of the Audit Committee meeting held 7 March 2022;
- (e) minutes and reports of ordinary meeting held 24 May 2022;

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- (f) minutes of the Community Reference Group meeting held 8 June 2022;
 - (g) minutes and reports of special meeting held 30 August 2022;
 - (h) minutes and reports of the Council Assessment Panel meeting held 10 October 2022;
- 3.6.2 the Council's *Caretaker Policy*;
- 3.6.3 the Council's *Internal Review Policy and Procedure*;
- 3.6.4 the Council's *Open Space Strategy*;
- 3.6.5 the Council's *Annual Business Plan 2021/2022*;
- 3.6.6 the Council's *Annual Business Plan and Budget 2022/2023*
- 3.6.7 the Council's Community Reference Group Terms of Reference; and
- 3.6.8 the Council's Audit Committee Terms of Reference.
- 3.7 On 17 January 2023, KJL wrote to the Applicant to notify of our engagement and to afford the Applicant, on behalf of the Association, an opportunity to provide any further information that the Applicant wished for KJL to take into account when conducting the review.
- 3.8 A copy of KJL's letter to the Applicant of 17 January 2023 is enclosed at **Appendix 2**.
- 3.9 On 19 January 2023, in response to our correspondence, the Applicant issued a letter to KJL providing further detail of the Association's concerns about the Decision and the desired outcomes from the review. A copy of the Applicant's letter of 19 January 2023 is enclosed at **Appendix 3**.
- 3.10 The submissions provided by the Applicant have been carefully and thoroughly considered and have informed the review conducted by KJL and the findings set out in this Report.
- 3.11 The standard of proof that has been applied in this review is that of the balance of probabilities. In determining whether that standard has been met, in accordance with the High Court decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, we have considered the nature of the allegations made and consequences that may flow if they were to be upheld. In *Briginshaw*, Dixon J explained at [361-362]:
- The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect inferences.*
- 3.12 Having considered all of the relevant information available to the Council at the time the Decision was made, as well as the Applicant's submissions to KJL, this Report has been prepared to assist the Council in determining the Application pursuant to section 270 of the Act.

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3.13 In accordance with the principles of procedural fairness, **we recommend** that the Applicant is provided a copy of this Report and an opportunity to make submissions directly to the Council regarding the matter before the Council makes a final determination.

4. BACKGROUND

4.1 Broadview Oval/Yarna Tutu yarta is community land (as that term is defined under section 193 of the Act), comprised in Certificate of Title Volume 5873 Folio 189 and located at 50 Collingrove Avenue, Broadview.

4.2 The oval precinct supports a variety of sporting and recreational functions in the Council area and portions of the land are leased to several community sporting clubs including Broadview Football Club, Prospect Broadview Bowling Club, Broadview Tennis Club and Collingrove Tennis Club.

4.3 Following several years of preliminary discussion, at its meeting on 28 April 2020 the Council endorsed the Draft Master Plan for redevelopment of the oval precinct and for the purposes of seeking community consultation.

4.4 The key elements of the Draft Master Plan endorsed by Council at this meeting included: construction of a new football clubroom building, incorporating a gymnasium and change room facilities; demolition of the existing football club building; expansion of car parking; and maintenance and improvement of pedestrian access from Collingrove Avenue to the oval and surrounds.

4.5 On 19 January 2021, having considered the updated Draft Master Plan and Proposed Concept Design Plan (prepared with regard to related feedback from the community engagement processes), the Council endorsed both plans. It was noted in the report considered by the Council in relation to the Proposed Concept Design Plan (Agenda Item 10.4) that the anticipated construction cost of the development was \$4 million.

4.6 On 24 May 2022, having considered the report presented on this date concerning the BCSH Planning Application and Cost Plan Update (Agenda Item 10.2), the Council endorsed an increase to the project budget by \$650,000.

4.7 On 30 August 2022, having reviewed the report presented on this date concerning the BCSH 70% Design and Cost Plan Update, the Council made the Decision which included endorsement of an additional budget increase of \$554,150.

4.8 As of January 2023, construction of the BCSH has commenced.

5. RELEVANT CONSIDERATIONS AND FINDINGS

5.1 Per paragraph 2.1 above, the Application sets out fifteen (15) submissions. The Applicant has also identified three (3) desired outcomes from the review process as set out in the Applicant's correspondence dated 19 January 2023 to KJL.

5.2 The submissions, desired outcomes, and our observations and findings in relation to each are addressed below. Where appropriate (e.g. where addressing similar or the same issues), several submissions have been addressed jointly.

The First Submission

5.3 The Applicant's first submission is as follows:

'That the decision was made one week before caretaker mode for council elections by an outgoing council, three members of whom were known not to be recontesting their positions'

5.4 Section 91A of the *Local Government (Elections) Act 1999* (the **Elections Act**) sets out various requirements concerning the conduct of a council and its staff during a general election period, including pursuant to section 91A(1), that each council must develop its own caretaker policy addressing same.

5.5 In accordance with the Elections Act, the Council has adopted a *Caretaker Policy*. Clause 4.1.1 of the *Caretaker Policy* prohibits the Council from making a designated decision during the election period (being the period defined by the Elections Act that is otherwise referred to at the 'caretaker period'). Further, pursuant to clause 5.1 of the *Caretaker Policy*, the CEO shall avoid, as far as is reasonably practicable, scheduling significant decisions (including major policy decisions) for consideration during the caretaker period (emphasis added). A copy of the *Caretaker Policy* is at **Appendix 5**.

5.6 Clause 3.1 of the *Caretaker Policy* confirms that the restrictions that apply to Council decision-making (i.e. as set out in paragraph 5.5 above) are effective as of 6 September 2022, which date was the close of nominations for the 2022 Local Government elections and the commencement of the election period.

5.7 There are cogent reasons to restrict the Council's ability to make certain critical decisions during the election period. It is the intent of the Elections Act and the Council's *Caretaker Policy* to ensure such restrictions are appropriately implemented and, importantly, that the period in which these restrictions apply are clearly defined.

5.8 There is no dispute that the Decision was made outside of the defined election period, a fact acknowledged by the Applicant. Accordingly, the Elections Act and *Caretaker Policy* serve no role in restricting the ability of Council to have made the Decision.

5.9 At the time of the Decision, the BCSH development had been considered by the Council extensively for several years. This included the Council undertaking and considering the outcomes of community consultation regarding the various proposed designs and their impacts on the location.

5.10 Further, the Decision followed the resolution of the Council at its 24 May 2022 meeting to delegate the CEO to present 70% and 100% design plans for consideration in due course. Accordingly, the BCSH 70% Design Plan was presented for consideration at the 30 August 2022 Council meeting. A copy of the relevant extract of the minutes from the Council's 24 May 2022 meeting are enclosed at **Appendix 17**.

5.11 As noted in the report provided for consideration by the Council at the special meeting of 30 August 2022, the Decision was required to be made at that time in light of the Council's obligation to the South Australian Government, specifically the Office for Recreation, Sport and Racing that is part-funding the project by way of a Regional and

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Districts Facilities Program grant, to engage a contractor to commence building works by no later than 3 November 2022, which date was during the election period.

- 5.12 A copy of the report presented for consideration by the Council at the 30 August 2022 meeting is enclosed at **Appendix 21**.
- 5.13 In light of the above, there is no persuasive reason that the Decision should not have been made by the Council on 30 August 2022, notwithstanding the proximity of that date to the commencement of the election period. To have delayed doing so until after the election period would have placed the Council in breach of the funding arrangements.
- 5.14 In relation to the Applicant's first submission, we **find** that:
- 5.14.1 the Decision was not contrary to the Council's *Caretaker Policy*, nor section 91A of the Elections Act;
- 5.14.2 there was no persuasive reason for the Council to have delayed making the Decision until after the 2022 Local Government elections.

The Second and Third Submissions

- 5.15 The Applicant's second and third submissions are as follows:
- 5.15.1 *'The former Mayor of Prospect, David O'Loughlin, spent a year telling the Community reference group that the budget could not go over \$4 million but then supported the increase in budget at the meeting on August 30'*
- 5.15.2 *'That the budget for the Broadview oval Community Sports Hub of \$4 million was suddenly increased by \$550,000 when already over budget by \$650,000 (Total over budget \$1.2 million)'*
- 5.16 At its ordinary meeting on 23 November 2021, the Council resolved to approve the Community Engagement Plan in relation to the BCSH development (2021/223). In doing so, the Council established a Community Reference Group (**CRG**) to *'ensure that the facility reflects community needs, desires and aspirations and reflects a sense of partnership in moving forward with any potential model.'*
- 5.17 A copy of the minutes of the 23 November 2021 meeting are at **Appendix 14**.
- 5.18 The Terms of Reference for the CRG (which are contained in **Appendix 8**) relevantly provide:
- 5.18.1 at clause 3.1, that the CRG is *'a group of community representatives and stakeholders that will provide advice to the Project Control Group (PCG) and Elected Members regarding the development and implementation of the Broadview Community and Sports Hub Project'*;
- 5.18.2 at clause 3.3, that membership of the CRG is to consist of a chair (who is to be a Council staff member as determined by the CEO), the Mayor, two Ward Councillors as appointed by the Council, and various representatives from local sporting and community groups;

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- 5.18.3 at clause 3.8, that the CRG *'is advisory only and all final decisions for the Broadview Community and Sports Hub Project will be made by Council (or its delegated staff), including but not limited to the design, construction method, procurement, risk management and occupation.'*
- 5.19 To date, the CRG has met on eight occasions with its first meeting occurring on 21 December 2021 and its most recent meeting (at the time of writing) on 7 November 2022.
- 5.20 A review of the Minutes from each CRG meeting, as published on the Council website, does not reveal any documented commitment by the former Mayor that the budget of the BCSH development will not exceed \$4 million.
- 5.21 The report considered by the Council at its 23 November 2021 meeting in respect of Agenda item 10.1 (refer **Appendix 15**) states that the initial budget figure of \$4 million was determined to support the process of applying for State Government grant funding to assist the BCSH project. The report clearly contemplates, even at that preliminary stage, the potential for the budget to be increased as the project developed. It provides:
- 5.21.1 *'... the construction period for this project is forecast to run until at least June 2023, hence escalation risks in this climate must be assessed.'*
- 5.21.2 *'The current construction industry market continues to experience unprecedented demand for new projects ... These factors, together with significant rises in the price of construction materials; risks associated with supply chains and distribution of construction materials as a result of the pandemic; add increased complexity to forecasting construction costs.'*
- 5.21.3 *'... the original cost plan of \$4M was based on a floor plan at variance to the endorsed concept plans and did not include all professional fees.'*
- 5.22 Subsequent to the above, the Council determined by way of resolution during its ordinary meeting held 24 May 2022 to increase the budget of the BCSH development by \$650,000, a decision acknowledged without further commentary by the CRG in the minutes of their meeting held 8 June 2022 (A copy of the minutes of the 8 June 2022 CRG meeting are enclosed at **Appendix 19**).
- 5.23 The former Mayor's Reflections as published in the Council's *2021-2022 Annual Report* (the relevant extract is **Appendix 9**) further evidences that the BCSH budget was liable to further increase, with the former Mayor referring in this section of the report to the *'\$5m cost'* of the development.
- 5.24 In relation to the Applicant's submissions as detailed at 5.15, and having given consideration to the information available, **we find** that:
- 5.24.1 there is no documented evidence of a commitment provided by the former Mayor to the CRG (or otherwise) of an inflexible budget for the project. Even if the former Mayor had made or indicated such commitment this would not be binding on the Council as the budget and Council expenditure is a matter for the Council and the Mayor's does not hold any executive power or function (i.e.

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Council expenditure for the BCSH was not a matter within the Mayor's sole discretion);

5.24.2 the potential for further increases to the budget for the BCSH had been openly contemplated since at least November 2021, noting that budget amendments in response to design changes and other unexpected events are reasonable expected for a major construction project.

The Fourth, Fifth and Sixth Submissions

5.25 The Applicant's fourth, fifth and sixth submissions are as follows:

5.25.1 *'That rates had already been increased for the 22/23 budget to cover the increase of \$650,000'*

5.25.2 *'That the audit committee when considering the budget for the 22/23 financial year had asked the council to find \$550,000 in savings which resulted in cuts to services for residents'*

5.25.3 *'That there was no documented evidence when the second increase in budget was considered at the meeting on 30th August it had been back to the audit committee for comment before the meeting'*

5.26 The Council's 2022-2023 Annual Business Plan and Budget (**ABP**, refer **Appendix 10**), endorsed by Council at its ordinary meeting on 28 June 2022, sets out the Council's rates structure for the current financial year, noting that the Council has *'limited opportunity to gain revenue other than from rate income'*. The ABP confirms rates for the average residential property are projected to rise by approximately 4.7% or \$94 per annum.

5.27 The former Mayor, in his message included at the preface of the ABP, sets out a range of factors impacting on the Council's financial position, including increased construction costs and major investment and maintenance projects. Though identified as one of these projects, the BCSH development is only one of several with a comparable degree of Council investment, including \$3.5m for the renewal of various roads, footpaths, kerbs and gutters; \$2.3m for the reconstruction of Livingstone Avenue from Mendes Street to Prospect Road; and \$0.95m for Stage 1 of the \$4.5m Churchill Road Precinct Drainage Upgrade.

5.28 There is no evidence that any increase to council rates in the 2022/2023 financial year period is substantially, let alone solely, attributable to the Council's decision to increase the BCSH project budget.

5.29 Pursuant to section 126 of the Act, a council must have an audit committee, the functions of which include:

5.29.1 reviewing annual financial statements to ensure they present fairly the state of affairs of the council;

5.29.2 proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plans;

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- 5.29.3 proposing, and reviewing, the exercise of powers under section 130A of the Act;
- 5.29.4 liaising with the council's auditor; and
- 5.29.5 reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.
- 5.30 The Council has established an Audit Committee to fulfil the functions set out in the Act and in accordance with the Committee's Terms of Reference adopted by the Council on 25 June 2019 (refer **Appendix 7**), including:
- 5.30.1 at clause 4.1.2., to: *'Review and make recommendations to the Council regarding assumptions, financial indicators and targets in the Long Term Financial Plan. Including financial sustainability of the Council and any risks in relation to the adoption of the Long Term Financial Plan and Annual Budget.'*
- 5.30.2 at clause 4.1.5., to: *'Review and make recommendations to the Council regarding any other significant financial, accounting and reporting issues, including reviews of Council's financial policies, as deemed necessary by the Committee, Council or Management.'*; and
- 5.30.3 at clause 4.5.5., to: *'Consider any other matters referred to it by the Council.'*
- 5.31 The Audit Committee, having reviewed the Council's Long Term Financial Plan 2023-2032, resolved at its meeting on 7 March 2022 to recommend to the Council that it aim to achieve *'savings in the order of \$550k'* in the 2022/2023 financial year and additional savings in future years with a view to achieving an operating surplus.
- 5.32 There is no evidence, having reviewed the Minutes of the Audit Committee Meeting of 7 March 2022, that these recommended savings were calculated with reference to the costs of the BCSH development. The project is not referred to at all within the minutes of this meeting (refer **Appendix 16**), which are otherwise concerned with the overall long-term financial viability of the Council as consistent with the role of the Audit Committee.
- 5.33 With respect to the Applicant's contention that the recommended savings have *'resulted in cuts to services for residents'*, the ABP sets out a series of current and proposed actions to assist in achieving the desired financial outcomes, including:
- 5.33.1 a 50% cut to the Council's Events program, including the cancellation of a planned street party and reduction of a number of smaller events;
- 5.33.2 cessation of Economic Development services, including Main Street support, business training, networking functions, Smart City programs, marketing assistance and Innovation Awards; and
- 5.33.3 rationalisation of internal budgets, including reduction of internal staff training budget.
- 5.34 Notwithstanding that the above fall within the broader category of services provided by the Council, the only direct resident service impact identified in the ABP is a reduction of on-demand hard waste collection from three collections per year to two. In any event,

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as noted above, there is no evidence that adjustments to the BCSH development budget had any direct impact upon these savings measures.

- 5.35 In light of the concerns raised by the Applicant, it is also relevant to note:
- 5.35.1 the 2022/2023 financial year rates increase, and the Audit Committee recommendations as to budget savings in the same period, are not decisions within scope of the current internal review;
 - 5.35.2 though performing an important (and legislatively necessary) role in supporting the operations of the Council, the Audit Committee is advisory in nature and cannot instruct, direct, or otherwise bind the Council;
 - 5.35.3 though the Audit Committee is capable of reviewing matters on referral from Council outside of its ordinary responsibilities, no obligation exists for Council to make such a recommendation.
- 5.36 In relation to the Applicant's submissions as detailed at 5.25, and having given consideration to the information available, **we find** that:
- 5.36.1 there is no evidence the BCSH development was the primary (or significant) contributor to the 2022/2023 rate increase;
 - 5.36.2 there is no evidence that the savings recommendations arising from the Audit Committee meeting on 7 March 2022 were calculated with any specific reference to the development;
 - 5.36.3 there is no persuasive reason that the Council should have specifically considered the 2022/2023 rate increase, or the Audit Committee recommendations, as restraining factors when making the Decision; and
 - 5.36.4 the Council properly and
 - 5.36.5 responsibly considered a broad range of information when making the Decision, including the impact of further commitment on the Council's financial position.

The Seventh and Eighth Submissions

- 5.37 The Applicant's seventh and eighth submissions are as follows:
- 5.37.1 *'That the increase in budget presented at the Special Meeting on 30 August 2022 was only the 70% cost update meaning that there would likely be further increases in the cost of this project already over budget'*
 - 5.37.2 *'That the increase in budget meant considerable money to be taken from the 23/24 budget (\$450,000) committed in advance which meant that the new council would have not had a say in the budget increase and commitment already taken from the 23/24 budget. That this would leave the new council with limited money during their four years term. Prospect council is a small council with limited finances for such a project'*

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- 5.38 The report considered by the Council at the special meeting on 30 August 2022 ('Broadview Community & Sports Hub – 70% Design and Cost Plan Update') provided detail concerning the cost updates in light of the 70% design plan for the development, identifying the following costs as having increased since the previous design assessment in May 2022:

Cost Plan 70% Cost Plan Update – Revision 1 – 12 August 2022	
Summary of Increases from Rev 0 – Rev 1	
Building Design Scope alignment with costs	\$50,000
Increase in \$ rates for fireproofing the structure	\$29,000
Removal of Contaminated Spoil and Management on Site	\$144,000
Removal of Asbestos from the existing Football Club	\$33,150
Inclusion of Window Treatment Furniture to key areas (energy efficiency & support usability)	\$15,000
Included Thermal insulation to underside Level 1 soffit	\$34,000
Reinstating the assumed savings in landscaping and pavements	\$36,000
Include Principal Controlled Contingency 5%	\$213,000
Total	\$554,150

- 5.39 A copy of the report considered by the Council at its 30 August 2022 special meeting is enclosed at **Appendix 21**.
- 5.40 As above, the Council resolved on 24 May 2022 to delegate to the CEO to present 70% and 100% design development plans regarding the BCSH project to Council once the project had reached those milestones.
- 5.41 Accordingly, the 100% design plan is anticipated to be presented to Council for its consideration in due course. It is important, however, to note that the percentages referenced reflect the maturity of the project design and have no direct correlation to any budgetary impact, notwithstanding that a further budget increase was identified as being required having considered the 70% design plan update.
- 5.42 As noted in the table above, the budget increase authorised pursuant to the Decision on 30 August 2022 includes a 'Principal Controlled Contingency' of \$213,000 to account for further unexpected costs arising during construction process.
- 5.43 In the event additional costs were to arise beyond those within the existing budget, any further increase could only occur via Council resolution. There is no basis on which to presume the Council would not carefully consider the impact of any such decision.
- 5.44 In fulfilling its obligations under the Act, it is unavoidable that a council will at times make decisions that bind a future governing body in a variety of ways, including financially. Limiting the ability of a council to do so would eliminate all longer term planning and projects undertaken in the interests of the community (noting that for most capital projects, the time from inception to completion occurs over multiple terms).
- 5.45 The Council, when proposing the budget increase, considered various alternative options for funding, including defunding existing 2022/23 budget projects and reducing the overall scope of the BCSH project. Neither of these options were supported by

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Council, which instead determined it was appropriate to utilise unallocated funds from the 2023/2024 financial year budget, among other sources.

5.46 In relation to the Applicant's submissions as detailed at 5.37, and having given consideration to the information available, **we find** that:

5.46.1 there is no basis on which to presume the presentation of the 100% design plan to Council will necessitate an additional increase to the project budget;

5.46.2 the previous budget increase, authorised by way of the Decision, specifically contemplated and set aside funds to account for additional future expenses;

5.46.3 when determining the source of funding for the budget increase, the Council gave consideration to several alternative options, none of which were preferred over utilising future unallocated funds from the 2023/2024 budget.

The Ninth and Tenth Submissions

5.47 The Applicant's ninth and tenth submissions are as follows:

5.47.1 *'That the contribution from the football club at \$250,000 is too low and should be increased commensurate with the size of the project';*

5.47.2 *'That no work had occurred with neighbouring councils whose families are using the football club to contribute to the cost (only approximately 200 players come from the Prospect Council area)'*

5.48 As detailed in the report considered by the Council at the 30 August 2022 special meeting, the Broadview Football Club is a key stakeholder in the BCSH development. A memorandum of understanding has been executed between the Council and the Club with respect to the lease and expected uses of the proposed facility.

5.49 The 30 August 2022 report indicates that the \$250,000 contribution provided by the Club to the development is intended to be dedicated to particular areas of the construction, which include the kiosk, kitchen and bar areas.

5.50 Notwithstanding that the amount contributed by the Club forms part of the broader concerns held by the Applicant about the development, this was not an issue specifically addressed by the Council when making the Decision and is, on this basis, not a matter directly within scope of this internal review.

5.51 With respect to the submissions made by the Applicant about the membership of the Club, this information is presumed to derive from a letter issued to the Council by Infrastructure Manager, South Australian National Football League (**SANFL**), supporting the BCSH development and the involvement of the Club.

5.52 The SANFL letter was attached to the report considered by the Council at its ordinary meeting 24 May 2022, and provides that the Club has 471 registered players, 205 of whom live directly within the Council area with a further 79 players living in adjacent Council areas. SANFL express therein that these figures are *'incredible'* and a credit to the *'tireless work'* of the Club in engaging the local community.

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- 5.53 The Council's *Open Space Strategy*, endorsed 22 May 2018 (refer **Appendix 6**), identifies Broadview Oval as a 'regional park' and confirms the Council's intent for the oval precinct to cater to the broader metropolitan community, not just the local Council area. This objective is in the interest of economic development given the undisputed economic benefits derived from attracting persons to an area where they can (and as anecdotal evidence shows, they do), in turn, support local business.
- 5.54 Further, the Concept Design Plan for the BCSH project, developed by design agency City Collective and attached to the report submitted for consideration by the Council at its ordinary meeting on 19 January 2021 (Agenda Item 10.4), sets out that the development is proposed to be a '*rich and active precinct*' that '*has the potential to capture every part of the community: from families, to pet owners, seniors, athletes, and so on*'.
- 5.55 The Concept Design Plan was endorsed by the Council on 19 January 2021 and confirms the BCSH project, in addition to the redeveloped football club, will include a range of recreation facilities (fitness stations, running track, BMX track, playground and dog park), upgraded tennis courts, refurbished cricket pitches and new cricket nets, and a refurbished lawn bowls club and lawns.
- 5.56 Accordingly, the scope of the project extends both beyond the Prospect Council locality and beyond its use by the Broadview Football Club. Though the club remain a key stakeholder, the BCSH is intended to provide a diverse range of sporting and recreational services to benefit the broader community.
- 5.57 These intended uses and broader community benefits having been considered by Council when making the Decision. There is no basis on which to suggest the Council erred in not seeking additional funding from either the Club or from neighbouring councils.
- 5.58 In relation to the Applicant's submissions as detailed at paragraph 5.47, and having given consideration to the information available, **we find** that:
- 5.58.1 the Council gave consideration to a broad range of funding options when making the Decision;
- 5.58.2 the amount of financial contribution provided by the Broadview Football Club to the BCSH development, whilst not a matter within scope of the internal review, does not render the Decision legally flawed or unreasonable;
- 5.58.3 the Decision was consistent with the classification of Broadview Oval, under the Council's *Open Space Strategy*, as a 'regional park' which aims to attract users from across the broader metropolitan area; and
- 5.58.4 the Decision was consistent with the BCSH Concept Design Plan, as endorsed by Council, which confirms the development aims to provide a broad range of sporting and recreational services to the community and is not limited only to use by the Broadview Football Club or its members.

The Eleventh and Fifteenth Submissions

5.59 The eleventh and fifteenth concerns raised by the Applicant are, respectively, as follows:

5.59.1 *'That the significant going over budget will result in ongoing cuts to services for residents and rate increases to cover the project when many residents will never use the facility';*

5.59.2 *'We are concerned that there is already a significant deficit in the maintenance budget and have significant concerns that this will lead to further cost cutting and increases in rates when Prospect already have the third highest rates in metropolitan Adelaide. Maintenance cost cutting is already creating safety issues for some residents.'*

5.60 The Council's 2022-2023 Annual Business Plan and Budget out sets out the basis for the Council's rates structure for the current financial year and outlines various measures to address the Council's budgetary pressures, including cancellation of major events and reduction of internal administration budgets.

5.61 There is, however, no information in the ABP concerning a *'significant deficit in the maintenance budget'*, nor does the ABP contain evidence the BCSH development has directly impacted upon current rate calculations, or resulted in any cuts to services.

5.62 The Council's Audit Committee have met on four occasions to date during the current financial year, most recently on 11 January 2023. The agendas and minutes arising in connection to these meetings also provide no evidence of there being a significant deficit in the Council's maintenance budget.

5.63 In relation to the Applicant's submissions as detailed at 5.59, and having given consideration to the information available, **we find** that:

5.63.1 there is no evidence available which suggests the Council is carrying a *'significant deficit'* in its maintenance budget;

5.63.2 there is no evidence that the development has had a measurable impact on the rate calculation or cuts to services to date; and

5.63.3 any contentions about future impacts to rates or services are inherently speculative and are not grounds to overturn the Decision.

The Twelfth and Fourteenth Submissions

5.64 The twelfth and fourteenth concerns raised by the Applicant are, respectively, as follows:

5.64.1 *'That the facility does not meet the definition of a community facility but will rather be football clubrooms and a function facility. This view was agreed to by the Community Assessment Panel';*

5.64.2 *'We are concerned that you are building a class one facility at a class 2/3 oval'*

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- 5.65 The Applicant's reference to the '*Community Assessment Panel*' is presumed to refer to the Council Assessment Panel (the **CAP**), a body established by the Council for the assessment and determination of development applications.
- 5.66 It is further presumed the Applicant's submission arises from the following extract from the report submitted for consideration at the CAP meeting held on 10 October 2022 (**Appendix 22**), which refers to development classifications under the Planning and Design Code (the **Code**) as established pursuant to the *Planning, Development and Infrastructure Act 2016* (SA):
- 5.66.1 "*Community facility is defined within the Code as 'premises used for the provision of social, artistic, educational or community support services to the public but does not include a pre-school, educational establishment, place of worship or indoor recreation facility'. Whilst the proposal contains elements of a community facility it is not considered to meet the above definition, given that the use of the facility will for most of the time be restricted to players and club members only. Similarly, the definition of recreation area also requires public access. The main oval will remain open outside of games and training to the public and as such there will be no change in its use.'*
- 5.67 A copy of an extract from the report is enclosed at **Appendix 23**.
- 5.68 Notwithstanding that the BCSH development was observed by the CAP not to accord with the definition of 'community facility' under the Code, it is evident the varied uses of the site (as discussed above) were taken into consideration by the CAP and this observation posed no barrier to the grant of development approval for the BSCH project.
- 5.69 In any event, the development approval granted by the CAP is wholly separate to, and post-dates, the Decision, and is therefore outside the scope of the current review.
- 5.70 With respect to the Applicant's submission that the BCSH development is a '*class one facility at a class 2/3 oval*', though clearly reflective of the Applicant's strongly held reservations about the project in a broad sense (i.e. it is a reason why the Association opposes the project), it is not a matter subject of the Decision and, to that end, is outside the scope of our review.
- 5.71 In relation to the Applicant's submissions as detailed at 5.64, and having given consideration to the information available, **we find** that:
- 5.71.1 the determination made by the CAP in relation to the development approval of the BCHS is outside the scope of the internal review; and
- 5.71.2 the position regarding the community status of the BCSH was relevant for planning purposes only and does not negate from the fact that community services will be available at and delivered by the BCSH.

The Thirteenth Submission

5.72 The Applicant's thirteenth – and final, for the purposes of this report – submission is as follows:

'That the community who will be paying for the facility and only asked for the peppercorn trees to be saved and the clubrooms built elsewhere have been given no consideration'

5.73 In essence, this submission appears to be directed at the location of the BCSH development as determined by the Council at its ordinary meeting held 19 January 2021, this decision was made following consideration of three options as set out within the Draft Master Plan and the community feedback provided to the Council.

5.74 The three options presented for consideration were:

5.74.1 the existing location of the Broadview Football Club clubrooms;

5.74.2 a new location at the 'centre wing' position of the oval; or

5.74.3 a 'hybrid' location, partially located on the existing clubrooms site.

5.75 The Council determined to endorse the 'centre wing' location, having considered an attached report which provided:

5.75.1 community feedback was sought by way of a survey on the Council's Engagement Hub website, the results of which were a *'strong preference'* to build on the existing clubrooms site with the 'hybrid' option being the least preferred by respondents;

5.75.2 the 'centre wing' position had the largest potential impact in respect of removal of existing trees, however was the best position to take advantage of trees for *'screening/landscape integration'*;

5.75.3 'centre wing' was the preferred location of Council administration on the basis that it represented the *'lowest potential construction costs'* and was viewed as *'the best position for a facility that directly relates to sporting activities undertaken on the Oval, and is proposed to be completed through an (sic) architectural design process that is sympathetic to and minimizes the impacts on nearby properties.'*

5.76 Having regard to the Applicant's submission, it is apparent the location of the BCHS development, being at the 'centre wing' of the oval and necessitating the removal of several peppercorn trees as set out in the aforementioned report, was an issue settled by the Council on 19 January 2021, more than 18 months prior to the Decision under review. As the Decision was concerned with separate issues and the decision regarding the location of the BCSH had already been made at the time of the Decision, this is a matter outside the scope of the review.

5.77 Notwithstanding, in the interests of completeness, as evidenced in the report considered by the Council at its 19 January 2021 meeting, community feedback was sought and received in relation to the location of the development, including the benefits

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and drawbacks of each proposal, and this feedback considered by the Council when making its decision.

- 5.78 It is relevant to note that decisions made by the Council may not (and indeed are unlikely) to be decisions that all residents, ratepayers and electors agree upon. In fact, councils are often required to make decisions that a majority of ratepayers, electors and residents may not favour. The fact that the Association is aggrieved by the Decision, and the broader BCSH development, and would prefer an alternate outcome are not grounds for the Decision to be overturned in the absence of an identified flaw in the decision-making process.
- 5.79 In relation to the Applicant's submission detailed at 5.75 and having given consideration to the information available, **we find** that the location of the BCSH development as determined by the Council at its meeting on 19 January 2021 is outside the scope of the Decision and, in turn, this review process. Notwithstanding, **we also find** that there is no merit to the proposition the Council did not consider community feedback in relation to the location of the BCSH – indeed, the report to Council addressing this matter evidences the contrary. The fact the Council did not resolve in line with certain community views does not mean those views were not considered.

The Desired Outcomes

- 5.80 Having addressed the Applicant's submissions as contained the Application for review, we turn to consider the desired outcomes outlined in the Applicant's letter to KJL of 19 January 2023.

- 5.81 Firstly, the Applicant seeks the following outcome from the review process:

'Public clarification that the Audit Committee met and discussed the financial implication of the additional \$550,000 spend on the Broadview oval, prior to the special meeting of Council on the 30 August 2022, one week before the caretaker period and the election of a new Council. We would like to know the recommendations of the audit committee if this was discussed with them at this time.'

- 5.82 As above, the role and functions of the Audit Committee are set out at section 126 of the Act and within its Terms of Reference, neither of which obligate the Council to seek the views of the Audit Committee in the circumstances described. The fact that the Council did not refer the Decision to the Audit Committee in advance of the 30 August 2022 special meeting does not give rise to a procedural or legal error.

- 5.83 Having considered the matters above, we consider that the inclusion of this report in a public agenda for a Council meeting will serve to provide sufficient clarification regarding the Audit Committee's involvement in the Decision.

- 5.84 Secondly, the Applicant seeks the following outcome from the review process:

'The PRA (Prospect Residents Association) and its members and supporters would also like to see Council change its policies so in the future City of Prospect does not make such a major financial decision so close to the caretaker period with significant implications for the new council.'

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- 5.85 The *Caretaker Policy* serves to appropriately restrain Council decision making in the period immediately preceding an election (i.e. during the election period). The *Caretaker Policy* is consistent with the Elections Act and the public policy that a council may carry out its statutory functions and duties outside of the election period.
- 5.86 Notwithstanding that the Association is aggrieved by the Decision, its timing was not contrary to the *Caretaker Policy*. In our view there are not compelling reasons to impose additional restrictions on the Council's capacity to carry out its statutory functions and duties outside of the election period.
- 5.87 On this basis, **we find** that the Council's *Caretaker Policy* is adequate to fulfil the requirements of s 91A of the Elections Act and no persuasive reason exists to amend the policy to further restrain Council decision making. Accordingly, we do not make any recommendation for the policy to be amended.
- 5.88 Thirdly, the Applicant seeks the following outcome from the review process:
- 'If the Audit Committee did not meet before the special meeting of Council on the 30 August 2022 and discuss the \$550,000 increase, the PRA requests that the Audit Committee provides professional advice and modelling on the financial implications resulting from this additional, unplanned \$550,000 expenditure.'*
- 'The PRA and its members are particularly concerned regarding the financial impact and pressures this additional expenditure will have in future years on key programs such as the maintenance of our streets.'*
- 'Our members and supporters have already expressed their concern regarding budgetary reduction to this essential and important Council service and supporters have reported to us that Council has already overspent its maintenance budget this financial year.'*
- 5.89 There is no evidence available to us that supports the allegation that the Council has already '*overspent its maintenance budget*' during the current financial year. Even if this were the case, it cannot be certain that any connection can be drawn between any overspend and the BCSH development, nor the Decision under review.
- 5.90 In accordance with its Terms of Reference, the Audit Committee meet at least four times per year and perform a range of advisory functions to assist the Council, including reviewing the Council's annual financial statements and the adequacy of its financial management systems and practices.
- 5.91 Whilst the Council is permitted to refer individual matters to the Audit Committee for specific consideration, there is no obligation to do so.
- 5.92 Regardless, the financial impact of current expenditure on the Council budget is a matter squarely within the remit of the Audit Committee to consider at its regular meetings and therefore does not require any particular referral to occur.
- 5.93 Accordingly, there is no utility in the Council making a specific referral to the Audit Committee to review the Decision, given reviewing the current budget position of the Council forms part of the ordinary functions of the Committee.

Kelley Jones

- 5.94 Finally, the Applicant sought the following outcome from the review process:
- 5.94.1 *'The ideal outcome for the PRA and its supporters is that Council reconsiders the development and builds the new football club house/facility on the existing site and listens to the local residents who have strongly vocalised their opposition to the removal of the eight trees'*
- 5.94.2 *'The PRA is deeply concerned about the fact the expenditure outlined is only at 70% cost point and the total build cost will far exceed the amount of \$4 million originally budgeted for this development for a category two/three oval. We would like to know the implications of further costs for this facility.'*
- 5.95 In considering this requested outcome, it is relevant to note that a tender has now been awarded to Sarah Constructions in relation to the development and that construction has commenced with an anticipated completion date of December 2023.
- 5.96 Any substantial reconsideration of the development, including changing its location, could only occur by way of valid resolution by the Council and would, given the advanced state of the project, pose significant contractual and financial risks to the Council having regard to the various commitments that would be expected to be impacted, including to Sarah Constructions, the South Australian Government and the Broadview Football Club.
- 5.97 Moreover, as outlined above, the final location of the development was determined by the Council more than two years ago, this decision having taken into consideration the feedback provided regarding the removal of several trees.
- 5.98 Accordingly, we cannot recommend that the Council reconsider the current development location without knowledge of the risk implications that could arise from any change to the location. Whilst it is ultimately a matter for the Council, we do not consider that there are compelling grounds for the Council to *'reconsider'* the BCSH development or its location at this advanced stage and in light of the anticipated risks presented.

6. CONCLUSION

- 6.1 Having carefully considered all available information relevant to the Decision, **we find** the Decision:
- 6.1.1 was within the Council's powers under the Act;
- 6.1.2 was not inconsistent with any Council policies, including the *Caretaker Policy*;
- 6.1.3 was open to be made on the information available to the Council;
- 6.1.4 is not improper or legally flawed; and
- 6.1.5 was reasonable and, in all respects, lawful.
- 6.2 There is nothing to support a finding that the Decision was other than reasonably made by a responsible public authority in what the Council considered to be the best interests

Kelley Jones

of the community. Further, the Decision is, on balance, consistent with the Council's role and functions under the Act.

6.3 Having considered this Report and any further submissions from the Association, it is open to the Council to determine the Application in one of two ways:

6.3.1 to reaffirm the Decision; or

6.3.2 to revoke or otherwise vary the Decision.

6.4 Irrespective of the manner in which the Council resolves to determine this matter, it is acknowledged that the Association has recourse to the South Australian Ombudsman if it remains dissatisfied with the outcome of the review

6.5 This concludes our review of this matter.

Yours sincerely

KELLEDY JONES LAWYERS



CIMON BURKE

Direct Line: 08 8113 7105

Mobile: 0422 165 614

Email: cburke@kelledyjones.com.au

10.2 LGA ORDINARY GENERAL MEETING 14 APRIL 2023**File Number:** IC23/58**Author:** Deborah Horton, Team Leader Governance & Risk**Responsible Executive:** Ginny Moon, Director City Corporate**EXECUTIVE SUMMARY**

The Local Government Association (LGA) SA Ordinary General Meeting (OGM) will be held on Friday 14 April 2023 from 8:30am at the Adelaide Convention Centre.

These meetings are an important opportunity for member councils to discuss important issues for the sector and pass motions that set the LGA's strategic direction and advocacy.

This report seeks to confirm the voting delegates for this term of council (Mayor and Deputy Mayor as Proxy) and to seek council's views on voting preferences on the Notices of Motions that are included for consideration in the Local Government Association Ordinary General Meeting Agenda.

As is usual practice, the Chief Executive Officer and the Team Leader Governance & Risk will be in attendance to support the Mayor and/or Deputy Mayor at this event.

RECOMMENDATION**That Council:**

1. **Having considered Item 10.2 LGA Ordinary General Meeting 14 April 2023 receives and notes the report.**
2. **Having considered Item 10.2 LGA Ordinary General Meeting 14 April 2023, endorses the Mayor Matt Larwood as Council's Voting Delegate and the Deputy Mayor of the day (currently Mark Groote) as Proxy Voting Delegate (as presented in Attachment 1) for this term of Council (until November 2026) for all Ordinary and Annual General Meetings of the Local Government Association.**
3. **Having considered Item 10.2 LGA Ordinary General Meeting 14 April 2023, endorses Mayor Matt Larwood as Council's Voting Delegate to vote in accordance with the suggested voting preferences (as presented in Attachment 2) subject to debate at the meeting, altering such preferences accordingly.**

DISCUSSION**Voting Delegate**

As the Principal Member and spokesperson of Council, it is appropriate that Mayor Matt Larwood be endorsed by Council as Council's voting delegate, and that the Deputy Mayor of the day (currently Mark Groote) be endorsed as the Mayor's Proxy to vote at LGA Ordinary and Annual General Meetings (**Attachment 1**) for this term of Council (until November 2026).

Notices of Motion

City of Prospect has not submitted any motions on notice for this meeting.

A summary of the Agenda detailing the Notices of Motion to be discussed and debated at this meeting is provided for Council discussion (**Attachment 2**), including proposed voting preferences as highlighted. The Agenda can be downloaded from the LGA website at this link:

https://www.lga.sa.gov.au/data/assets/pdf_file/0022/1307407/ECM_789342_v3_LGA-OGM-Agenda-14-April-2023-1.pdf

The third resolution above allows the Mayor/Deputy Mayor to vote in accordance with the suggested voting preferences provided, whilst allowing for some flexibility for the alteration of this vote in accordance with the debate during the meeting.

How does Council propose a motion? (Attachment 3)

In summary, the LGA's Constitution provides all member councils with the opportunity to submit a proposed item of business to the LGA Board of Directors, South Australian Region Organisation of Councils (SAROC) or Greater Adelaide Region of Councils (GAROC) for approval to be placed on the agenda of a General Meeting (usually held in the months of April and October).

No item of business will be placed upon the agenda for a General Meeting unless it has been approved by one of the relevant bodies (as described below), which must consider whether a matter is of 'strategic importance' to local government and the LGA'.

SAROC or GAROC or Board of Directors?

GAROC/SAROC

Under the Terms of Reference, adopted by the LGA membership, GAROC has a key role in metropolitan Adelaide advocacy, policy initiation and review, leadership, engagement and capacity building, of which, City of Prospect is a member. The GAROC Committee supports the LGA to 'advocate, assist, and advance' the interests of local government.

As with GAROC, SAROC has a Terms of Reference adopted by the LGA Membership as a regional organisation of member councils in Southern Australia and therefore has a key role in Southern Australian advocacy, policy initiation and review, leadership, engagement and capacity building.

Both GAROC and SAROC assist the LGA by:

1. Supporting the activities of the LGA at a regional level;
2. Promoting communication between Members and between Members and the LGA;
3. Advocating in respect of matters which affect the GAROC/SAROC Regional Group;
4. Encouraging engagement of Members within the GAROC/ SAROC Regional Group with SAROC and the LGA; and
5. Participating in policy development and implementation

Items should be referred to the relevant Committee (GAROC/SAROC) if related to:

- the development of LGA policy and strategy
- LGA advocacy activities
- an amendment or addition to the LGA Policy Manual
- an operational matter related to SAROC or GAROC

Next meeting dates for GAROC (as City of Prospect is a Member Council) should Council wish to submit a proposed motion (for the LGA Annual General Meeting in October) include:

- Apr 24, 2023 10am (GAROC)
- July 3, 2023 11am (GAROC)
- Sep 4, 2023 10am (GAROC)⁷
- Oct 30, 2023 10am (GAROC)⁸

LGA Board of Directors

Items (proposed motions) should be referred to the Board if related to:

- the LGA Constitution or Ancillary Documents
- a subsidiary of the LGA
- a commercial service provided (or proposed to be provided) by the LGA
- an activity requiring the allocation of significant resources by the LGA
- any LGA operational matter

Next meeting dates for the LGA Board of Directors should Council wish to submit a proposed motion (for the LGA Annual General Meeting in October) include:

⁷ Ibid.

⁸ Ibid.

- May 11, 2023 1pm
- July 20, 2023 1pm
- Sep 20, 2023 1pm⁹
- Nov 16, 2023 1pm¹⁰

The LGA Board of Directors, SAROC and GAROC may choose to;

- refer items submitted by member councils to each other for advice or consideration.
- Approve an item of business for inclusion on the LGA Agenda
- Approve an amended item of business for inclusion on the LGA Agenda
- Take no further action
- Request additional information from the submitting council
- Resolve that the matter be dealt with at the discretion of the Board, SAROC and GAROC.

Relevance to Core Strategies / Policy

LGA Constitution.¹¹

Intelligent Community Indicators

6. Advocacy: Engaging leaders and citizens, businesses and institutions, in identifying opportunities to champion positive change

ATTACHMENTS

1. **Appointment of Council Voting Delegate 28 March 2023**
2. **Local Government Association Ordinary General Meeting Voting Preferences 28 March 2023**
3. **Considering Proposed Items of Business for LGA General Meetings**

⁹ Date provided for transparency – with the likelihood that this meeting will refer the motion to the April 2024 AGM.

¹⁰ Ibid.

¹¹ https://www.lga.sa.gov.au/__data/assets/pdf_file/0026/467135/ECM_687691_v7_LGA-Constitution-effective-8-January-2020.pdf



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Notification of Appointment of Council Delegate

Pursuant to Clause 12 of the LGA Constitution a Delegate must be a council member of the Ordinary Member appointing him or her, both when appointed and at the General Meeting when acting as delegate.

The purpose of this form is to notify the LGA of a change to council's appointed delegate on the LGA's Register of Voting Delegates.

Council Name	City of Prospect
Council Delegate	Mayor Matt Larwood
Proxy Council Delegate	Deputy Mark Groote
Name and Signature of Chief Executive Officer	Chief Executive Officer Chris White [signature]:
Date	28 March 2023

Please return completed form to lgasa@lga.sa.gov.au.

If the council's registered delegate is unable to attend a General Meeting then a temporary delegate may be appointed for that one meeting only by submitting a *Notification of Appointment of Substitute Council Delegate* form available on the [LGA website](#).

**Summary of Council Notices of Motion and Intended Voting Preferences
Local Government Association Ordinary General Meeting
Friday 14 April 2023**

Item No.	Council Notices of Motion	Page No.	Voting Preference
Recommendations from GAROC			
8.1	<p>Environmentally Sustainable Development (Unley) Recommendation</p> <p>That the Ordinary General Meeting requests the LGA to;</p> <ol style="list-style-type: none"> 1. Promote the concept of Environmentally Sustainable development using Best Practice Principles; 2. Advocate for commensurate change to the Planning and Design Code; and 3. Advocate for better constructions [sic] standards. 	46	Support
8.2	<p>State of Climate Emergency (Mitcham) Recommendation</p> <p>That the Ordinary General Meeting requests the LGA to recognise the climate crisis and declare a Climate & Biodiversity Emergency.</p>	51	Support
Recommendation Reports from the LGA Secretariat			
9.1	<p>First Nations Voice to Parliament Recommendation</p> <p>That the Ordinary General Meeting:</p> <ol style="list-style-type: none"> 1. Requests that the LGA advocates that the Australian Government: <ol style="list-style-type: none"> a. provides sufficient public funding for an effective information campaign to raise awareness of the national referendum on the First Nations Voice to Parliament; b. allocates sufficient resources to cover the costs of any local forums facilitated by the Australian Government to support the national referendum process; and c. in the event the national referendum is successful, ensures that any local government involvement in the establishment of Local and Regional Voices – as part of the governance structure of the Voice to Parliament – is fully funded by the Australian Government. 2. notes that the LGA does not have a policy position on the proposal for a First Nations Voice to Parliament and that councils may choose to adopt their own positions. 	64	Support



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Considering Proposed Items of Business for LGA General Meetings

Guidelines

February 2019

Version 1

Introduction

The Local Government Association of South Australia (LGA) schedules two General Meetings each year for member councils to consider items of strategic importance to local government and the LGA. Proposing and voting on items of business for a General Meeting is one of the important ways that member councils participate in the development of policy and strategy on issues and influence the advocacy agenda for local government in matters affecting councils and their communities.

These guidelines have been prepared to assist the LGA Board of Directors (Board), South Australian Region Organisation of Councils (SAROC) and Greater Adelaide Region Organisation of Council (GAROC) to consider the items of business to be placed upon an agenda for an LGA Ordinary or Annual General Meeting. They also provide guidance to member councils to develop and prioritise proposals to submit for consideration.

The *Considering Proposed Items of Business for LGA General Meetings* Guidelines may be reviewed and amended by the LGA Board of Directors from time to time.

LGA Constitution

Section 16 of the LGA Constitution provides guidance about the matters to be discussed at a General Meeting, and the process by which items of business may be proposed for inclusion on the agenda. The requirements of Section 16 are outlined below.

16. Business of General Meetings

- 16.1 *The business of a General Meeting will be to consider items of strategic importance to local government and the LGA as recommended by SAROC, GAROC or the Board of Directors and matters which must be determined under this Constitution at a General Meeting.*
- 16.2 *Any Member may propose an item of business for an Annual General Meeting or an Ordinary General Meeting to SAROC, GAROC or the Board of Directors.*
- 16.3 *No business shall be brought before a General Meeting of the LGA unless:*
 - 16.3.1 *it has been placed on the agenda of an Annual General Meeting or an Ordinary General Meeting by SAROC, GAROC or the Board of Directors taking into account the purpose of a General Meeting set out in clause 16.1; or*
 - 16.3.2 *the business is as stated in the notice of a Special General Meeting, given in accordance with clause 10.*

In summary, the Constitution provides all member councils with the opportunity to submit a proposed item of business to the Board, SAROC or GAROC for approval to be placed on the agenda of a General Meeting. No item of business will be placed upon the agenda for a General Meeting unless it has been approved by one of the relevant bodies, which must consider whether a matter is of '*strategic importance*' to local government and the LGA'.

Relevant bodies

As outlined in the Constitution, a member council may propose an item of business to SAROC, GAROC or the Board of Directors. This opportunity is also enshrined within the LGA Membership Proposition, which outlines the rights of members to participate in the development of LGA policy and strategy.

While the Constitution refers to members being able to refer items directly to the Board, the Membership Proposition specifically provides for members referring matters relating to policy and strategy development to either SAROC or GAROC (as relevant).

To provide greater clarity to members about the best pathway for submitting an item of business, the following guidance is provided.

LGA Board of Directors

Items should be referred to the Board if related to:

- the LGA Constitution or Ancillary Documents
- a subsidiary of the LGA
- a commercial service provided (or proposed to be provided) by the LGA
- an activity requiring the allocation of significant resources by the LGA
- any LGA operational matter

SAROC or GAROC

Items should be referred to the relevant ROC if related to:

- the development of LGA policy and strategy
- LGA advocacy activities
- an amendment or addition to the LGA Policy Manual
- an operational matter related to SAROC or GAROC

The Board, SAROC and GAROC may choose to refer items submitted by member councils to each other for advice or consideration. Such referrals will be at the discretion of the Board, SAROC and GAROC.

Guiding principles

The following guiding principles have been developed to provide clarity and consistency to the Board, SAROC, GAROC and member councils about the relevant matters that will be considered in determining whether an item of business will be placed on the agenda of a General Meeting.

1. Strategic importance

The matters discussed at General Meetings should be of strategic importance to local government and the LGA. The policies and activities that are resolved at the LGA General Meetings are important in guiding the priorities and work plans of the LGA, and it is important that the association's resources are focussed on the issues that will be of the greatest benefit to councils and communities.

In determining whether a matter is of strategic importance to local government and the LGA, the Board, SAROC and GAROC will consider:

- whether the item has relevance to and will benefit a particular group (eg regional or metro councils) or the sector as a whole;
- alignment with the strategic plans and business plans of the LGA, SAROC and GAROC;
- the level of urgency required to deal with the issue;
- relevance to the role of local government and the potential positive and negative impacts of the issue on councils and communities;

- whether there are other bodies or industry groups that are better placed to address the issue or undertake the proposed activity; and
- the resources required to execute the policies or activities.

2. Supporting evidence

Good public policy positions need to be supported by solid evidence that the issues are well understood and that the proposed course of action provides the most efficient and effective solution. A strong evidence base is critical to successful advocacy, particularly when trying to change government policy, influence public opinion or attract additional funding.

The Board, SAROC and GAROC will consider whether there is sufficient evidence provided in support of the policy position or course of action being sought. In some instances, an item may be referred back to the submitting council with a request for further information.

In many cases the evidence needed to support a position might not be readily available. In these circumstances it is best for a motion to seek further investigation of an issue and/or further consultation with councils, rather than seeking endorsement of a specific policy position or action. The Board, SAROC and GAROC may propose an alternative course of action, in consultation with the submitting council.

3. Alignment with LGA policy

The LGA Policy Manual is a compendium of principles and policies that have been developed and endorsed by a majority vote of member councils at previous General Meetings. There are a wide range of policies addressing a number of priority issues for the sector.

The policies act as a guide for advocacy and best practice in the sector. In most cases, the LGA Policy Manual can provide councils with a broad direction on how an issue can be resolved and whether further development of a policy position is required.

The Board, SAROC and GAROC will consider the LGA Policy Manual in determining whether a new or amended policy position is required to be endorsed by members to enable the LGA to take the requested action. If the LGA already has a supportive policy position in relation to the proposed item, further consideration by members at a General Meeting may not be required.

4. Resourcing

In some cases, the items of business put forward by members require significant resources to be allocated in order to achieve the desired outcome. Resources may not be available through the LGA to tackle every issue.

Before determining to place an item on the agenda of a General Meeting; the Board, SAROC and GAROC will consider:

- whether resources are available within the LGA to achieve the desired outcome;
- other resources that may be available;
- potential impacts on the LGA budget and business plan; and
- the level of input that will be required by councils or other stakeholders to progress the item.

The Board, SAROC and GAROC may determine not to proceed with (or defer) an item of business if the resourcing required would detract from the achievement of outcomes of greater priority for members.

Determinations by the Board, SAROC and GAROC

After considering a proposed item of business against these guiding principles and having regard to any other relevant factors, the Board, SAROC and GAROC may determine to:

- approve an item of business for inclusion on the agenda of a General Meeting;
- approve an amended item of business for inclusion on the agenda of a General Meeting (in consultation with the submitting councils);
- take no further action;
- request additional information from the submitting council;
- refer an item back to the submitting council or regional LGA for action if it relates to a local or regional issue;
- resolve that the matter be dealt with by the LGA, SAROC or GAROC without progressing to a General Meeting (such as matters requiring urgent attention or actions that can be progressed immediately due to alignment with existing policies and work plans); or
- defer the item to a future General Meeting

The submitting council will be advised in writing of the determination of their proposed item of business.

10.3 RE-APPOINTMENT OF INDEPENDENT AUDIT & RISK COMMITTEE MEMBER**File Number:** IC23/63**Author:** Deborah Horton, Team Leader Governance & Risk**Responsible Executive:** Ginny Moon, Director City Corporate**EXECUTIVE SUMMARY**

The requirement to establish an Audit & Risk Committee is described at Section 126 of the *Local Government Act 1999* (the Act) which is subject to the reporting and accountability measures as included at Section 41.

The Audit & Risk Committee gains most benefit when the membership appointed by Council is suitably skilled and experienced in audit practices and understands the business of Council.

This report seeks the re-appointment of Independent Audit Committee Member Peter Scargill as their appointment is due to expire on 31 March 2023.

RECOMMENDATION**That Council:**

1. **Having considered Item 10.3 Re-Appointment of Independent Audit & Risk Committee Member receives and notes the report.**
2. **Having considered Item 10.3 Re-Appointment of Independent Audit & Risk Committee Member, endorses the re-appointment of Peter Scargill for a further 3 year term.**

DISCUSSION

The membership of the Committee comprises of five (5) appointments by the Council as follows:

- The Mayor of Council, and
- One (1) Council Member, and
- Three (3) Independent Members.

The current Audit & Risk Committee (the Committee) members are:

- Corrine Garrett until 31 March 2025 (Presiding Member)
- Peter Fairlie-Jones until 31 March 2024
- Peter Scargill until 31 March 2023
- Mayor Matt Larwood until November 2026
- Cr Alison DeBacker until November 2024

In accordance with Clause 3.7 of the Term of Reference, an independent member shall be appointed for a term of up to three years, remaining eligible for reappointment up to a term not exceeding six years, without the need to call for Expressions of Interest (EOI).

The Audit & Risk Committee's Terms of Reference can be found on Council's website at this link; https://www.prospect.sa.gov.au/_data/assets/pdf_file/0028/365572/Audit-and-Risk-Committee-TOR-Revised-November-2022.PDF

Re-appointment

Mr Peter Scargill was first appointed to the Audit Committee (as it was known then) by Council at its meeting on Tuesday 24 March 2020 (**Item 10.1 Appointment of Independent Member – Audit Committee**) for a three year term.

As Mr Peter Scargill's appointment expires on 31 March 2023, this report seeks reappointment without seeking EOI at this time as they bring the following extensive experience to the Committee;

- Career with over 39 years practical experience as a Consultant, General Manager, Director, Company Secretary and Chief Financial Officer for small to medium sized enterprises and large global corporations such as KPMG, Coles Myer Ltd, Electranet SA, United Water International Pty Ltd (Veolia Group), Scope Global Pty Ltd.
- Practical Local Government experience as a General Manager and Chief Financial Officer with an annual turnover of \$200m employing 1,000 staff (Adelaide City Council).
- Expertise in financial, business and strategic management. Broad, extensive experience across a range of private and public sector entities including infrastructure development, infrastructure operations, retail and distribution, local government, property development and international development.
- Proven ability to manage cross-functional teams and to assess and improve governance, internal controls and reporting that support strategy and deliver enhanced returns. Strong track record in system implementation, team development and process/performance improvement.

Audit Committee Chair Corinne Garrett has advised that Mr Scargill's extensive experience outside of Local Government has been '*...an invaluable contribution, providing another lens of analysis and expertise to complement and enhance the skills of existing Independent Members to collectively provide sound advice*'.

Should Council endorse the Recommendation of this report, an EOI for an Independent Member will be required to be sought on or before 31 March 2026 as Mr Scargill's tenure would have reached the 6-year period.

Expression of Interest

Alternatively, should Council prefer to seek an EOI at this time, Members may wish to extend Mr Scargill's appointment (to 30 June 2023) to ensure the Committee can continue to operate with full membership, until such time that Council has appointed an Independent Member.

An EOI would require the following anticipated process and timeline (as recently experienced with City of Prospect Council Assessment Panel recruitment);

- Advertisements seeking Expressions of Interest (April)
 - Placement of advertisements on Seek.com.au, City of Prospect website
 - Communication plan
- Interview and Selection Panel Process (May)
 - Report to council to select membership of Panel
 - Selection Panel would be responsible for;
 - reviewing the applications received,
 - conducting interviews, and
 - making a recommendation to Council.
- Council appoints Independent Member (June)
 - Considers Selection Panel recommendation.

It is noted that this EOI process would not exclude Mr Scargill from applying.

Financial Implications

As with the recruitment of City of Prospect Council Assessment Panel (as reported in this Agenda), funding for the meetings of the Committee is a recurrent expense within Council's Annual Budget.

The advertising costs associated with an EOI is estimated to be approximately \$600, which will be accommodated through existing operational budgets, excluding any meeting costs and staff time to manage/facilitate administrative processes. Staff resources will be required to; arrange advertisements, write reports for a selection panel, manage/facilitate meetings for Panel to review applications, discuss shortlists and arrange interviews with selected applicants as identified by the Panel whilst undertaking competing 'business as usual' tasks.

Intelligent Community Indicators

1. Knowledge Workforce: A labour force that creates economic value through its knowledge, skills and ability to use information effectively
6. Advocacy: Engaging leaders and citizens, businesses and institutions, in identifying opportunities to champion positive change

ATTACHMENTS

Nil

10.4 APPOINTMENT OF INDEPENDENT MEMBERS TO THE COUNCIL ASSESSMENT PANEL**File Number:** IC23/62**Author:** Scott McLuskey, Manager Development Services**Responsible Executive:** John Pearce, Director City Growth & Development**EXECUTIVE SUMMARY**

Council is required to establish a Council Assessment Panel (CAP), which has direct powers under the *Planning, Development & Infrastructure Act 2016* for decision making of development applications that undergo public notification. A CAP must comprise no more than five members, one of whom can be appointed from Council's Elected Member body. Council may also appoint Deputy Members for the Independent Member positions on the CAP, who act as a proxy in the event of a member's absence from any particular meeting.

At the Council meeting held in January 2023, Council resolved to undertake a recruitment and selection process for Independent Members of the CAP (given the expiry date of three existing members) through an advertisement seeking expressions of interest. A Council Assessment Panel Selection Panel was formed by Council comprising then Acting Mayor Groote, Cr Nelson and Cr Barnett (supported by the Director City Growth & Development and Assessment Manager), which was tasked with short-listing the expressions of interest and conducting relevant interviews for the positions.

The Selection Panel was also tasked with presenting a report to Council as soon as practicable following the interviews with a recommendation for the vacant Independent Member positions of the Council Assessment Panel (including the Presiding Member, Independent Member and Deputy Independent Member). This report concludes that process, summarising the steps and considerations conducted in the selection process, whilst conveying the recommendations of the Council Assessment Panel Selection Panel.

The Selection Panel observed that a particularly strong field of candidates expressed interest in being appointed to the City of Prospect Council Assessment Panel during this recruitment. The Selection Panel considered that each of the five persons interviewed were suitable and capable of being appointed, and multiple deliberations were required to arrive at the point of a recommendation. Ultimately though, the Selection Panel recommended the following appointments unanimously.

RECOMMENDATION**That Council:**

- 1. Having considered Item 10.4 Appointment of Independent Members to the Council Assessment Panel receives and notes the report.**
- 2. Appoints Cecilia Pascale to the position of Presiding Member of the Council Assessment Panel commencing 1 April 2023 and concluding following the March 2025 meeting.**
- 3. Appoints Yvonne Svensson to the position of Independent Member of the Council Assessment Panel commencing 1 April 2023 and concluding following the March 2025 meeting.**
- 4. Appoints Nathan Grainger to the position of Deputy Independent Member of the Council Assessment Panel commencing 1 April 2023 and concluding following the March 2025 meeting.**

5. **Having considered Item 10.4 Appointment of Independent Members to the Council Assessment Panel, notes that all appointments to the Council Assessment Panel are subject to members obtaining and/or maintaining their status as Level 2 Accredited Professionals at all times.**
6. **Thanks Don Donaldson, Ruan Perera and Julian Rutt for their years of service, contribution and commitment to the City of Prospect Council Assessment Panel.**

DISCUSSION

In order to discharge its obligations under the *Planning, Development and Infrastructure Act 2016* (PDI Act), Council is required to establish a Council Assessment Panel (CAP) to act as a relevant authority pursuant to Section 93 of the PDI Act.

Council is responsible for determining the appointment of members to the CAP. However one relatively new important criteria is that all independent CAP members must be accredited professionals under the PDI Act. The CAP must have no more than five ordinary members, comprised of no more than one Elected Member and no less than four independent members.

Council may also appoint one or more deputy members in relation to the independent and Elected Member positions on the CAP. Deputy members are empowered to take the place of an ordinary CAP member in the case of an absence from a meeting (which may arise due to either unavailability or conflict of interest). This report recommends an Independent Deputy Member be appointed as has been past practice.

Background

At the meeting held on 24 January 2023, Council resolved (Resolution 2023/4):

That Council:

1. *Having considered Item 10.2 Formation of Council Assessment Panel Member Selection Working Party receives and notes the report*
2. *Appoints Mayor Matt Larwood and Councillors Jason Nelson and Kristina Barnett to a 'Council Assessment Panel Selection Panel', which is tasked with short-listing the expressions of interest received, conducting interviews for the vacant role, and presenting Council with a recommendation for the vacant Independent Member role.*

This report responds to part 2 of the resolution, including by detailing the process undertaken by the Selection Panel and providing the recommendations of the Selection Panel to the full Council for its consideration.

Expressions of Interest

In accordance with the resolution, Council staff placed an advertisement calling for expressions of interest on www.seek.com.au and on the Council website seeking interest from a wide range of fields and expertise. In total, Council received 24 expressions of interest from persons wishing to be appointed as an Independent Member of the City of Prospect CAP (an increase of 10 compared to the last advertisement in 2021).

All expressions of interest were then reviewed by the Council Assessment Panel Selection Working Party. A short-list was determined by considering the following factors: persons who would be unable to achieve Level 2 Planning Accreditation (as required by the *Planning, Development and Infrastructure Act 2016* and its Regulations), the skills and experience of the individual candidate, and the mix of skills and experience required across the body of the CAP in relation to the particular applications the CAP is now responsible for under the Planning and Design Code.

Five qualified and experienced candidates were then interviewed by the Selection Panel. The Selection Panel observed that the field of candidates in this recruitment process was strong, with the Selection Panel satisfied that each of these five candidates could have successfully filled one or more roles on Council's Assessment Panel.

Considerations of the Selection Panel in Forming Recommendations

The Selection Panel required multiple discussions following the final candidate interview to resolve its recommendation, noting in particular that two candidates were carefully considered for potential appointment to the Presiding Member role. Due in no small part to the strong field of candidates being considered for the vacant roles, the Selection Panel has been able to recommend candidates to Council addressing a number of desirable considerations:

- The ability to make entirely merit-based appointments that also happen to achieve a balanced mix of qualifications, skills, gender and professional backgrounds across all independent member positions of the CAP;
- The ability to review the appointments cycle and evaluate potential future needs of the CAP (i.e. succession planning), including consideration of the types of appointments that may be necessary over the next two years of recruitment (subject to changes in the Planning and Design Code that may affect the applications seen by the CAP);
- The style of approach that candidates would bring to the Presiding Member role to successfully chair a complex public meeting; being particularly a high level of process knowledge, emotional intelligence, and an ability to assist a gallery of interested parties to clearly understand both the decision that has been made and the reasons why that decision has been made;
- Possible conflicts of interest that may arise for candidates, using the previous 12 months of applications assessed by the CAP as a case study; and
- The ability to appoint a Deputy Independent Member that will be able to offer a significant contribution when present, despite not being present at each meeting of the Prospect CAP.

The Selection Panel reiterates that multiple candidates were considered for each vacant role, with all candidates considered to be capable of successfully undertaking at least one role. The Selection Panel considered itself fortunate to be in the position of struggling to resolve the best candidates to recommend to Council from a strong group, and thanks all candidates for their interest.

Recommended Appointments

In relation to the Presiding Member position, the Selection Panel recommends that Cecilia Pascale be appointed as Presiding Member, with her term of appointment to conclude following the March 2025 CAP meeting.

In relation to the Independent Member positions, the Selection Panel recommends that:

- Yvonne Svensson be appointed to the CAP as an Independent Member, with her term of appointment to conclude following the March 2025 CAP meeting;
- Nathan Grainger be appointed to the CAP as a Deputy Independent Member, with his term of appointment to conclude following the March 2025 CAP meeting.

Observations on Newly Recommended Candidates

Cecilia Pascale has a background involving planning law, planning governance and development assessment (through a previous appointment to an Assessment Panel of another Council). Ms Pascale demonstrated a strong understanding of the importance of the Presiding Member role at interview, and the Selection Panel considered that Ms Pascale's skills and experience make her well suited to this role. The Selection Panel did note that Ms Pascale is presently overseas and would not return in time for the April 2023 CAP meeting, which is unfortunate but was not considered to be determinative given the two year term of the role.

Yvonne Svensson was identified by the Selection Panel as having valuable architectural knowledge that she could contribute to our CAP, while also having experience as an Independent Assessment Panel Member for two other Councils. Ms Svensson's experience in residential design, together with her knowledge and interest in character and heritage planning issues, were conveyed convincingly through her interview.

Nathan Grainger has significant planning and management experience, including within Local and State Government as well as private planning practice. Mr Grainger is a current Assessment Manager at another Council and while he has not been appointed to an Assessment Panel before, Mr Grainger conveyed a very strong working knowledge of Assessment Panels from multiple planning perspectives during his interview. Mr Grainger also offers a high level of local knowledge to the Prospect CAP.

CVs / relevant Expression of interest confidential information can be provided to Elected Members upon request if desired.

Financial Implications

Funding for the meetings of the Council Assessment Panel is a recurrent expense within Council's Annual Budget. It is noted that the costs associated with the advertisement and recruitment process totalled approximately \$600, which will be accommodated through existing operational budgets.

Sitting fees for Independent Members were reviewed in 2020 as part of the change process at that time and are therefore not proposed for amendment in this process. Staff consider that it may be necessary to review the remuneration provided to the Presiding Member later this year, with some discussion at the State Planning Commission about ongoing engagement with Presiding Members being considered. If this became relevant and additional engagements on behalf of City of Prospect became part of the Presiding Member role, staff would bring a report to Council recommending remuneration changes accordingly.

Relevance to Core Strategies / Policy

- *Planning, Development and Infrastructure Act 2016*
- *Planning, Development and Infrastructure (General) Regulations 2017*
- *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*

Community Plan: Towards 2040

Nil

ATTACHMENTS

Nil

10.5 REQUEST TO PURCHASE COUNCIL PROPERTY - 2 STURDEE STREET BROADVIEW**File Number:** IC23/47**Author:** Nina Phillips, Landscape Architect**Responsible Executive:** Sam Dilena, Director City Works & Presentation**EXECUTIVE SUMMARY**

Council have received an unsolicited offer from the resident at 2 Sturdee Street, Broadview, for the purchase of a parcel of Council land. The parcel in question is located at the rear of 2 Sturdee Street, comprising of approximately 88m² and forms part of four triangular parcels of land at the intersection of French Street and Rheims Street.

It has been identified that the four triangular parcels are classified as community land, which immediately places significant barriers in place of a possible sale under legislation.

Furthermore, staff have identified potential future opportunities to consider how these parcels are used as part of Council's endorsed Open Space Strategy, and the proposed work undertaken as part of the Integrated Transport Plan (ITP). The area has been identified as a gap in playspace provision and would serve as addressing the gap should this intersection be considered as a future open space opportunity, should it be supported through the ITP, once finalised. Further investigations need to be undertaken before any recommendations can be made in the ITP in relation to this area.

If the parcel of land at the rear of 2 Sturdee Street were to be sold, this reduces the desire to create a potential future open space opportunity as an open area with clear lines of sight and no "hidden corners" that would diminish its crime prevention characteristics.

The process for land disposal is lengthy, costly and time consuming (internal resources), and at this point in time this opportunity does not demonstrate a clear benefit to Council with its sale.

The sale of the one portion of land at the rear of 2 Sturdee Street is not currently recommended by staff to be pursued further by Council.

RECOMMENDATION**That Council:**

- 1. Having considered Item 10.5 Request to Purchase Council Property - 2 Sturdee Street Broadview receives and notes the report.**
- 2. Having considered Item 10.5 Request to Purchase Council Property - 2 Sturdee Street Broadview, notes the resident's request for the purchase of land and declines this offer.**
- 3. That the CEO writes to the resident and advises Council's decision on this matter.**

DISCUSSION

The resident at 2 Sturdee Street, Broadview, approached Council with an offer to purchase the parcel of land adjacent to the rear of their property, at the intersection of French St and Rheims St, Broadview. [Figure 1](#) below outlines the land in question.

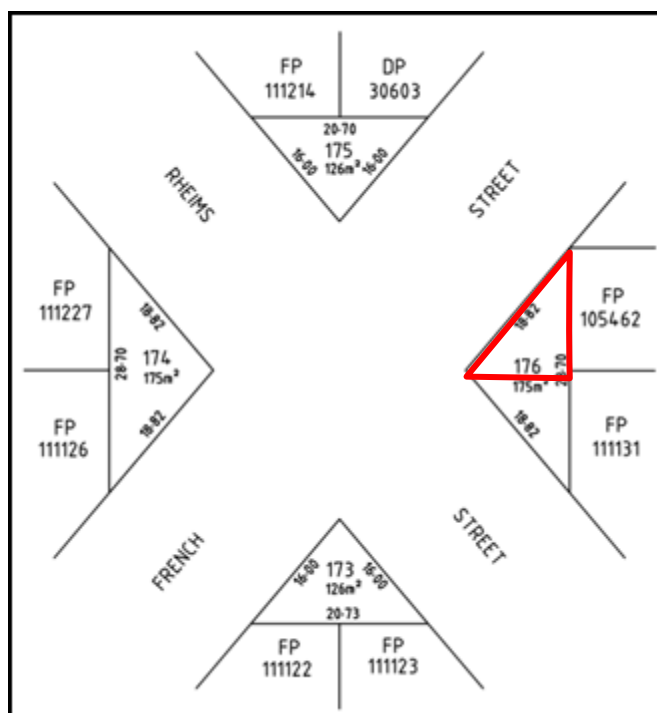


Figure 1 - the parcel of land in question is outlined in red.

The resident has noted that currently the land is essentially vacant, requires ongoing Council maintenance, and is subject to occasional illegal dumping. The resident has also advised that, if sold to them, the land would be used for a further recreational environment for their family, forming part of their current allotment.

The parcel of land in question forms part of four triangle parcels at the intersection of French and Rheims Streets, adjacent to the intersection. These are classified as community land.

Since the proposal involves the disposal of Council land, the Council must assess and consider it against the considerations set out in the Council's [Sale or Disposal of Assets Policy](#) (the Policy).

This includes considering whether the Proposal delivers upon the key principles listed at part 5.2.1 of the Policy:

For the sale and disposal of land and other assets valued in excess of Council's capitalisation thresholds, the following key principles apply:

- (1) *Consistency with and relevance to Council's Corporate and Strategic Plans*
- (2) *Transparency and accountability in sale and disposal procedures and practices, ensuring that Council obtains the best possible price in the circumstances surrounding the sale, and that all potential purchasers are given equal opportunity to purchase the land or assets*
- (3) *Opportunities to enhance local economic development and growth*
- (4) *Compliance with statutory and other obligations*
- (5) *Commercial confidentiality within legislative constraints; and*
- (6) *Other relevant factors deemed appropriate by Council*

Finally, any agreement with the Resident to progress the Proposal must necessarily be subject to the following preconditions:

- the Council completing a revocation process in respect of the land to be acquired by the Resident; and
- Costs being agreed to be borne by the Resident to the extent defined by the Council at this meeting.
- A subdivision of the land parcel 176 being supported.

Community Land

The parcel of land in question is comprised in a Certificate of Title Volume 5873 Folio 189 Allotments 173, 174, 175 AND 176 Deposited Plan 2417 (CT), as shown in [Figure 1](#) above.

The land is classified as community land pursuant to the *Local Government Act 1999* (the Act) and as such Council cannot dispose of community land in any case unless the classification of the land as community land has first been revoked. The only way the Council could proceed with the sale is by first successfully undertaking a revocation process in respect of the portion of land in question, as prescribed under Section 194 of the Act.

The Office of Local Government prepared and issued a [Guidance Paper \(No. 5 Community Land Revocations\)](#) outlining the requirements of the process. It states that a report (to be released for consultation) is first required, which addresses the following criteria as prescribed by section 194(2) of the Act, including:

- a summary of the reasons for the proposal; and
- a statement of any dedication, reservation or trust to which the land is subject; and
- a statement of whether revocation of the classification is proposed with a view to sell or disposal of the land; and
- an assessment of how implementation of the proposal would affect the area and the local community; and
- The Guidance Paper sets out the need for effective consultation in managing expectations and by ensuring the community has a full understanding of the nature and impacts of the revocation. Council must be abundantly clear in the consultation processes because a failure to do so can lead to the Minister rejecting the proposal. In this case, the consultation report would need to outline that the revocation is to give effect to the sale.

If, following its consideration of the consultation outcomes, Council wishes to proceed with the revocation proposal, then it must submit the report (ie Community Land Revocation report) together with a report on all submissions received to the Minister responsible for the Act. If the Minister approves the proposal, Council can proceed to make a resolution revoking the classification of the relevant portion of the parcel of land as community land.

Council would then be required to sub-divide Allotment 176 to create a new CT after which this portion could be transferred to the Resident, However, a question to be considered is whether the land division would likely be approved having regard to applicable planning considerations. This is a matter that would need to be assessed prior to progressing a plan of division. If the parcel of land was assumed into the adjoining title, meaning no new title was created, and the sub-division serves a functional purpose, then there is no apparent reason why this would not get approval.

Open Space Strategy and Integrated Transport Plan (ITP)

Council's endorsed Open Space Strategy identifies a key gap in open space and, in particular, playspace provision in the area in question as per [Figure 2](#) below.

There is a desire to consider whether there may be a future opportunity to close the intersection and develop it into a new open space area, encompassing the current triangular community land parcels, equating to an increase of 602m² of open space. Should the parcel of land at the rear of 2 Sturdee Street be sold, then there is a possibility that, should the area develop into open space, there will be undesirable corners hidden from view and potential safety concerns in that area.

Currently, Council is developing the Integrated Transport Plan (ITP) which will help inform the recommendations in the area from a transport perspective. The outcomes (if any) for the French and Rheims intersection depend on the operation of the future roundabout at the Galway Avenue and Rheims and Jellicoe Street intersection. At this stage it is difficult to comment on any possible future intersection treatments at the French/Rheims intersection, such as a roundabout or whether LATM (Local Area Traffic Management) measures such as progressing road closures to obtain more green

space may be the best outcome. Strategically, there is no recommendation for the French/Rheims intersection at this time until further investigations are undertaken and completed.

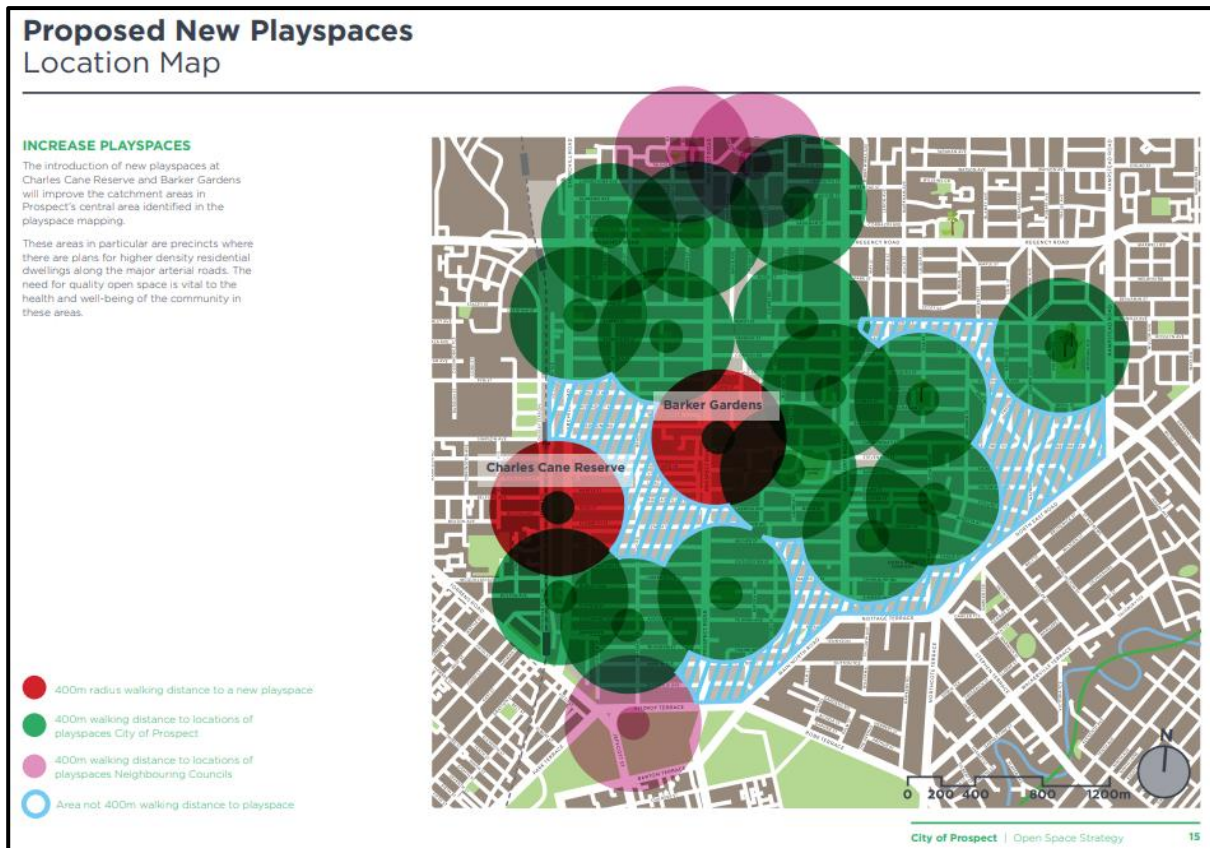


Figure 2 – Excerpt from Open Space Strategy, page 15, showing gaps in playspace provision in blue hatching.

Public Consultation

The process for public consultation is similar to what was presented at the Council Report for Percy Street Reserve at the 13 December 2022 Council Meeting.

Where Council’s ‘Community Engagement & Consultation Policy’ (the Engagement Policy) prescribes steps that are more stringent than the minimum requirements of the Act (as is the case) then those steps must be followed. If the Engagement Policy is not complied with, Council’s application to the Minister will not comply with the legislative requirements and the Minister is not likely to exercise his/her discretion in relation to that application.

Council Engagement Policy requires a Level 3 consultation on community land classification.

As each revocation proposal is unique, consideration to identifying all parties with an interest in the proposal should be given so Council can develop an understanding of these individuals and groups and choose appropriate communication.

Implications, Related Questions and Further Information

The costs of the Proposal given the steps that would need to be undertaken, must also be considered to determine whether the objective of the sale justifies the expenditure. The Annual Business Plan provides no funding for this sale.

The cost implications are similar to what was presented at the Council Report for Percy Street Reserve at the 13 December 2022 Council Meeting.

The current cost estimate is \$25K. While this estimate is indicative, it is exclusive of staff time and the cost to undertake community consultation. Progression of the sale is subject to the consideration of responsibility to pay for the costs involved, including consultation and staff costs.

Due to the development of the ITP, gaps in open space provision, and the possible future vision for the area and that the parcel is community land, staff do not recommend for Council to pursue the sale of the parcel of land as offered by the resident of 2 Sturdee Street, Broadview, at this time.

Relevance to Core Strategies / Policy

- *Local Government Act 1999*
- Sale or Disposal of Assets Policy

Community Plan: Towards 2040

► **Responsible & Sustainable**

2 to 5 year timeline

RS2.7 Demonstrate innovation in the supply and delivery of infrastructure projects

ATTACHMENTS

Nil

10.6 RL PASH RESERVE COMMUNITY CONSULTATION OUTCOMES AND CONCEPT PLAN

File Number: IC23/48
Author: Nina Phillips, Landscape Architect
Responsible Executive: Sam Dilena, Director City Works & Presentation

EXECUTIVE SUMMARY

RL Pash Reserve is currently being designed for an upgrade as part of the 2022/23 financial year. Council received \$250,000 in grant funding from the State Government for the design and delivery of this project.

Round 1 of community consultation was undertaken in October/November 2022 to gather feedback from the community on the upgrade. The consultation found support for the retention of the open space lawn and fitness equipment, as well as fencing the D'Erlanger Avenue frontage. The full Engagement Report, including consultation approach, conclusion and recommendations can be found in **Attachment 1**.

Two concept plan options were presented at the 7 February 2023 Council Workshop. Based on the feedback received these options were amalgamated into one draft concept plan (**Attachment 2**), at a total project cost of \$496,000, excluding the bioretention swale.

Council recently endorsed the Barker Inlet Central Stormwater Management Plan (SMP) that identifies RL Pash Reserve as a location for a stormwater water treatment solution, referenced as a bioretention swale. The swale is costed at \$228,000.

Staff recommend that Council fund 50% of the bioretention swale cost as part of the Reserve upgrade only if Council is successful in obtaining grant funding for the other 50% of the cost. Should Council not be successful in obtaining grant funding, then staff recommend that Council fund stormwater connections as part of the Reserve upgrade to allow for the future provision of a bioretention swale once budget becomes available.

Separate budget bids have been prepared for the Reserve upgrade and the bioretention swale for Council's consideration in the 2023/24 Annual Business Plan and Budget.

Staff recommend that the draft concept plan as presented in **Attachment 2** is endorsed for Round 2 community consultation.

RECOMMENDATION**That Council:**

- 1. Having considered Item 10.6 RL Pash Reserve Community Consultation Outcomes and Concept Plan receives and notes the report.**
- 2. Endorses the draft concept plan (as presented in Attachment 2) for the purposes of Round 2 community consultation.**
- 3. Supports a budget bid to be submitted for consideration in the Annual Budget deliberations for 2023/24 for the RL Pash Reserve upgrade with the total project value of \$496,000 (\$231,000 net cost to Council).**
- 4. Endorses staff to proceed with the delivery of the bioretention swale should the grant funding application be successful and the Capital Budget bid in the 2023/24 Annual Business Plan be adopted, at the net cost of \$114,000 to Council. Should the application not be successful, staff to provide provisions that allow for the upgrade of the swale in the future.**
- 5. Include an artwork mural in the project as detailed in this report.**

6. Supports consideration of a court upgrade at Prospect Gardens/Narnu Wirra in a future years Annual Business Plan

DISCUSSION

RL Pash Reserve is currently being designed for an upgrade as part of the 2022/23 financial year Annual Business Plan (ABP). This project was prioritised after Council received \$250,000 grant funding through the Community Infrastructure Grants Program from the State Government's Department for Infrastructure and Transport (DIT). The reprioritisation was resolved at the 23 August 2022 Council meeting as shown in Figure 1 below.

10.2 R L PASH RESERVE UPGRADE - GRANT AGREEMENT	
RESOLUTION 2022/145	
Moved: Cr Matt Larwood Seconded: Cr Mark Groot	
Mayor David O'Loughlin sought leave of the meeting for Elected Members to vote on each point of the resolution in parts.	
Leave was granted.	
That Council:	
1.	Having considered Item 10.2 R L Pash Reserve Upgrade - Grant Agreement receives and notes the report. CARRIED UNANIMOUSLY
2.	Endorses the Chief Executive Officer to execute a Grant Agreement for the upgrade of RL Pash Reserve. CARRIED UNANIMOUSLY
3.	Defer the concept design development for Matthews Reserve, as funded in the 2022/23 Annual Business Plan (\$15,000) to allocate this funding to RL Pash Reserve for concept design development in the 2022/23 financial year allowing integrated outcomes to be achieved. CARRIED
4.	Incorporate the Barker Inlet Central Stormwater Management Plan action for RL Pash Reserve as part the reserve's concept plan development. CARRIED UNANIMOUSLY
5.	Support contributing to the funding for the <u>construction</u> of RL Pash Reserve in the 2023/24 Financial Year in place of the construction of Matthews Reserve, for works required to fund the balance of infrastructure required beyond that funded by the State Government grant as part of its upgrade. CARRIED
6.	Supports a budget bid for the concept design development of Matthews Reserve upgrade concept being brought back to Council during 2023/2024 Annual Business Plan and Budget deliberations for consideration/reprioritisation. CARRIED UNANIMOUSLY

Figure 1: Council resolution from the 23 August 2022 Council Meeting.

Round 1 community consultation was undertaken in October/November 2022 to inform the community of the future upgrade and gather feedback on the current use of the park and what people would like to see as part of the upgrade. The consultation found support for the retention of the open space lawn and fitness equipment and desire for improvements to the existing play equipment. A fence is supported on the D'Erlanger Avenue frontage. The feedback on a half-court was *not* favoured to include due to noise attributed from either bouncing balls or from members of the community using the facility. The outcomes of Round 1 consultation are further discussed in the 'Public Consultation' section of this report below and the full Community Engagement Report can be found in **Attachment 1**.

Staff and consultants, Clover Green Space, gathered the feedback from Round 1 consultation and prepared two concept plan options initially. These options, including costs, were presented at the 7 February 2023 Council Workshop. Concept Option 1 met the current budget of \$265,000 (\$15,000 Council funded in the ABP and \$250,000 grant funded) for design and delivery. Concept Option 2 provided a full consultation aligned outcome that included recommendations on a stormwater solution from the Barker Inlet Central Stormwater Management Plan (SMP), full scope of the grant

funding agreement, necessary renewals (irrigation upgrade) and further improvements from the community feedback. Option 2 also allowed for new accessible furniture (BBQ and picnic setting).

From the outcome of the 7 February Council Workshop, staff and Clover Green Space amalgamated the two concept options that were presented at the Workshop, and developed the draft concept plan which is presented in **Attachment 2**. A summary of the inclusions in the draft concept plan attached are as follows:

- Retain the existing pathways.
- Add fencing along the length of D'Erlanger Avenue with 2 child lock gates (minimum),
- Irrigation upgrade with smart technology. The current system is one of the oldest in City of Prospect.
- New accessible picnic setting under the shade of an existing tree,
- Table tennis table.
- Replace like-for-like fitness equipment and realign to create a fitness trail along the existing pathways.
- Playspace design with a taller double swing set (toddler seat and regular seat), an inclusive basket swing, mounded embankment slide, nature play, retain existing boat rocker, and an accessible pathway. The slide will be under the shade of an existing tree. Other elements are shaded by existing trees where possible and a shade sail has been added.
- Climbing boulder under the shade of an existing tree to cater for older children.
- Mural artwork on the boundary fencing at the northern end of the park up to a \$10,000 budget.
- Bioretention swale, or provision for one in the future, depending on whether this can be funded in the 2023/24 financial year with a possible grant funding allocation.

The draft concept plan meets the requirements of the grant funding scope, including provision of new activity space for older children (the table tennis table and climbing boulder), update accessibility and inclusivity (accessible playspace and inclusive play equipment), relocate and upgrade fitness equipment away from the road (creating a fitness circuit), construct a fence along the D'Erlanger Avenue edge to improve safety of young children (with the inclusion of two child lock gates), and provision of a BBQ facility (a functioning BBQ already exists at the site).

Open Space Strategy

RL Pash Reserve is classified as a 'Local' park in Council's Open Space Strategy. A local park is designed for the following:

- Designed for short, frequent visits
- Reflects local context and culture
- Flexible spaces
- Predominately passive recreation
- Natural shade and benches/seating
- Informal/ low key activities and relaxation
- Used incidentally (eg. walking through park to shops)
- Sport offering may be limited due to size.
- Includes pocket parks, road reserves, functions other than recreation.

Core elements of a 'local' park include passive areas, low key planting, natural shade, seating, low maintenance furniture, and exploration of Water Sensitive Urban Design (WSUD) treatments. Advanced elements include minimal play equipment/nature play, minor irrigated areas, lighting, and signage. The maintenance will be aimed for a safe and appealing quality.

The Open Space Strategy recommendation for RL Pash Reserve is to:

- Re-design the open space to provide a variety of experiences,
- Increase native vegetation,
- Incorporate a combination of nature play and structured play elements, and
- Enhance the active fitness trail circuit.

The draft concept plan in **Attachment 2** adheres to the 'local' park classification as well as the recommendation in the Open Space Strategy for this reserve, by providing a variety of experiences for all ages, play features, passive areas, WSUD and enhancing the fitness equipment as an active circuit. The existing BBQ (a feature of a higher park classification) is being retained.

Stormwater Management Plan

Council recently endorsed the Barker Inlet Central Stormwater Management Plan (SMP) that identifies RL Pash Reserve as a location for a stormwater water treatment solution. This action has been identified as having a medium-term priority for implementation in the SMP.

As part of the bi-monthly reporting to the 28 February 2023 Council meeting, Council resolved for staff to submit an application for grant funding to Green Adelaide for the implementation of the WSUD bioretention swale. Grant funding applications close on 31 March 2023.

Initially the bioretention swale was estimated at \$239,000. However, the new estimate based on the current concept design indicates the costs to be \$228,000. If successful, the grant funding will require 50% Council contribution, at a net cost of \$114,000 to Council.

Should the application be unsuccessful then provisions will be installed as part of the upgrade for the future implementation of the swale (as a stage 2 of the project).

Artwork

Artwork is recommended in the form of an art mural on the existing (northern) boundary fence. The artwork development will be managed by staff in consultation with the City Wide Public Art Roundtable.

The mural may depict settlement or cultural history, which aligns with desires from the community and feedback received during community consultation.

An estimated \$10,000 has been included in the cost estimate and is recommended to be assigned to the artwork.

Timeline

The current timeline for the project is as follows:

- Endorsement of draft concept plan for Round 2 community consultation – March 2023.
- Round 2 consultation – April-May 2023.
- Refine concept plan – June 2023.
- Endorsement of final concept plan for delivery – July 2023.
- Design development – July-October 2023.
- Tender process – November 2023 - January 2024.
- Construction/delivery – February-June 2024.

Budget and Cost Estimate

Council has already received \$250,000 from the State Government and has allocated \$15,000 of Council funds to the design of the upgrade.

The draft concept plan in **Attachment 2** has been costed by an independent quantity surveyor at a total of \$496,000, excluding the bioretention swale. The bioretention swale has been costed at \$228,000.

The breakdown of costs are as follows:

Item	Estimated Cost
Design/professional fees	\$35,000
Building on-costs including Builder's preliminaries and margins	\$79,000
Project on-costs including Levy charges and contingency	\$48,150
Demolition/site prep/earthworks	\$47,580
Surfaces and edging (accessible pathways, paving, softfall, concrete, etc)	\$46,700
Fencing	\$22,450
4mx4m Shade Sail	\$12,000
Artwork	\$10,000
Landscaping improvements	\$20,620
Accessible picnic setting	\$5,000
Existing irrigation upgrade	\$32,950
Nature play	\$15,750
Fitness equipment	\$51,800
Playground equipment	\$23,250
Sporting equipment including bouldering wall and table tennis	\$45,750
TOTAL project cost	\$496,000 (A)
Grant funding contribution	-\$250,000 (B)
Council annual business plan 2022/23 funding	-\$15,000 (C)
TOTAL Council funding required for the 2023/24 financial year	A-B-C = \$231,000

Staff recommend that Council fund the remaining amount of the total project cost that is currently not funded (\$231,000), in the 2023/24 financial year from the Open Space allocation in the Long Term Financial Plan.

Items in addition to the above are as follows:

Bioretention swale (full scope)	\$228,000 (50% grant funded if possible)
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Easements

RL Pash Reserve is comprised of land within Certificate of Titles Volume 6194 Folio 281, see **Attachment 3**, and is subject to the following easements:

- Land Marked A - TO THE SOUTH AUSTRALIAN GAS CO. LTD
 - Currently no infrastructure identified.
- Land Marked B - TO THE AUSTRALIAN AND OVERSEAS TELECOMMUNICATIONS CORPORATION LTD AND TO THE MINISTER FOR INFRASTRUCTURE
 - 3-metre easement running along the northern side of Collins Street that extends into the reserve, housing communications service
- Land Marked C - FREE AND UNRESTRICTED RIGHT(S) OF WAY
 - This easement provides a 'right of way' to RL Pash Reserve to a number of residential properties. Historically, Collins Street connected to D'Erlanger Ave, however when this portion of the road was closed (circa 1985) the 'right of way' was not extinguished, so remained in place. At the Council Meeting on 23 May 2017, Council resolved to delegate to the CEO to extinguish the 'right of way' in relation to all affected Certificates of Title as and when they arise, rather than undertake a complex and

expensive process to search for and then to extinguish all easements. Preliminary legal advice on this matter indicates proceeding with the upgrade (considering the above easements) presents a low risk to Council as residents continue to have access to RL Pash Reserve.

Item 19.3 R.L. Pash Reserve – Extinguishment of Right of Way

Cr A De Backer moved Cr A Harris seconded

Subject to Confirmation

- (1) Council delegates to the Chief Executive Officer (who may sub-delegate to Director Infrastructure, Assets and Environment) the power to consent to the discharge of the Right(s) of Way over the land marked 'A' in Road Plan 8471, in relation to Certificate of Title Volume 5895 Folio 253.
- (2) Council delegates to the Chief Executive Officer (who may sub-delegate to Director Infrastructure, Assets and Environment) to exercise any power necessary to extinguish the Right(s) of Way over the land marked 'A' in Road Plan 8471, or to discharge the same Right(s) of Way in relation to all affected Certificates of Title, as required.

Carried Unanimously 86/17

Figure 2 – Council Resolution – RL Pash Reserve Extinguishment of Right of Way

In addition to the above there are also SA Water main, stormwater, and sewer services that all run underground between Collins Street and D'Erlanger Avenue. Currently there is no formal easement nominated on the Certificate of Title for any of these services. However, the concept design has been developed in a way that these services will be avoided and there will not be any significant assets, such as play equipment, installed over the top of any of these services.

Public Consultation

Round 1 community consultation ran from 24 October to 20 November 2022 to inform the community of the project and gather feedback on the current use of the reserve. An online survey was prepared through Engagement Hub and two onsite drop-in sessions were held, one at the Prospect Spring Fair and the other at the reserve as part of the Nailsworth Hall Open Day. Respondents were also able to provide feedback via written submissions. A summary of the key findings is shown in Figure 3 below.

The Access and Inclusion Community Advisory Group were consulted at a meeting held on 15 December 2022. Feedback from the group has been considered in the draft concept plan including signage to the nearest toilet facility, accessible pathways to the playspace, accessible park furniture and adequate seating. The draft concept plan will be brought back to the group for further consultation.

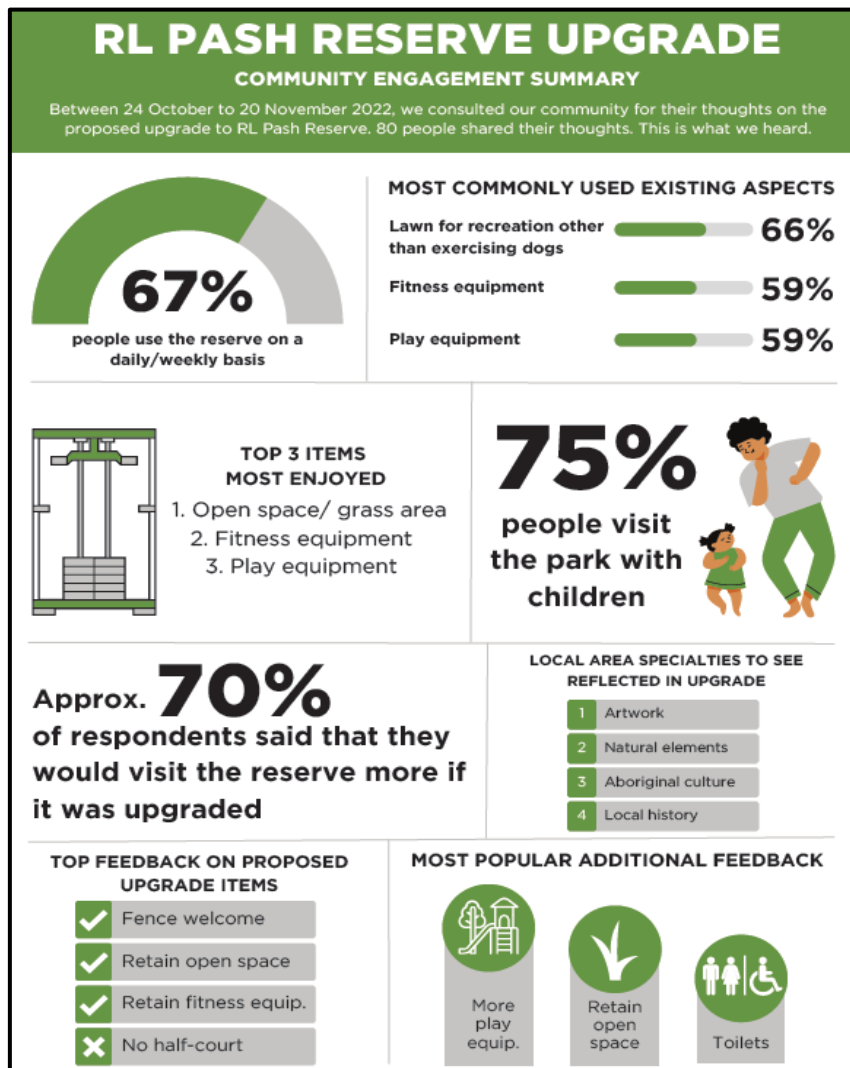


Figure 3 – Summary sheet of the outcomes of Round 1 community consultation.

The Engagement Report as presented in **Attachment 1** concludes that RL Pash Reserve is enjoyed by many members of the community who primarily favour its openness for a diverse range of activities. Retention of the lawn and fitness equipment is required. Improvements to the existing play equipment are desired. A fence is supported but should not interrupt the “flow” or open nature of the reserve. The feedback regarding a half-court is slanted towards not having one due to noise attributed from either the ball or from members of the community who would use it. Staff note that there is an existing courts facility at Prospect Gardens/Narnu Wirra, 900 metres north of RL Pash Reserve, that could be upgraded rather than supplying a new court at RL Pash Reserve.

The Engagement Report recommends that Round 2 consultation is undertaken on the draft concept plan to ensure it meets the community needs and expectations.

Consultation will run in April-May 2023 and will include a minimum of 1 drop-in session onsite to provide the community with an opportunity to view the plan and talk to staff.

Implications, Related Questions and Further Information

Funding is provided in the 2022/23 Annual Business Plan for a total of \$15,000. In addition, the State Government have provided \$250,000 in grant funding to go toward the upgrade of this reserve.

Staff have submitted a budget bid for a Council contribution towards the construction of the upgrade in addition to the grant funding that has been provided. Staff recommend for Council to prioritise this budget bid in the 2023/24 Annual Business Plan and Budget to ensure the project is delivered within the scope and timeframes of the grant funding agreement.

In addition, staff recommend that Council fund 50% of the bioretention swale cost as part of the reserve upgrade only if Council is successful in obtaining grant funding for the other 50% of the cost.

Should Council not be successful in obtaining grant funding, then staff recommend that funds are allocated to stormwater connections as part of the reserve upgrade, to allow for the future provision of a bioretention swale. A separate budget bid has been submitted for the 2023/24 financial year for this item.

Furthermore, staff recommend that Council consider a future upgrade of the courts at Prospect Gardens/Narnu Wirra to provide facilities in the area that provide improved a service level for the community.

Relevance to Core Strategies / Policy

- City of Prospect *Open Space Strategy*
- Endorsed Barker Inlet Central Stormwater Management Plan

Community Plan: Towards 2040

► Responsible & Sustainable

2 to 5 year timeline

RS2.2 Promote and support projects (public and private) that include water quality and Water Sensitive Urban Design measures

RS2.7 Demonstrate innovation in the supply and delivery of infrastructure projects

ATTACHMENTS

1. **RL Pash Reserve Engagement Report**
2. **Draft Concept Plan**
3. **RL Pash Reserve Certificate of Title – Volume 6194 Folio 281**

Engagement Report
 RL Pash Reserve Upgrade – Round 1 Consultation 2022



Introduction

The purpose of this report is to provide an overview of the community engagement process undertaken for the RL Pash Reserve Upgrade – Round 1 Consultation and report on the feedback received from our community as a result of the engagement process.

Engagement Overview

Engagement Level

- Level 2 – Consult and Involve.

Timeframe

- The engagement was open for a period of 4 weeks, commencing Monday 24 October and concluding on Sunday 20 November 2022.

Objectives

- Inform our community on the future upgrade.
- Obtain information about how our community currently use the reserve.
- Gather feedback as to what our community would like to see considered/ included as part of the upgrade.

Target group/Catchment area

- Residents within a 200m radius of RL Pash Reserve.
- Visitors to/users of RL Pash Reserve.
- City of Prospect Access and Inclusion Community Advisory Committee

Note: Payinthe Kumangka were not consulted on this project. It is recommended to consult this group in the next stage of engagement.

Promotional & engagement activities undertaken

Activity	Description	Target Group
Webpage Engagement Hub	Project webpage on Council’s Engagement Hub website providing background information on the project, key documents, survey and provision for written submissions.	<ul style="list-style-type: none"> • Residents near RL Pash Reserve. • Wider City of Prospect community.
Webpage City of Prospect > Public Consultation	Website promoting all current consultations, linking readers to the project webpage for further information.	<ul style="list-style-type: none"> • Residents near RL Pash Reserve. • Wider City of Prospect community.
Webpage City of Prospect > RL Pash	Website subpage promoting consultation, linking readers to the project webpage for further information.	<ul style="list-style-type: none"> • Residents near RL Pash Reserve. • Wider City of Prospect community.
Survey (Atch. #1)	Survey established on Council’s Engagement Hub website to gain feedback on how our community currently use the reserve and what they would like to see included in the upgrade.	<ul style="list-style-type: none"> • Residents near RL Pash Reserve. • Wider City of Prospect community.

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Activity	Description	Target Group
Written Submissions (Atch. #2)	People were invited to make written submissions via Council's Engagement Hub website or via email to admin@prospect.sa.gov.au	<ul style="list-style-type: none"> Residents and/or ratepayers near RL Pash Reserve. Wider City of Prospect community
Drop-in sessions #1 & #2 (Atch. #3)	Community were provided an opportunity to give feedback at the Prospect Spring Fair, 29 October 2022 and the Nailsworth Community Hall Open Day, 5 November 2022.	<ul style="list-style-type: none"> Residents near RL Pash Reserve. Wider City of Prospect community.
Presentation to Access and Inclusion Community Advisory Committee	Feedback is currently being sought from the City of Prospect Access and Inclusion Community Advisory Group. Feedback is anticipated early 2023.	<ul style="list-style-type: none"> Access and Inclusion Community Advisory Committee.
On-site Signage (Atch. #4)	(Non)Corflute signage erected at the reserve, informing people of the consultation and directing them to Council's Engagement Hub website.	<ul style="list-style-type: none"> Local residents and visitors to the reserve.
Mail out (Atch. #5)	Promotional DL flyer delivered to residents within 200m radius of project area (418 properties in total).	<ul style="list-style-type: none"> Residents and/or ratepayers within a 200m radius of RL Pash Reserve.
Social Media (Atch. #6)	Post on Council's Facebook to promote the consultation and invite feedback via Council's online Engagement Hub.	<ul style="list-style-type: none"> Council's social media community.
Earnt promotion (Atch. #7)	Member for Adelaide socialised 2,500 flyers linking readers to the Engagement Hub website.	<ul style="list-style-type: none"> Local residents and visitors to the reserve.

Findings and results

Overview

- 42 surveys were completed in total
 - 28 online surveys were completed
 - 27 submitted
 - 2 draft, noting both by same person. Will include feedback as resident lives directly opposite the current play equipment.
 - 14 print surveys were completed
 - 2 @ Prospect Spring Fair (drop-in session #1)
 - 12 at Nailsworth Open Day (drop-in session #2).
- 6 relevant written submissions were received.
- 1 relevant comment was received via social media
- 31 group interactions across drop-in sessions.

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Key Findings:

- The reserve is used by various people across multiple generations, however, the highest respondents included families with children (75% response rate), noting that 79% respondents advised children are between the ages of 6-12 y/o.
- The most commonly used facilities at the reserve include (survey):
 - Lawn for recreation other than exercising dogs (66%)
 - Fitness equipment (59%)
 - Play equipment (59%)
- The things people currently like/enjoy most about the reserve include:
 - Open space/ grass
 - Play equipment
 - Fitness equipment
 - Proximity to where residents live
- The most common things respondents stated they would **like to see** included in the upgrade include:
 - Open space retained
 - Fence
 - Fitness equipment retained (either current or new)
 - Upgraded play equipment
- The most common theme respondents stated they would **not like to see** included in the upgrade include:
 - Basketball half court due to noise

Survey

The Engagement Hub website provided the option of an online survey for people to provide information about how they currently use the reserve as well as feedback on what they would like to see considered/included as part of the upgrade.

This same survey was printed out for the drop-in sessions facilitated.

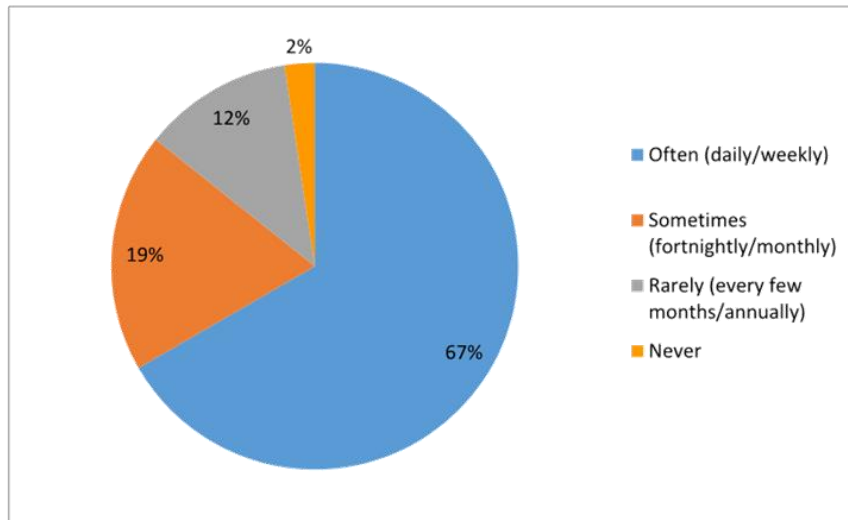
In total, this survey received 41 submitted responses. There were two additional surveys drafted but not submitted, by the same person. It has been decided to include one of these surveys as the resident lives directly adjacent the current play equipment, so the **total surveys submitted results to 42.**



Summary of survey results

Q1: How often do you use the reserve?

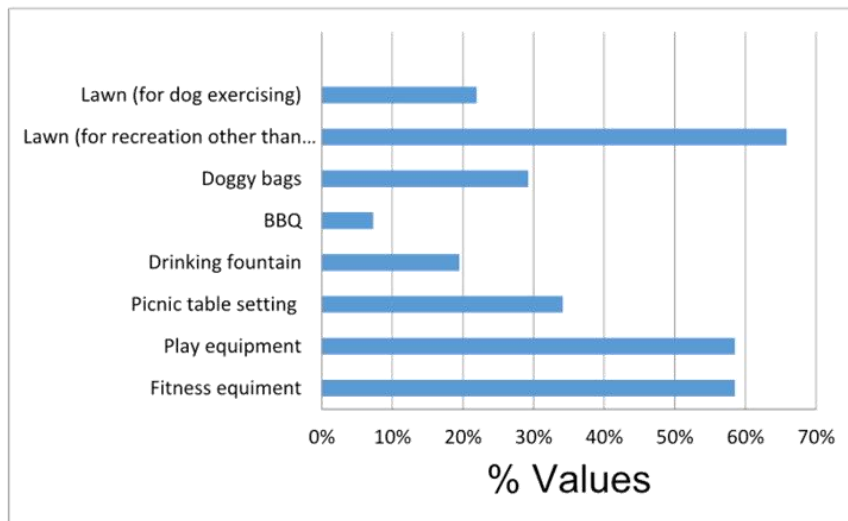
Most respondents use the reserve often (daily/weekly).



Q2: Which of the existing facilities do you currently use?

The most used facilities at the reserve are:

- Lawn (for recreation other than exercising dogs)
- Fitness equipment
- Play equipment





Q3: What do you currently like/enjoy about the reserve?

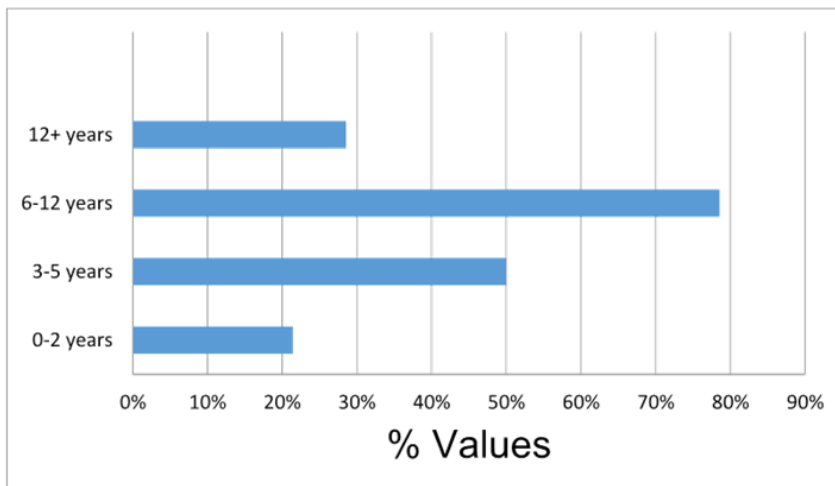
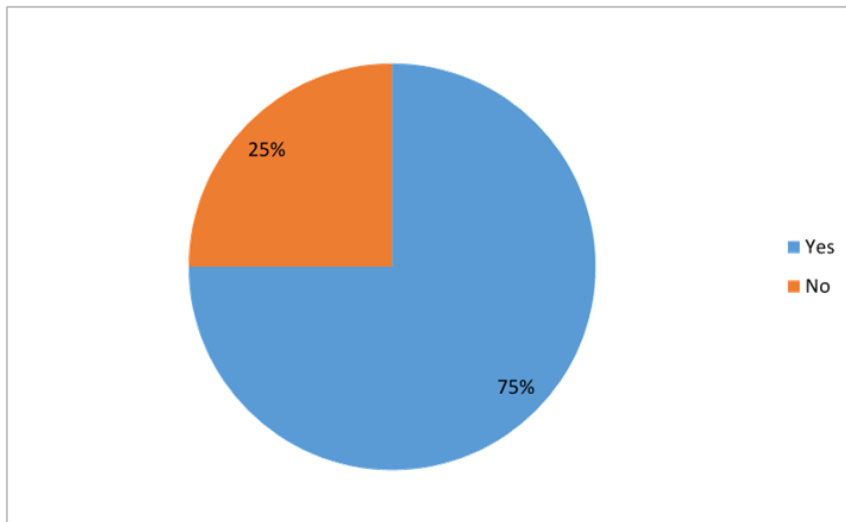
The top 3 things people currently like/enjoy most about the reserve are:

1. Open space/ grassed area
2. Fitness equipment
3. Play equipment

A complete list of the comments received can be found in Attachment 1.

Q4: Do you visit the park with your children?

75% of respondents visit the park with their children, ranging in age from 0 – 12 plus years, with most children being aged 6 – 12 years (79%).



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Q5: The proposed scope for the upgrade includes the following items as a minimum:

- **New activity space for older children (eg. half-court and basketball ring) and update accessibility and inclusivity equipment for younger children.**
- **Relocate and upgrade existing outdoor exercise equipment away from road.**
- **Construct a fence along the park D'Erlanger Avenue edge to improve safety of young children.**
- **Update the BBQ facility.**
- **Implement a bioretention basin as part of Councils Stormwater Management Plan.**
- **Integrated Artwork**

Do you have any feedback on these items?

- **Yes**
- **No**

The top common themes amongst the feedback included:

- Installing a fence is welcome
- Retain the grass/open space for sporting activities
- General support for retaining exercise equipment in current location
- Do not install a half-court

Minimal or nil comments were made with regards to:

- BBQ upgrade
- Accessible equipment – note need to have accessible paths to get to equipment
- Bioretention basin – if attracts mozzies, plant citronella plants nearby

A complete list of the comments received can be found in Attachment 1.

Q6: Is there anything special to the local area that you would like to see represented in the upgrade of the park?

The key themes that respondents would like to see included in the upgrade include:

1. Artwork
2. Natural elements/ Nature play (eg. small native bushland, natives, herb garden, nature based playground)
3. Aboriginal culture reflected (via art, flora, signage)
4. Local history illustrated (signage)

There were minor comments about new play equipment, not enough to warrant to list here specifically.

A complete list of the comments received can be found in Attachment 1.



Q7: Is there anything else you would like to see as part of the upgrade?

The most common things respondents stated they would like to see included were:

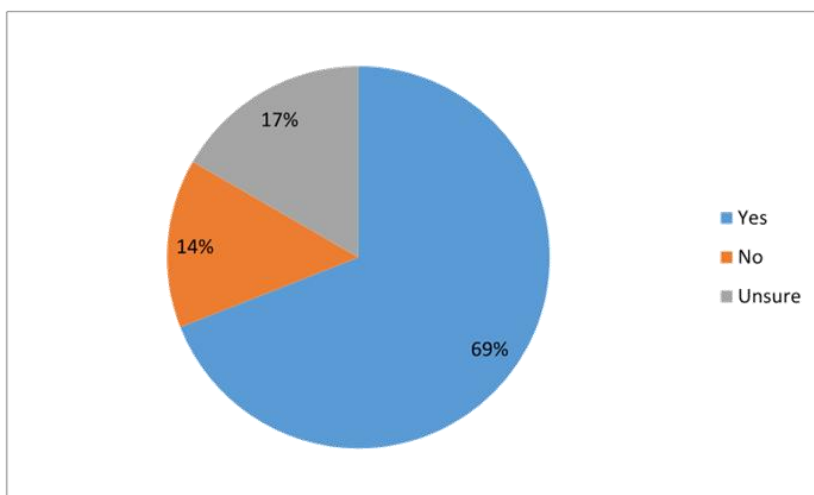
1. Keep grass
2. More play equipment/ Improved play space
3. Toilet access

Lighting was only mentioned once, however, this may be an important feature as apparently there has been known misconduct in the park which involved the police.

A complete list of the comments received can be found in Attachment 1.

Q8: If the playspace was upgraded to suit your needs, would you visit more often?

Approximately 70% of respondents said they would visit the park more often if it were upgraded, approximately 15% were unsure and approximately 15% said they would not visit the park more often.



Written Submissions

A total of 5 written submissions were received (4 via Engagement Hub/Email and 1 via drop-in session).

The key themes raised in the written submissions were:

- Child friendly play equipment (slide, something to climb, swings)
- Fitness equipment well utilised
- Keep oval as is to cater for how it is currently used.

The full list of written submissions can be found in Attachment 2.

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Drop-in sessions #1 and #2

Two face-to-face drop-in sessions were held whilst the public consultation was open:

1. Drop-in session #1 @ Prospect Spring Fair, 29 October 2022
2. Drop-in session #2 @ Nailsworth Hall Open Day, 5 November 2022.

There was no feedback received at the first session, however, there was great conversation at the second session (31 groups), considering it was held at RL Pash, so a direct line to the community.

Key themes of support included:

- Fence
- Green open space
- Leave park as is.

Key themes of concern included:

- Basketball courts (noise)
- Noise
- Lack of toilet facilities

A full list of comments received is provided in Attachment 3.

Access and Inclusion Community Advisory Group

Feedback from the Access and Inclusion Group from the meeting held on Thursday 15 December 2022 is as follows:

- The group discussed the reserves and highlighted several points for further consideration, including car parking that is accessible, loose ground coverage around play equipment, (can make this a barrier for wheelchair users to access the play equipment), public toilets (if not on site, how far is the nearest? This is a barrier for families to use a reserve if there is no availability of toilets) and wheelchair friendly benches and tables (that allow for a wheelchair to comfortably sit at the table) as well as adequate seating.
- Amir noted these comments and will take these back to design team as further feedback. Final designs can be brought back to the group and presented in the new year.
- AICAG members are invited to provide any further feedback by January 2023 at absolute latest.

No further feedback was provided.

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Social Media

One social media post was published on 18/11/2022 to promote the consultation. Only one comment was received, which was to see more than one swing for toddlers. This comment received three likes.

It should be noted here that there was an oversight by the Project Team with regards to the Grant Agreement between Council and the Department for Infrastructure and Transport. As such, there was a three-week turnaround to receive approval on the social media copy, thus why only one post was shared.

The one comment received is provided in Attachment 6.

Promotional materials (signage, mailout, earnt promotion)

Unfortunately, there was an error where the incorrect QR code was used on City of Prospect hard copy promotional material (non-corflute sign and DL flyer). This was brought to the attention by the office for Member for Adelaide. This was corrected within hours by redirecting the incorrect QR code to the correct URL at the backend.

To see graphics used, please refer to Attachments #4 (On-site signage), #5 (mail out/ DL) and #7 (earnt promotion).

Conclusion

RL Pash Reserve is enjoyed by many members of the community, who primarily favour its open space for a diverse range of activities (eg. ball games, fitness, gatherings).

Retention of the open space lawn and fitness equipment (in current location) came through heavily across the various questions asked within the survey, noting that the exercise equipment if moved, should avoid cutting into the open space.

Improvements to the existing play equipment are desired. A fence does read to be supported however consideration needs to be placed so it does not interrupt the "flow" or open nature of the park.

The feedback of the introduction of a half-court is slanted towards not including one due to noise attributed from either the ball or from members of the community.

Recommendations

1. Community feedback received as part of this consultation (round 1) is used to develop a draft concept plan for the reserve upgrade.
2. Further consultation (round 2) is undertaken on the draft concept plan to ensure it meets community needs and expectations.
3. Ensure that Payinthe Kumangka are consulted in the next round.

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Attachments

1. Survey responses – Comments in full
2. Written submissions
3. Drop-in sessions
4. On-site signage
5. Mail out / Promotional DL flyer
6. Social media posts
7. Earnt promotion

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Attachment 1: Survey Responses – Comments in Full

1. How often do you use the reserve?

N/A no qualitative section included.

2. Which of the existing facilities do you currently use?

N/A no qualitative section included.

3. What do you currently like/enjoy about the reserve?

1. The tree canopy cover, and good turf, and open/connected in all directions
2. The large grass area is great although hasn't been mown recently.
3. Fitness equipment
4. "It's close proximity - we live less than 5 mins walk away from the park and other major parks require crossing main north road which isn't very safe with young children. The green space is lovely and trees. "
5. Local to our home. Pleasant to use
6. The open grass space
7. Open grass area and bbq
8. Close to our house as we live directly next to the park so very convenient. Friendly atmosphere. Play equipment.
9. Great open space used by ALL ages
10. Fitness equipment and the play equipment
11. Fitness equipment for young and old
12. "This is a comment from my 10 year old son: We like the big open grassed area, because we play footy, cricket, frisbee and soccer on it. it is the only place we can do it in our neighbourhood. I run around the park with my brothers and we always see people we know there. my little brothers love the pirate ship and the swings. we also use the exercise equipment. it might look boring to adults but it has everything we need. if you relocate the exercise equipment and put a basketball court there what about the grass area we love so much?"
13. The community facilities
14. Open space
15. Everything is fantastic. Think there could be some minor maintenance on swings and exercise equipment
16. Proximity to my house
17. Large open space close to home
18. Our granddaughters enjoy visiting our local playgrounds when she stays with us. We like nature- open spaces, grass, trees.
19. Living in a neighbouring house, I like it when its quiet. Its also good for young children to use the play equipment, and for adults to use the gym equipment.
20. "The shady trees. The metal sculptures on Derlanger Rd. The lush lawns. The shade is fantastic. Please don't remove the shade and lawn section. Please don't put rubber matting down everywhere. It gets hot and there is enough at the Mawson at playground and the Broadview oval playground. Keep this park different /unique with the large deciduous trees and colourful flowers. I would love to see the white roses remain and sections with colourful flowers like Petunias or irises and colourful lovely flowers. I don't like the pine trees and the pollen and needles they drop, but the shade they provide and shelter to the park is significant so please keep them there. If the fitness equipment is on the other side, near the roses it will help those of us that suffer hayfever from one trees."

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21. Quiet and leafy with the exercise equipment.
22. Openness, that young families use it, and community fun tons sometimes happy here.
23. It's close to home, and I can walk there with toddler grandchildren
24. Open, accessible and not busy
25. The reserve is adequate as is; there is no need to spend money on this park. It has play equipment which gets used regularly and is fit for purpose, as is the exercise equipment. Don't spend money for the sake of the council 'open plan strategy' either redirect funds to something more useful or how about don't spend the money at all!
26. the fitness equipment and the open space
27. The open space and children's play equipment
28. Open areas with sunlight and shaded areas are important. Play equipment that adults can use too are great such as that at Dingley Dell Reserve.
29. "Play equipment plus open space for ball games. PLEASE LEAVE A GOOD OPEN SPACE FOR BALL/FRISBEE GAMES."
30. "Love the open space to kick the ball and have a run with the kids. Great shade."
31. "Mixed - play equipment for kids + gym for kids. Table and chairs while you wait for kids doing activities in the hall. Water fountain a must."
32. Local, always has people here, shade, gardens
33. The grass
34. -
35. We use it to kick the footy and soccer ball
36. Free exercise equipment
37. Fitness equipment - if it is replaced with new, I'd prefer similar equipment as what's here can be used by the very elderly people
38. "It's quite open. Perhaps one or two more play equipment @ northern end. I really like it much the way it is."
39. The shade, the area it is situated
40. Open space, exercise equipment
41. The green grassed area!
42. The greenery and trees. Need more play equipment

4. Do you visit the park with your children? If so, what are ages are they?

N/A no qualitative section included.

5. The proposed scope for the upgrade includes the following items as a minimum:

- **New activity space for older children (eg. half-court and basketball ring) and update accessibility and inclusivity equipment for younger children.**
- **Relocate and upgrade existing outdoor exercise equipment away from road.**
- **Construct a fence along the parks D'Erlanger Avenue edge to improve safety of young children.**
- **Update the BBQ facility.**
- **A bioretention basin as part of Council's Stormwater Management Plan.**
- **Integrated Artwork.**

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Do you have any feedback on these items?

- Yes
- No

If selected yes, please provide your feedback

1. "Enough already with the accessibility play equipment! It never gets used. Seriously, whats the point unless you fix your paths and make everything linking to it accessible. Do we need a bball ring? How about you fix the piece of cr*p ones at narnu wirra first? You cant even maintain or renew those but want to build new ones? People seem happy enough with what is there now - just fix the paths and add some more trees. Or demonstrate how you can fund more new infrastrucutre when you cant even maintain your existinf"
2. The ducks near the road are super dangerous, they are good to play on but need to be moved. The fence is a great idea. The playground should be a nature playground like at prospect oval, the equipment is small and the space could be so much better used. The back space is such an unused area.
3. No need for a sport court, put in a nature play ground to allow for children to interact with nature.
4. "The half court basketball ring is good, but I'm interested to know what the upgrade to the play equipment involves. The current play equipment is dismal! Just 2 swings and a sad little boat. It is honestly the most boring little playground, so inevitably the kids play all over the exercise equipment which is not intended as play equipment - at some point a child will end up injured and I can imagine how problematic this could potentially be. Just a decent playground for the younger kids would be great with some decent climbing frames or similar for young primary school aged children. It would be such a good use of space to put better equipment in for all the young children in the area. Particularly given how much council money has been spent on playgrounds on the other side of main north road - Prospect seems to get all the spending and Nailsworth is always such an afterthought. The fence to improve safety though is a very welcome addition as this is another reason we have avoided the park when our kids have been very young. Retaining as much greenery as possible and particularly growing a barrier between the road with extra greenery (along with the fence) would be welcome."
5. Good idea to relocate equipment as feels unsafe near road. Also the all way feels unsafe stepping out of the park onto the road. Needs new lighting. Netball ring incorporated into half court would be good as No netball courts locally. More seating would be good.
6. Sounds good - definitely want to emphasis need for much better play ground equipment for young children - specifically a nature play ground. Ideally this play ground is inside an enclosed fence area to keep young children safe, away from the road.
7. Ensure enough area for kicking football
8. We are very keen for a playground upgrade as it is currently very old and minimal equipment. We agree a fence would make the park much safer.
9. "No to a half court that will lead to teenagers bouncing balls to all hours of the night, noise and rubbish concerns from the youth using the area. The exercise equipment is in a good position as it leaves the rest of the park open for other users, but agree they need upgrading"
10. Basketball ring and fence are a fantastic idea

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11. "Even though I do not use the park I go past it every day. There are often older people using the fitness equipment. It is important this is retained. More interesting play equipment"
12. "If you are constructing a fence, would you still need to relocate the exercise equipment? It would be nice to have it upgraded, but at the moment it's nicely out of the way. Where are you planning for the half-court to go? If it is at the northern end of the park (away from the community centre) that would work, but it should not take away from the grass area that is so popular with the kids. What sort of equipment are you thinking of for younger children, as the park on Harvey Street was recently re-done with a focus on equipment for younger children - they are better catered for in our area than older primary aged children."
13. Nickycreate would make a fantastic piece of art
14. Update on fitness equipment. Shade for play equipment. Toilet.
15. I don't feel that spending funds on this park is the best use of current council funds. The council has a large debt and the belt needs to be tightened. I feel the same about all parks in all areas of Prospect at this time
16. We hardly use this park because of the limited play equipment. Play equipment similar to the equipment in the parks on Harvey St or Le Fevre North Adelaide would be good.
17. The proposal sounds quite good but more play equipment for young children definitely required and some where to shelter when the weather turns
18. I do not support the 1/2 Court and basketball ring idea. May I suggest upgrading equipment at Mawson Street Tennis courts for older children - ie. more basketball and netball rings, better lighting etc. This would then cater for all groups of children at Narnu Wirra Park (courts for older children, great playground for all, picnic and BBQ area), leaving Pash Park more nature based, open space/grass, more trees and picnic areas with 0-10 age appropriate and inclusive play equipment . No courts would also reduce: after hours noise (language and interactions associated with adolescent basketball users) to the number of homes/residents bordering Pash Park, therefore reducing crowding and language issues.
19. "The half-court basketball court is not a good idea. For most children who play basketball in the area, they already have basketball rings in their driveways/yards. Having a basketball court could also attract drunk teenagers to make noise playing at unsuitable hours. I dont see a need to re-locate the exercise equipment. What feedback have you had to prompt this consideration?"
20. "I was going to suggest - a fence section for young children, on delanger I have often thought that, but hope the park also has open sections so it's also open for kids to ride bikes onto the pathway The exercise equipment away from the road was another suggestion I had considered. Perhaps a little shelter over the picnic table for wet rainy days. Perhaps another seat over the other side for people to sit on. Perhaps a bike stand over near the door to the community centre (I can't think of one is already there) but if so please retain it so people can stand their bikes in a bike stand rather than lying them all down on the lawn. It's just easy to use a bike stand when you are getting older like me!!!! "
21. The retention of the exercise equipment is our key interest as we use it daily and have done so since it was installed.
22. "Older children play soccer or cricket here, never seen a basket ball or tennis racket. Cricket nets and a soccer goal would get more use. Don't clutter

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multi-functional open grassed area with highly specified equipment that inhibits its general availability. The exercise equipment is used by multiple persons every morning and evening in its current position. A reason to move it is not obvious."

23. The playground equipment for younger children is extremely limited and boring, with only a pirate ship and 2 swings. It needs climbing and exploration equipment
24. Im not so sure about the artwork? The green space on Harvey St, the art work is awful, and the painting on the side of the community centre is a little boring. I think the exercise equipment is in a good place it doesnt take up the laarge open grass space which is great for picnics and open gym classes.
25. Agree with the above proposal. However, please retain as much open space as possible for leisurely sports activities like footy and soccer.
26. Shaded area with a pergola would be useful for picnicking and signage for when council sprays weed killer is imperative for people as well as dogs who may touch the ground with feet or hands.
27. PLEASE LEAVE GOOD OPEN SPACE FOR BALL GAMES AND KIDS TO RUN.
28. Fence def a good idea
29. Will it (stormwater) make more mozzies? Plant citronella near this.
30. See below.
31. fence along the park's D'Erlanger Avenue edge (this was underlined on print survey)
32. "Half-court/basketball - not good, too noisy
33. Open space is good"
34. (Note: yes was selected on the print survey, but no feedback written)
35. (Note: yes was selected on the print survey but no feedback written)
36. (Note: no option was selected on print survey)
37. (Note: no feedback was supplied on print survey despite selecting yes)

6. Is there anything special to the local area that you would like to see represented in the upgrade of the park?

1. Include some art if you want but not if it costs money
2. Nature elements to the playground is my main concern.
3. Creating a small native bushland
4. Maybe some artwork reflecting cultural diversity, lots of natives, herb gardens
5. No
6. Something related to indigenous culture
7. No
8. Nature based playground.
9. Not sure about this question
10. No
11. No
12. "Don't try and provide ""something for everyone"" as you run the risk of providing ""nothing to anyone""..... Children LOVE this park - it mightn't look like much, but it is often where they choose to go to have a run around and free play. It is a popular park and there are always people there when we go - we see people we know almost every time we visit. By fencing it in, relocating the exercise equipment, adding a half court and putting in more equipment, you run the risk of taking away what the kids love most - open space to run around freely. The path through the park is also popular with kids learning / practicing scooting and riding their bikes."
13. N/A

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14. No
15. No
16. No
17. Some signs and photos stating historical information about the area
18. Local artwork, Art work and Flora representing First Nations People.
19. More plants, greenspace
20. "The ABC building is so close. It maybe clever to reference our ABC in the artwork. I mean who doesn't love and have fantastic memories of Playschool or for older people Dr Who. Keep the shade and please don't rip up the lawn and put those reedy plants. That is at JWRattley Reserve. Please keep Pash Reserve as lawn and shade for picnics. I feel the current artwork on the community centre is ugly and not appealing."
21. The park currently represents the local area very well.
22. No.
23. There MUST be toilets please, as young children can't always wait until they get home
24. Nil
25. no
26. Make sure the garden area is maintained, perhaps the addition of a small community veggie garden
27. N/A
28. A community mural funded by the council.
29. -
30. "Nature play. Even a little bit of history of the area > we love learning about where we live and what happened before."
31. Arts path
32. Fence is a great idea perhaps signage for drivers to slow down. More play equipment would be great. Happy with basketball ring if sound mitigation is in place.
33. -
34. Community garden, slides, trampoline, flying fox, fountain, water play equipment, climbing equipment, sandpit
35. -
36. -
37. -
38. -
39. More local history tributes to the street and park [eg. old title with original street name (Darcy)]
40. -
41. A nature play development! Really would like this for our kids.
42. No.

7. Is there anything else you would like to see as part of the upgrade?

1. More trees, plants
2. A nature playground, toilet facilities, fencing a better BBQ area, keeping the large grass space.
3. Add a gym plus swimming pool
4. "I really cannot emphasize enough the need for some decent play equipment!!! Preferably wooden, nature play too - not just a play ground but the type of space that encourages kids in creative outdoor play, like the work that Climbing Tree does and Nature Play SA. A sandpit, a mud kitchen, diggers etc. along with a good climbing frame and monkey bars. If there was

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- a decent playground we would be there every day! We have 3 kids and our kids go to school with so many children from the area so I'm sure they would all use it frequently too."
5. Tennis court with lights
 6. No
 7. DO NOT BAN DOGS, it needs to be a dogfriendly park
 8. Retain and add picnic tables/seating
 9. Upgraded exercise equipment and play equipment would be appreciated, so long as they don't take up the grass space. Please don't make the mistake of thinking this is a sad, old park that needs to be "fixed" - it is a very popular park that would benefit from a bit of a spruce up, but keeping in mind that the grass area, exercise equipment, and open feel are what people love most about it.
 10. Toilet facilities.
 11. No upgrade required. Money should be spent on maintenance of existing equipment and wait until council has enough funds to re investigate upgrades.
 12. Shelter over the play equipment and seating area
 13. BMX track.
 14. "Inclusivity - cater for children with special needs. More trees, shrubs, undercover BBQ area and more seating. Neighbour friendly lighting over exercise equipment."
 15. "The pathway around the park. So many people take little children riding around the park. It's great as it's off the road and shady and a great place for younger children to ride, both to learn and practice. But the corner near the roses and the t junction corner near the fitness equipment the pathway has tight corners. This is where little children fall off their bikes. It makes it hard to go around those sharp corners on a bike. It would be great to see the corners rounded so the children can have little races and practice learning to ride bikes in a safe space without falling into the rose bushes on the corner.
 16. I love the lush green grass.
 17. I wish it was more bbq /birthday friendly for young children /families by having access to a clean toilet. If it was possible to have a way to access a toilet in the community centre via an outdoor door, it would be fantastic. We have family picnics at the Mawson St/East Tce park purely for the clean toilets.
 18. I'm not sure about a bio retention basin for stormwater and how that will be safe for young children.
 19. Please please don't remove all the lush lawns. This is a great space for teenagers to kick a ball. JW Rattley Reserve on Harvey St, has lost that space for teenagers to Play. Please don't remove the lawn at Pash reserve as so often people are kicking balls while little kids ride around the pathway. Please don't remove ANY trees. We need to keep the shade and lawn as much as possible.
 20. What about little street signs like a giveaway sign and a stop sign and maybe a little yellow post with traffic light circles painted on it and lines on the pathway so the little kids can play give way and stop and go etc. so many little kids ride their bike around and around that pathway. And as infill and further develop occurs they need this space to learn to ride safely. Having little traffic symbols/ signs will help improve their bike riding skills into the future to encourage bike road safety. We need more people riding around out city to improve the climate and reduce obesity too."

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21. Just the exercise equipment.
22. "1. The park currently has no security lighting, apart from light pole with the light totally obscure by tree branches. I am aware of at least one alleged sexual assault that occurred in the park. Security lighting needs to be upgraded, but with consideration for the effect on nearby houses. 2. the park currently provides bbq equipment, a table and a well kept open area for social events. But such park usage is restricted by the lack of a public toilet. The Council should install a 'latest generation' public toilet facility to encourage extended usage of the park during daylight hours. 3. I live at 2 Collins Street Collinswood. Current landscaping in the north western corner of the park has effectively reduced the height of my rear side fence to 1.2 - 1.3 metres on the park side. This creates a significant privacy and security risk. A new rear, side boundary fence should be installed that provides a 'park side' height of 1.8 - 2.0 metres."
23. Although I would use the park more (with grandchildren)when upgraded, an alternative use of the land could be to have a UK style system of allotments, for use by the many Prospect households who have limited room for growing their own food. Tenants would pay the council an annual fee to cover water etc, and would each have their own plot
24. Improved play space for smaller children
25. no
26. community garden
27. More benches to sit on
28. The benches need to be wider between the back rest and seat if they are the metal ones such as at Dingley Dell. There is little room to sit on.
29. KEEP THE CIRCULAR PATH / FOOT PATH FOR KIDS TO RIDE SCOOTERS/BIKES.
30. More play equipment.
31. Access to the toilet in the community centre would be great.
32. Water play area
33. -
34. Round basket swing (good for older kids)
35. Toilets (not the ones in the hall as it is often closed)
36. -
37. Yes - new paths (or rather improve the existing paths)
38. Glad the fence is being done
39. Slide, other play equipment for children
40. -
41. Family friendly.

8. If the playspace area was upgraded to suit your needs, would you visit more often?

N/A no qualitative section included.

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Attachment 2: Written Submissions

1.

Chris,
 Dear Chief Executive Officer,

I write to provide the feedback I have received, as the Member for Adelaide, regarding my election commitment to upgrade R.L. Pash Reserve on D'Erlanger Avenue.

As you may be aware, I have been out and about in my community, listening to local residents and frequent users of the park about what upgrades they would like to see at this beloved community site. I have received feedback from many in my community through direct correspondence, survey responses, and conversations around the area and at the recent Prospect Spring Fair.

Local residents' suggestions for the upgrade to R.L. Pash Reserve included: an increase in seating, improving drainage around play equipment, update existing play equipment, a fence at the park's boundary for the safety of children and dogs and to stop balls from going onto the road, the addition of a basketball hoop or half court, retain as many trees as possible, keep open grassed space for dogs and fitness classes.

Many in my community were pleased when they heard I was working in partnership with the City of Prospect to deliver this upgrade to such a popular open, green space for the community.

I look forward to continuing working on this project and I appreciate all your efforts in assisting me in delivering this commitment to our community.

Thank you for considering the feedback of my local community.

2.



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3.

RL Pash Reserve Upgrade 2022-24

ATTENTION TONY MILLS

Q1 I use the reserve often

Q2 I use doggy bags and the lawn for exercise of me and my dog. My dog loves running around on his lead if he is able to depending on who is using the park. Sometimes I will sit at the table and enjoy the ambience of the park. I have been to numerous meetings at the Nailsworth Hall. I have observed much of the activity at the reserve.

I appreciate being given the opportunity to comment on an upgrade to Pash reserve.

I have lived in Collinswood for nearly 40 years and often use Pash Reserve to have my dog run around on lead so that both he and I get exercise. This is usually for up to 30 minutes at a time having walked him from my home and back. However as the council has started to fill the park with equipment this has become more and more difficult to do.

My observation over the years is that people value the open space and the tranquility/calmness of the park.

I have also spent time when children are not using the Jack Rattley reserve to take my dog since the upgrade though this is not possible so much when there are children in the reserve though the parking and traffic in Harvey street make this difficult. (This park is in fact only a 10 minute walk from Pash reserve and a lot of money has been spent on play equipment in this park as well as the other park next to the Petanque club which is also 10 minutes walk from this park and has had a lot of money spent on upgrading the playground.) I make the following observations.

The removal of the lawn and replacement of the lawn with a large area of bark chips in the Jack Rattley Park/reserve has resulted in irresponsible dog owners allowing their dogs to pooh on the bark chips and the irresponsible ones do not pick it up. It is then very hard to see the dog pooh amongst the bark chip which creates a health problem for children using the park. The bark chips are also much more uncomfortable to walk on than the grassed area much of which is also in the boiling hot sun on hot days. Please do not remove the lovely lawn from Pash Reserve and replace it with bark chips. Please keep all the lawn and the trees.

Pash reserve is currently used by local families, children and adults and older people and is free from drug use, vandalism, and criminal activity on the whole and I ask that whatever you decide to do you make sure this does not change.

Once sometime ago I went to the park with my dog and found a very distressing scene.

Text omitted due to graphic and distressing content.

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Text omitted due to graphic and distressing content.

It will be very important in what you decide to do to not do anything that will attract a criminal, drug taking and abusive/violent element to the park.

On the above note then, there has been a suggestion that you add toilet facilities to the park which could be inclined to attract more negative element/activity to the park. There are toilets in the Nailsworth Hall which is open during the day. As most people who use the park walk there from nearby homes they can return home if needed. In all the time I have used the park over the years I have never needed to go to the toilet when I have been there. Young children can easily be managed round this issue and can use the Nailsworth Hall when open during the day or go home. They are unlikely to be in the park at night.

There has been a suggestion to add a basketball hoop and half court to the park. Please do not do this as there are too many homes in close proximity to the park and you would have constant complaints from the people living in these homes who would experience significant irritation by the constant thudding of the basket ball all hours of the day and more particularly in the evening. This is very infuriating and would drive some people away from the park. There are numerous examples of Basketball hoops that have created constant problems in parks. You had to remove the xylophone from the Jack Rattley reserve because the hitting of the tubes caused constant irritation to the people in the homes nearby. Also we need to encourage free play for children and young people and it is important you leave space where children can create for themselves. This is what currently happens when older children kick a football or soccer ball or play cricket on Pash reserve. Putting a half court in the park which is small would stop a lot of activity that currently happens in the park which would stop some young people and current users from using the park.

I also do not support moving the exercise equipment from where it is. The equipment itself is still in very reasonable condition and in all the times I have been to the park there has never been a problem with its location. Where it is it does not interfere with anyone and is a good location for this activity. The exercise equipment has been a great success and is well positioned on the edge of the grass area. It is used by both adults and children under the supervision of their parents or grandparents. I have not observed anyone hurting themselves on the equipment or ever thought that equipment is in a bad place and needs to be moved. Where it currently is people can use of freely without impacting on anyone else in the park.

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My observation is that the park is slowly becoming more crowded and I value open space. Please do not remove any of the trees and continue to fill the park with playground equipment. On many occasions I have observed young late primary school age boys kicking a football or playing cricket and people exercising their dogs. This needs to be allowed to continue to occur. Older people will sit at the table and chat. It is important that any change to the park caters for all groups and individuals who want to use the park not just children who are 7 years and younger or older children's sports. The council is inclined to only cater for these groups at the exclusion of other groups.

Whilst there are only two pieces of playground equipment the swings are well utilized. The boat is less well utilized as it is stationary and children can only really sit in it. The boat could be replaced with several pieces of more active equipment such as something to be climbed on and incorporating a slippery dip, but this needs to be contained given how many different groups and individuals use the park for numerous reasons ie keep the playground footprint restricted to this small area. Many people of all ages use the open area including people using the hall and this seems to work well to cater to many groups needs.

There has been a suggestion to fence the park. I have for some time been concerned about the proximity of the park to D' Erlanger Tce which has a growing number of cars using the road and many people are driving above the 40k speed limit. It would improve the safety of dogs and children to put a fence along the D'Erlanger side of the park with a small gate at the northern end so that people can enter the park from this corner. The gate would need to be self closing as many people leave gates open when they use them.

There is not a lot of support for fencing off the playground area as this would break up the flow of the park and make it look crowded and reduce the space for the general community even more. The park is used by walkers who walk around the periphery of the park and through the park and fencing off the playground area would greatly reduce the ability for adults to do this.

I support using some of the money to fix the storm water problems. I have also heard that there have been problems with the building of the new shed next to the men's shed and would support some of the money going towards fixing this project.

I have to say I am concerned about the suggestion that more money is spent on art. The ducks on the verge are well chosen and blend very nicely with the casuarinas. They do not look dated and are pleasing on the eye.

However I find I do not like the new mural on the Nailsworth Hall wall. It has no relevance to the park and does not blend in at all. As a person living near the hall, often visiting the park and driving past the hall I find it very dominating and loud and disturbing. It does not blend into anything to do with the park but rather hits me in the face all the time. It concerns me about who makes these decisions and where do they live and what consultation occurs with the local community who have to live with these

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art works. Often I think the decision making is by people who do not live in the vicinity of the art works. I think there needs to be more local involvement in decisions about art work as the people who have to live with it. I also think there is overspending on art work by council and that the current two art works are sufficient for a small park. However perhaps you could redo the mural on the hall wall to be something that blends more into the park environment and is sympathetic to the space and activities in the park..

I like the park and the open space the way it is and find the trend to try and make parks crowded and fill them full of playground equipment very distressing. Parks need to cater for all age groups and given we live in an infill neighbourhood where we are losing gardens, trees and open space at an alarming rate and our neighbourhood has become very noisy with traffic and planes we need to retain some uncluttered calm open space. This park is very small with housing very close to the park and any upgrading should retain what we already have, be respectful of neighbours and not try to be over the top and cluttered.

You need to be careful in your decision making that what you do does not start to exclude/preclude people who currently use the park eg people exercising their dogs and if this is the case you need to examine whether you have a bias towards certain groups in the community and certain activities in parks..

4. To Whom It May Concern.

As a resident in Rosetta Street, I have had 30 years of observing activity in the reserve. This reserve has a high level of activity across all age groups. Keeping the space open and appropriately vegetated is important.

The space is used in the following ways. Suggestions follow dot points as appropriate.

- Young mothers and their children, often meet up near the play items and use the swings and "boat". The area around the playground equipment can get boggy in wet weather: suggest upgrade children's play items (a couple only) but within the footprint of current items. Improve drainage.

- Meeting place for residents in the area who are often, older. They sit and chat at table and on benches on the reserve. Check strategic location of these for use by residents.

- Good use of exercise equipment by locals, especially older residents and in the area north of the path through the reserve, for exercise independent of equipment. Update equipment if necessary but within current footprint.

- Meetings of groups in the Nailsworth Community Hall. These often spill out onto the reserve, with children playing on the expanse adjacent to the hall and adults chatting in informal groups. Local children often play on this grassed area, football etc. Keep the expanse of lawn as is.

- Incidental use by dog owners who sit at the bench/table near the hall and throw a ball to their dogs (during allowed off leash hours) or who traverse the park on their walks.

- Walkers enjoy traversing the reserve and people also do circuit work (exercise) using the paths within the reserve.

- Incidental use by personal trainers on lawn near the hall.

A suggestion has been made to fence the playground area. This would segment the park and reduce the visual and physical flow through the reserve. Currently young

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children and their mothers use the equipment that is there, comfortably. I see no reason to fence the playground equipment. A suitably designed fence along the Derlanger Road/Pash Reserve edge (beyond the casuarinas) might be worthwhile with regard to safety to stop balls, children and dogs running onto the road. This would not interfere with the "flow" of the park.

A toilet has also been suggested. Most use is by locals who live in close proximity to the reserve. Toilets could introduce undesirable activity in the reserve (drug users, "hook-ups" etc). In the 30 years of my use of Pash Reserve I have never felt that a toilet is missing. When the Nailsworth Community Centre is in use by groups, toilets are available with in the centre.

This small reserve works well as is. It has a good ambience. It currently works well for people across age groups, with different needs and from different cultural backgrounds. It is one of the best reserves in Prospect. Expenditure to do any upgrading should be consistent with what is already there. The area is too small for grandiose and expensive upgrading.

5. I unfortunately missed the 20 Nov round one Pash Park Consultation date, I had 30 Nov as a mental note for some reason. However, as previously emailed to you earlier this year I live in Collinswood and have two young children under 3 years and the only park in walking distance is Pash Park. I am so glad to hear an upgrade is in consultation. My number one request is that the upgrade considers child friendly play equipment. Such as a slide, small climbing equipment, and swings. There is a park in Walkerville that has a great small climbing and slide equipment set at the Walkerville Oval Playground. It is the simple equipment children love to use, the complex equipment proves somewhat hard to use. Also if possible a sports ball playing area would be great such as small football, soccer goal area or netball/basketball nets would be amazing. We look forward to this upgrade and am happy to discuss this with anyone who may want to further understand or clarify anything.

6. It seems I was just too late to submit some feedback on the RL Pash Reserve Upgrade 2022-24. The one piece of feedback I wanted to give was: * I really like the outdoor exercise equipment (I use it weekly as I only live around the corner on North Street) * I would really like the "pendulum swing" and "body twist" exercise equipment retained as part of the redevelopment (they are part of my morning walk routine and very good for the back & core 😊).

Attachment 3: Drop-in session feedback

Drop-in session 1 and 2 statistic snapshot

	RL Pash drop-in #2 Nailsworth Hall Open Day 05/11/22	RL Pash drop-in #1 Prospect Spring Fair 2022 29/10/22
Total interactions	31	A number of groups visited the consultation marquee throughout the day and took flyers, however, as the tent sought other feedback the number of interactions or flyers taken were not counted.
Total flyers distributed	13	
Total surveys completed	18	3
<i>Print</i>	12	2
<i>Online</i>	6	1
Total E-Hub page views per day	108	12

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RL Pash drop-in #2 – Feedback

Statistics supporting info

- Total interactions: Katrina counted 38 and Tony counted 23. Divide this by 2 results in 30.5, which I have rounded upwards to 31 persons.
- Total flyers: A total of 13 flyers were taken by stakeholders on the day.
- Surveys:
 - o Print: A total of 12 surveys were completed on the day of the event.
 - o Online: A total of five surveys were completed online on 5 November 2022.
- Engagement Hub: There as a total of 108 page on 5 November 2022.

Key themes of support

- Fence
- Green open space
- Leave park as is.

Key themes of concern

- Basketball courts
- Noise
- Lack of toilet facilities

Feedback

Respondent 1

- Likes the park the way it is as it's a quiet, open, green space.
- Does not support a noisy park; consider nearby residents
- Does not support basketball court, nor play equipment.
- Keep the open space.
- Supports lawn.

Respondant 2

- Raised ground surface to his fence, needs to be replaced
- Lighting needs to be updated, but not so much that it shines in his windows (there has been a sexual assault reported thus the reason for lighting)
- Toilet facilities required
- Does not support basketball courts; too loud.

Respondent 3

- Supports BBall so his nephew has somewhere to play or a golf putting area as it has low-noise impact for the closer residentds.
- Has already completed the survey.

Respondent 3

- Hates the library; prefers a traditional library versus modern (warehouse).
- Loves the CHISP activities.

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Respondent 4

- Dislikes the exercise equipment, unsafe for her small children.
- Supports a fence.
- The ducks placed near the road need to be moved or fenced; due to the lack of play equipment, her small children play with the ducks, which is too close to the road.
- This is her closest park.

Respondent 5

- Loves the pirate ship; generates imagination for small son; would love to see any play equipment built on that.
- Likes the park as it is simple and not overwhelming.
- You see lots of dogs use the park; ok with this as there are other parks that she can use.
- Visits several times a week
- Loves the scrub/ wooded area near the road but worries about the road being so close; supports a fence.
- The exercise equipment is not great for her younger kids, but great for others.

Respondent 6

- Exercise equipment used well.
- If updating the play equipment, don't be silly, ie. don't do a "Harvey St".
- Likes that this park has open space is well utilised.
- Leave green space as is.
- Reasonable shade.

Respondent 7

- Keep the trees
- Supports a fence
- As there are lots of dogs which she does not mind, fence the park area to separate children from animals.
- Complete the footpath loop, so that children bikes/scooters/etc can loop around.

Respondent 8

- No need for an upgrade.
- Keep the green space; there is not many nearby parks with such ample green space
- So many other nearby parks.
- Do not add bark.
- Functions well as it is.

Respondent 9

- Leave space as is, nice to walk around.
- Toilets needed.
- Does not support basketball.
- Good space for a Christmas concert.

Respondent 10

- If there is new play equipment, build a train, or incorporate trains into the design, ie. train rocker.

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Respondent 11

- Bob was not notified of today's event (chat w Katie)
- There is no signage at this reserve about Probus (chat to Katie)
- FYI there is a geocaching activity within one of the logs in the area near the road.

Respondent 12

- Monkey bars
- Flying fox
- Safety; supports a fence.

Respondent 13

- Slide
- Playground
- Something to climb
- Keep the oval to run on – thank you

Respondent 14

- Mural is too loud; there was no consultation.
- Coffee is fabulous.

Respondent 15

- No.

Respondent 16

- Potholes

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Attachment 4: Onsite signage

HAVE YOUR SAY

RL Pash Reserve Upgrade



Let us know how you use the park and what you would like to see included in the upgrade.

Scan the QR code above or visit cityofprospect/engagementhub.com.au

Consultation closes Sunday 20 November 2022





Attachment 5: Mail out / Promotional DL flyer

- COME JOIN US -

OPENING DAY
NAILSWORTH
COMMUNITY
HALL

Free Community Event

Lets celebrate our recently renovated community facility.
 Ribbon cutting by Mayor David O'Loughlin

Free face painting & Coffee + BBQ breakfast

Where
 31 D'Erlanger Ave,
 Collinswood

When
 10am - 12pm
 Saturday 5 November
 2022

Have Your Say

RL Pash Reserve Upgrade

With the generous support from the State Government, we are upgrading RL Pash Reserve (corner of Collins St and D'Erlanger Ave, Collinswood, adjacent to the Nailsworth Hall) in the 2023/24 financial year.

We invite you to give us feedback on how you use the reserve and suggestions for what you would like to see for the park. Your feedback will help inform a draft concept plan.

There are three ways to have your say:

1. Prospect Spring Fair – Council marquee – Saturday 29 October 2022 – 10am to 3pm at Broadview Oval / Yarnta Tutu Yarta.
2. Nailsworth Community Hall Open Day – Saturday 5 November 2022 – 10am to 12pm at RL Pash Reserve.
3. Online by Sunday 20 November 2022 – Scan the QR code below or visit cityofprospect.engagementhub.com.au

Engagement Report
 RL Pash Reserve Upgrade – Round 1 Consultation 2022



Attachment 6: Social media

City of Prospect
 November 18 · 🌐

👉 Share your thoughts – RL Pash Reserve Upgrade 👉

In partnership with the Member for Adelaide, [Lucy Hood MP](#), we're upgrading RL Pash Reserve!

Tell us how you use the park and what you'd like to see included in the upgrade by completing a short survey or providing a written submission.

Feedback is open until Sunday 20 November and will be used to prepare a draft concept plan that will go to community consultation again.

For more information or to offer your opinions and help design a park for you and your family and friends to use in generations to come, visit <https://bit.ly/3T1fCa9>

This project is proudly supported by the Government of South Australia through the SA Infrastructure and Transport.



3 comments

👍 Like 💬 Comment ➦ Share

Most relevant ▾

Write a comment...

Lorraine Dudzinski
 Whatever you do, I would like to see more than one swing for toddlers

Like Reply 4w

City of Prospect
 Lorraine Dudzinski thankyou I will pass this on to the team.


Like Reply 4w

<https://www.facebook.com/CityofProspect/posts/pfbid02jwP8suvbxrCk2AA2c7YsUeyDestSfczDchpcYJYnhp97rRuSEoYJosEAbqb3tZF>

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Attachment 7: Earnt promotion



Delivering for our
neighbourHOOD

I am delivering on my election commitment to upgrade **R.L. Pash Park Reserve** on D'Erlanger Avenue and would love to hear your feedback.

Have Your Say on the Pash Park upgrade!
 City of Prospect will be hosting a drop-in session at the Nailsworth Community Hall Open Day on Saturday 5 November from 10am - 12pm. If you cannot make it, see reverse for details on other ways to contribute to the consultation process.



Lucy Hood MP

Delivering for our neighbourHOOD

8269 1838 | adelaide@parliament.sa.gov.au | 84 Prospect Road, Prospect 5082

[f @LucyHoodAdelaide](#) [@LucyHoodAdelaideMP](#) [LucyHood](#)

YOUR COMMUNITY, YOUR SAY.

This is your opportunity to have your say on the upgrade of R.L. Pash Park Reserve on D'Erlanger Avenue, to be managed by the City of Prospect.

For information on the project and to provide feedback, scan this QR code or visit: www.cityofprospect.engagementhub.com.au
 Comments can be provided until Sunday, 20 November 2022.


I would also love to hear from you!

Provide your ideas for the upgrade to R.L. Pash Park Reserve below or email: adelaide@parliament.sa.gov.au

Name: _____
Email: _____


Address: _____
Phone: _____

Delivering for our
neighbourHOOD



Please return this survey:

Take a photo and email:
adelaide@parliament.sa.gov.au



Lucy Hood MP

Member for Adelaide

Authorised by L.Hood, 84 Prospect Road, Prospect SA 5082. Printed by Kivik Kopy, Shop 1, 183 Victoria Square, Adelaide 5000.

6 | PREFERRED CONCEPT DIRECTION

The concept plans were presented and reviewed by Council. Council's recommendation is to prepare a \$500,000 option. Feedback is as follows:

- Retain existing pathways.
- No shelter.
- Artwork will be approximately \$10,000 – mural of early settlement history (or similar) on the fence at the northern end of the park, as recommended by Clover. Funding will come from arts budget, therefore it can be costed below the line.
- New accessible picnic setting under the shade of an existing tree.
- No new BBQ.
- No charging station.
- No chess table/outdoor games.
- New table tennis table.
- No boardwalk.
- No ½ court basketball.
- Extend fence the entire length of D'Erlanger with child lock gates.
- Boulder to be placed under the shade of the existing tree.
- New playspace (under shade of existing tree canopies).
- New standard (double) swing set.
- New accessible basket swing set.
- New bioretention swale.
- Replacement like-for-like exercise equipment.

DRAFT

RL Pash Reserve
CONCEPT DESIGN REPORT | MAR 2023

14



Design Themes

During the development of the concept design, themes have been explored drawing inspiration from both the pre-european and post settlement landscape.

'The Pine Forest'

- The use of timber for local building
- Pre-european tree species on this site
- Connection to aboriginal culture

Connection to Water

- Integration of a swale and dry creek bed
- Use of wells in the area for water
- Connection to aboriginal culture



felled trees • adelaide plains understorey planting • circular shape of the well • bioretention swale to connect to water

DRAFT



Revised Concept Design

This project is proudly supported by the Government of South Australia through the Community Infrastructure Grants Program offered by the Department for Infrastructure and Transport

- replacement exercise equipment:
 - ① 3 pieces each zone
- play equipment:
 - ② double swing
 - ③ slide mound
 - ④ re-use boat
 - ⑤ basket swing
 - rock and log edging
- new fencing
- new gates
- youth offering:
 - ⑥ bouldering wall
 - ⑦ table tennis
- ⑧ new all access picnic setting
- informal log seating
- ⑨ new biofiltration swale (future stage 2)
- ⑩ retain existing pathways
- ⑪ retain open space
- retain existing:
 - ⑫ single burner bbq
 - ⑬ picnic setting
 - ⑭ seats
 - ⑮ drink fountain/bottle refill
 - ⑯ artwork
- compacted sand surface
- organic softfall
- rubber softfall
- mural opportunity to boundary wall



DRAFT



DRAFT

RL Pash Reserve
CONCEPT DESIGN REPORT | MAR 2023



Products



combined swing



outdoor table tennis



double slide to rock mound



bio retention swale, planting and play



replacement exercise equipment



bouldering wall



combined swing



replacement exercise equipment

DRAFT



Materials



sand stone rocks



compacted stabilised sand



rock edging



balancing logs



picnic setting



seating logs



log edging



softfall mulch & rubber



DRAFT



Planting



DRAFT



Product Register Search (CT 6194/281)
 Date/Time 24/02/2023 04:26PM
 Customer Reference
 Order ID 20230224008145



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6194 Folio 281

Parent Title(s) CT 5540/680, CT 6194/279
 Creating Dealing(s) VE 12759387
 Title Issued 26/07/2017 Edition 1 Edition Issued 26/07/2017

Estate Type

FEE SIMPLE

Registered Proprietor

CITY OF PROSPECT
 OF PO BOX 171 PROSPECT SA 5082

Description of Land

ALLOTMENT 1001 FILED PLAN 25076
 IN THE AREA NAMED COLLINSWOOD
 HUNDRED OF YATALA

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A TO THE SOUTH AUSTRALIAN GAS CO. LTD. (V 6389185)

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B TO THE MINISTER FOR INFRASTRUCTURE (V 6389185)

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B TO THE AUSTRALIAN AND OVERSEAS TELECOMMUNICATIONS CORPORATION LTD. (V 6389185)

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED C

SUBJECT TO RIGHT(S) OF WAY OVER THE LAND MARKED C (T 181977 T 181978 T 181979 T 197810 T 197811 T 197850 T 203085 T 227545 T 250102 AND T 350404)

Schedule of Dealings

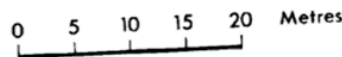
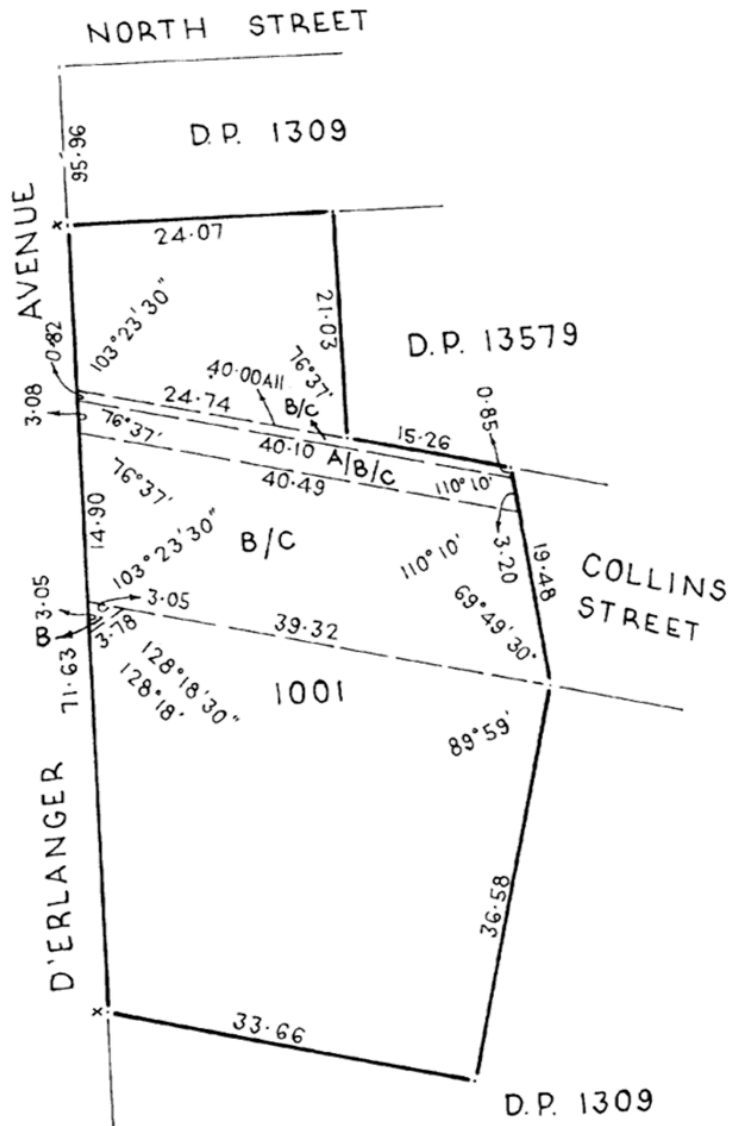
NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Product Register Search (CT 6194/281)
 Date/Time 24/02/2023 04:26PM
 Customer Reference
 Order ID 20230224008145



10.7 TENNIS PRECINCTS UPDATE**File Number:** IC23/53**Author:** Sam Wellington, Senior Project Manager**Responsible Executive:** Sam Dilena, Director City Works & Presentation**EXECUTIVE SUMMARY**

Through the Workshop held on 21 February 2022 staff provided an update to Elected Members regarding the upgrade projects proposed at the Broadview Tennis Precinct located at Broadview Oval/Yarnta Tutu yarta and the Prospect Tennis Precinct located at Memorial Gardens. This also provided an update on the clubs located at those facilities and commercial activities being undertaken associated with tennis coaching.

Council has previously committed \$900k over three years to upgrade the Broadview Tennis clubroom facility and courts, subject to a matching grant being attained (i.e. \$1.8m total). The previously endorsed Broadview Oval/Yarnta Tutu yarta Master Plan showed an upgrade to the whole precinct including an upgrade and extension of courts and a rationalisation of the existing clubrooms facilities on-site to one main clubroom facility.

The generational project being undertaken at the Broadview Tennis Precinct has facilitated the need for a strategic review of the precinct. An open Expression of Interest (Eoi) process is proposed to be undertaken to help identify the preferred operating model for the precinct and assist in identifying the interested tennis clubs / coaching professionals to occupy the precinct. This approach is proposed due to feedback received from Council following the previous Workshop. This report will also address the issue of allied tennis coaching professional services in the precinct, their extent of occupation, and a proposal to implement a relevant fee structure to recognise this commercial use of a community asset.

This report will seek Council's endorsement to commence a procurement process for the design services consultancy engagement for the design of the Broadview Tennis Precinct to 30% shovel ready status, including all necessary approvals and cost estimates.

Council endorsement is also sought to upgrade the existing court lighting at the Broadview Tennis Club immediately, utilising funds already allocated to address the current shortfall in provision of lighting as well as ongoing maintenance difficulties associated with their age and servicing.

This report will also provide an update on the progress of the Prospect Tennis Club upgrade project.

RECOMMENDATION**That Council:**

- 1. Having considered Item 10.7 Tennis Precincts Update receives and notes the report.**
- 2. Note a generational project proposed at the Broadview Tennis Club by the Council has facilitated the need for a strategic review of the broader tennis precinct at Broadview Oval/Yarnta Tutu yarta.**
- 3. Supports an Open Expression of Interest process as described within this report to commence, to assist in identifying the preferred operating model for the whole tennis precinct, the interested tennis clubs and allied tennis coaching professional services to occupy the precinct moving forward.**
- 4. Requests that a report with the outcomes of the Open Expression of Interest and the evaluation panel's recommendations be presented to a future Council meeting for consideration.**
- 5. Supports that staff negotiate a new long-term licence with the Prospect Tennis Club which will be presented to Council for its consideration at a future meeting.**

6. Requests that staff to consider the allied tennis coaching professional services at both the Broadview Tennis Precinct and Prospect Tennis Precinct including the extent of their occupation and a relevant fee structure to recognise their commercial use of community courts and present a report to the Council for its consideration at a future meeting.
7. Support that staff commence a procurement process for the design consultancy of Broadview Tennis Precinct to 30% shovel ready status, including all necessary approvals and cost estimates.
8. Supports that staff progress with a project to upgrade lighting at Broadview Tennis Club immediately, utilising funds already allocated to upgrade its courts to address shortfall in lighting provision and ongoing maintenance concerns up to \$100k.

DISCUSSION

Overview of the Broadview Tennis Precinct

There are significant tennis facilities within the Broadview Oval/Yarnta Tutu yarta Precinct, including 13 tennis courts, and 3 clubroom facilities. Broadview Tennis Club and Collingrove Tennis Club are long-standing users of the courts and clubroom facilities. Both clubs have held several leases and licences over the years, the most recent licences of both clubs expired in 2012, and since then, both clubs have been on month-to-month rollover arrangements with the Council.

Broadview Tennis Club's licence covers 2 courts at the north west end of the Oval, 6 courts at the south east end of the Oval, and two clubroom facilities, as shown in **Attachment 1**. Collingrove Tennis Club's most recent licence covers 4 courts at the south east end of the Oval, and a clubroom facility, as shown in **Attachment 2**. There is another community tennis court at the north east end of the Oval, which is a different surface that can facilitate several sports as well as tennis, and is open to the public and unlicensed to either club.

Within the Broadview Tennis Precinct there is a Council owned building, which is currently utilised by the Prospect Blair Athol Lions Club. The Lions Club have never held a formal lease or licence for the site, however, have been the occupants and users of the building since 2009. As part of this project, Council staff have met with the Lions Club in late March to understand their requirements as an organisation, and how they can operate within a redeveloped precinct. Part of this process will include reviewing the potential need for a lease or licence for the club to continue to operate within the precinct. Further information on the extent of occupation, use of the facility, ongoing needs and how this Club may be considered in any redevelopment will form part of a future report back to the Council.

Project Overview

Council has previously committed \$900k over three (3) financial years to upgrade the Broadview Tennis Club clubroom facility, and upgrade the courts, subject to a matching grant being attained. This \$900k commitment is centred on Broadview Tennis Club's facility and 6 courts at the southeast end of the Oval.

The scope of this previously committed money is to upgrade the 6 existing courts licenced to Broadview Tennis Club, construct 2 new courts in the vacant land that as formerly a croquet green for Broadview Tennis Club's use, and the construction of a new clubroom facility for Broadview Tennis Club's usage.

Broadview Tennis Club have undertaken a previous design of an upgrade, including for a new clubroom facility. This clubroom upgrade has been costed at a concept level at significantly above the available budget for the total project, approximately double. Whilst the design and cost estimate for the courts upgrade is yet to be undertaken it is unlikely that any significant club room upgrade could occur with the current level of funding available. The budget would likely fund the courts upgrade/expansion as well as an improved amenity for spectators.

Broadview Oval Master Plan Context

As part of a broader master planning project, Council in January 2021 endorsed a master plan for Broadview Oval/Yarnta Tutu yarta (**Attachment 3**). The tennis precinct was captured under this master plan, and there are several changes shown on the master plan from the existing Tennis precinct configuration. These include

- A rationalisation of the existing facilities and clubrooms onsite into one clubroom facility
- Court alignment changes
- Installation of shelters and an east-west walkway between the courts
- Realignment of the existing north-south walkway further west
- Installation of 4 additional courts, utilising the vacant croquet club lawns and clubrooms for this extension
- Several tree removals
- Minor impacts to parking due to location of new building.

The design for this project will align broadly with the endorsed Master Plan, noting the extent of funding is not available to allow the total tennis precinct to be upgraded to the extent proposed in the Master Plan. This would be funded as a separate stage/s of works in this precinct.

Project Costs and Timing

Initial investigations indicate that this \$1.8m total project budget (if grant funding is successful) is unlikely to be sufficient for a significant and complete development of all clubrooms and courts at the south east end of Broadview Oval.

While the design for the site needs to consider the site holistically, it is likely any redevelopment work will need to be undertaken in a staged approach. Under a staged approach, this initial focus would be on courts expansion and upgrading spectator viewing experiences, with a redeveloped new building facility to follow in a later stage once future funding is secured.

The scope of the deliverable in Stage 1 aligned to the available funding will be presented to the Council at a future meeting for its support as this project's development progresses.

Tenure of Site – Expression of Interest

As stated above, the existing licences for the Collingrove Tennis Club and Broadview Tennis Club expired in 2012 and are significantly out of date. Both clubs are operating on a month-to-month rollover basis with Council, which is less than ideal for large sporting organisations such as both clubs.

As part of this project, an open Expression of Interest (EOI) process will be undertaken for the precinct. This EOI process will seek to identify the preferred operating model for the entire tennis precinct, and the interested tennis clubs / allied tennis coaching professional services to occupy the precinct moving forward.

An open EOI process is proposed due to feedback received from the Council during the workshops held in February. There are advantages and disadvantages of using an open EOI process against using a closed EOI process. An open EOI process allows a broader range of potential bidders to express their interest, potentially opening up new uses of this space for Council, and could activate broader stakeholder engagement. It may also lead to an extended timeframe for review of submissions and offerings for staff, and impact on the already very tight timeframes for the project, noting the grant submission deadline later in the year. It is also worth noting the precinct is currently at or over capacity, and there is limited ability to have other licensees (or allied coaching professionals) in this space. It should be noted that an open EOI process may take up significant time and resources of both applicants and the evaluation panel, for use of an asset which is currently operating beyond its available capacity.

A closed EOI process would allow Council greater control over the process, reducing any potential unnecessary workload of both applicants and the evaluation panel. It would also appropriately reflect the long-term commitment to the space of both Broadview Tennis Club and Collingrove Tennis Club, and not force them to compete against other clubs or business models for use of the space, creating uncertainty for all involved. The disadvantage of a closed EOI is there is limited competition for the use of the precinct, and a diminished broader stakeholder engagement.

The EOI, including evaluation panel, criteria and other details is attached to this report (**Attachment 4**). Information received from interested clubs will be assessed by a Council appointed Evaluation Panel with recommendations provide to Council for their decision. Tennis SA have agreed to assist in the evaluation process, in providing expertise regarding the operation of tennis clubs, coaching and governance.

The evaluation panel for the EOI will consist of:

- Director City Works & Presentation, City of Prospect
- Manager Community Relations & Programs, City of Prosect
- Senior Manager, Tennis SA

To compliment the EOI process, Council will run an engagement and communication process to assist in driving stakeholder and community engagement. This will include liaising with Tennis SA to access their stakeholder resources, as well as an internal communication strategy, utilising signage on-site, targeted engagement, resources on our website, and social media posts. This will be sufficient to ensure the community is aware of the EOI process and have the ability to engage with the process.

A Council Workshop to discuss the preferred Licensee recommendations will be scheduled for later in 2023 and the Council Meeting to decide the preferred Licence (which will then go to broad community consultation) will follow this workshop. In developing this EOI, regard for the collateral/process the Council undertook at Charles Cane Reserve when considering establishing long term licences was reviewed and adapted for this project, noting the outcome was viewed broadly as a success.

The EOI is a crucial next step for the project, as having confirmed long-term leasing and/or licensing arrangements in place will be fundamental to Council's chances of being successful in any grant application on the project. Confirming the operating model and tenants moving forward is equally as important to ensure Council's assets are being managed in an appropriate and responsible manner, and the maximum community benefit being gained from these assets.

The criteria for the EOI are listed below, and in more detail as Attachment 1 to this report. There are three (3) major assessment categories for the EOI, encompassing Community, Infrastructure and Finance and Governance.

Tennis Clubs – EOI Criteria

Community (50%)

1. Actual Local Prospect resident participation within the sport or club organisation
2. Potential Local Prospect resident participation within the sport or club organisation
3. Maximise use of Courts and Clubrooms - willingness and capacity to operate cooperatively and share the facilities as required.
4. Accessible - encourage participation, fees, equipment, casual and members.
5. Diversity in opportunities in the city - type of sport, gender, age, culture, social inclusion.

Infrastructure (25%)

6. Contribution to potential upgrade projects, improving the facilities of the Tennis precinct.
7. Contribution to continuing to improve the facilities of the Tennis precinct.
8. Environmental considerations.

Finance and Governance (25%)

9. Governance - business plan, management structure, policies and evaluation, risk management, child protection practices, history of effective systems etc.
10. Economic Sustainability – systems, grant funding.

The EOI will be held as an open process, to allow any interested parties to put forward expressions of interest. The evaluation panel will comprise the Council's Director City Works & Presentation, Manager Community Relations and Programs, as well as a Tennis SA senior manager. This panel will be highly skilled to ensure appropriate applicants are selected for tenure of the precinct moving forward.

This project is a generational opportunity to align the EOI with the substantial proposed upgrade to the site. Staff have also been working with Tennis SA and Tennis Australia about the appropriate operating model for the site, as Tennis SA view the Broadview Tennis Precinct as one of their top 3 metropolitan facilities from a strategic perspective. Tennis SA are keen to ensure the greatest community benefit from the site is realised, and this EOI is an opportunity for Council to achieve this.

Council staff will consider how allied tennis coaching professional services are undertaken at all public tennis sites within the Council area as well as within the Broadview Tennis Precinct. Staff will also consider the extent of their occupation, and a relevant fee structure to recognise their commercial use of community courts. Staff have been liaising with Tennis SA, a management consultant, and benchmarking against other similar facilities to formulate appropriate fee structures for this use. This will be developed, and a proposal presented back to Council for its approval in a future Council report.

An EOI for interested allied tennis coaching professional services will be undertaken at the same time.

Allied Tennis Coaching Professional Service Providers – EOI Criteria

1. Actual and potential Local Prospect resident participation within service provided.
2. Maximise use of Courts and Clubrooms - willingness and capacity to operate cooperatively and share the facilities as required.
3. Hours and Extent of occupation required.
4. Governance - business plan, management structure, policies and evaluation, risk management, child protection practices, history of effective systems etc.
5. The extent to which their activities support the Community Tennis Club at this site or in the City of Prospect.

Procurement of Design Services

As part of the progression of this project, it is proposed to commence in parallel the procurement of design services consultants for the design of the Broadview Tennis Precinct project.

This engagement will see the design process through to 30% shovel ready status, including all necessary approvals and cost estimates. It is necessary that this process commence at this time to enable the project's status to be 'grant ready' for the next round of State Government's Office of Recreation Sport and Racing grants later in 2023.

Broadview Tennis Club Lighting

Council staff, in staff engagement that has occurred associated with this project's development, have had a request from the Broadview Tennis Club regarding the condition of the existing lighting on their courts. These lights have reached the end of their life and are providing diminished outcomes for tennis training and matches under lights. There are maintenance issues with replacing the existing aged fittings, due to the condition of the courts pavements not being able to take heavy loads, and accessibility of the lights.

As such, Broadview Tennis Club have requested Council upgrade the lighting as a short-term deliverable to ensure the facility can continue to be used to its full potential. This report seeks Council's approval to upgrade the lighting utilising budget from the \$900k already allocated. Council staff would ensure any new lighting infrastructure would be able to be reused in any redevelopment that occurs, to ensure full value is achieved from purchase.

Estimates to replace the lighting are approximately \$100k, and Council staff would undertake a full procurement process, complying with Council's procurement policy, to ensure appropriate processes are followed and value for money achieved.

Prospect Tennis Club Upgrade Project

Council has previously committed funding of \$450k of a required \$900k project to upgrade the Prospect Tennis Club courts (8 No) and associated infrastructure (ie fencing, surface, base, nets, and other items). Noting only \$425k was allocated in the 22/23 Annual Budget. The project is reliant on grant funding being successfully sought to fund the difference in costs between the Council budget and the cost of the upgrade.

A plan of the licence area of the Prospect Tennis Club is provided in **Attachment 5**. It should be noted that this project does not include any upgrades to the clubrooms.

Staff have undertaken a procurement process and engaged consultants Wallbridge Gilbert Aztec to undertake the design process. This has commenced with initial site investigations underway.

There are no plans to expand the number of courts at the Prospect Tennis Club, with the existing number of 8 courts to be retained and upgraded. There is some interaction of this project with the War Memorial at the eastern end of the site, and project staff have met with the Prospect RSL to begin this engagement. There are 11 pine trees located between the eastern end of the tennis courts and the War Memorial. It is likely that these pines will need to be removed as part of the project which was discussed with the RSL representatives when on site. Project staff will continue to engage with the RSL to ensure that if the pines are removed, an appropriate landscaping treatment will be installed to the RSL's satisfaction, to ensure this site can continue to function as a significant War Memorial and place of importance for Council and the community.

The licence for Prospect Tennis Club is expired, and as part of this project, Council will negotiate a long-term licence arrangement with Prospect Tennis Club. This will be an important step to undertake before applying for grant funding for this project later in the year. As part this process, staff will also enter into a formal agreement with allied professional tennis coaching services that are utilising the sites, to ensure Council has an appropriate agreement in place generating value for money.

Relevance to Core Strategies / Policy

- Broadview Oval Yarnta Tutu yarta Master Plan
- Lease and Licence of Community Facilities Policy 2008
- Draft Lease and Licence Policy 2022
- Community Plan
- Community Engagement and Consultation Policy
- Fees & Charges Register
- Community Land Management Plan
- Retail and Commercial Leases Act 1995

Community Plan: Towards 2040

► Connected & Caring

2-to-5-year timeline

- CC2.4 Ensure greater recognition and support of precincts and neighbourhood gathering places such as Collinswood Precinct, Broadview Sports and Recreation Precinct / Yarnta Tutu yarta, Nailsworth Hall, Charles Cane / Parndo yarta Reserve, Howard Street precinct across the city.

► Active & Engaged**FY 20/21 Measures**

AE1.2 Develop model governance frameworks for sporting and community groups to facilitate greater opportunities for involvement and access by residents to their facilities across the city.

► Inclusive & Diverse**2-to-5-year timeline**

ID2.6 Create opportunities for new culturally diverse citizens to be actively involved in Council programs and activities.

► Responsible & Sustainable**2-to-5-year timeline**

RS2.1 Continue to plant additional street trees to align with the 'Green Tunnel' strategy.

RS2.2 Promote and support projects (public and private) that include water quality and Water Sensitive Urban Design measures.

RS2.4 Understand and increase levels of annual tonnes of recycled materials used in our civil infrastructure projects.

RS2.7 Demonstrate innovation in the supply and delivery of infrastructure projects.

Intelligent Community Indicators

5. Sustainability: Economic growth while reducing the environmental impact of that growth
6. Advocacy: Engaging leaders and citizens, businesses, and institutions, in identifying opportunities to champion positive change

ATTACHMENTS

1. **Broadview Tennis Club Licence Area**
2. **Collingrove Tennis Club Licence Area**
3. **Broadview Oval / Yarnta Tutu yarta Master Plan**
4. **Expression of Interest Documentation - Broadview Tennis Precinct**
5. **Prospect Tennis Club Licence Area**

Broadview Tennis Club Licence Area



5/1/2010

Scale 1:1,267



Cadastral, Planning and associated data, is supplied by SA Government under licence agreement

Collingrove Tennis Club Licence Area



5/1/2010



Scale 1:2,330

Cadastral, Planning and associated data, is supplied by SA Government under licence agreement

1. PROPOSED TWO STOREY COMMUNITY AND SPORTING HUB
2. EXISTING OVAL WITH REFURBISHED CRICKET PITCHES
3. REPLACEMENT COACHES BOXES
4. PROPOSED WARM UP AREA AND CRICKET NETS
5. UPGRADES TO EXISTING TENNIS COURTS - CONVERT TO SYNTHETIC MULTI USE (TENNIS & BASKETBALL) COURTS
6. UPGRADE TO EXISTING DOG PARK (UNDER CONSTRUCTION)
7. PROPOSED MINI SKATE PARK
8. PROPOSED PUBLIC AMENITIES AND ROLLER STORAGE SHED
9. UPGRADE TO EXISTING PLAYGROUND (UNDER CONSTRUCTION)
10. EXISTING WATER TANK (SHED TO BE REMOVED)
11. EXISTING BMX TRACK
12. EXISTING FITNESS STATION
13. PROPOSED LIGHTING TO EXISTING RUNNING TRACK
14. UPGRADE TO OVERSPILL CARPARK WITH TRAFFICABLE LAWN
15. PROPOSED SINGLE STOREY TENNIS CLUBROOMS WITH ROOF DECK
16. TENNIS COURTS
17. REFURBISHED BOWLS CLUB
18. EXISTING LAWN BOWLS WITH UPGRADES
19. PROPOSED SYNTHETIC LAWN BOWLS
20. REFURBISHED STORAGE SHEDS
21. PROPOSED CARPARK
22. PROPOSED BBQ AND SHELTER
23. PEDESTRIAN ACCESS





Expression of Interest

Broadview Tennis Precinct (Broadview Oval)

This Expression of Interest form is provided by Council to canvass interest and decide upon the best sports club or mix of tennis clubs and allied tennis coaching professional services to take up a limited License(s) over the Broadview Tennis Precinct, Broadview Oval.

Details provided by your Club or allied tennis coaching professional service through this Expression of Interest form will be used by Council to decide upon a limited License(s) for the tennis precinct; any other information will be requested from the Club as required, please do not send information other than what has been requested.

Located within the eastern part of the City of Prospect along Myponga Terrace and Collingrove Avenue, existing licences for the tennis courts and Clubrooms have expired. Council is considering undertaking a generational redevelopment of the precinct, and Council is interested to hear from tennis affiliated sporting clubs, organisations or individuals interested to take up a long-term License(s) within the tennis precinct. It is important to note the long-term tenure of both the Broadview Tennis Club, Collingrove Tennis Club, and their ongoing interest in the site.

- The Expression of Interest process will conclude on XXX XXXth XXX 2023, late Expressions of Interest will not be accepted.
- Expressions of Interest may be sent:
 - By email to sam.wellington@prospect.sa.gov.au (preferred)
 - PO Box 171 Prospect SA 5082 Attention: Sam Wellington
- In the interests of fairness, the quantity and format of information provided by each Club for this Expression of Interest has been detailed in this EOI.
- All enquiries to Sam Wellington, Senior Project Manager
Email – sam.wellington@prospect.sa.gov.au
Telephone – 8269 5355
- Tours of the Clubrooms and courts may be arranged upon request.

Period of the License

A License is likely to be offered for an initial five years with the option of two renewals each for an additional five-year period, a total of fifteen years. The final period of the licence will be subject to negotiation with the successful parties. This licence negotiation will include negotiating a licence fee for occupation.

Subject to Council's rights and to the Licensee complying with the Licensee's obligations under the proposed Licence, the Licensee may occupy the Licensed Area during the times of use during the term of the license without interference from the Council.

Site Details

Please see **Annexure A** for a Site Map showing the location and area of land relevant.

Background

Broadview Tennis Club and Collingrove Tennis Club have licences over parts of the precinct, including respective courts and clubrooms. These licences expired several years ago, and the clubs are currently operating on a month-to-month rollover basis.

Council has committed \$900k in its budget to upgrade the Broadview Tennis Precinct, subject to a matching grant being attained (for a total of \$1.8m). This upgrade will broadly align with the previously endorsed Master Plan for the Broadview Oval sporting precinct, please see **Annexure B** for more details of this master plan.

This generational upgrade to the Broadview Tennis Precinct will include works to design future clubroom facilities, and ensure Council is ready for future grant funding opportunities. The upgrade will also include a potential expansion in the number of courts, as well as new surfaces, fencing, lighting and other infrastructure.

At the March 2023 Council meeting, the criteria for this Expression of Interest were discussed and endorsed by Council.

Information received from interested Clubs and allied professional coaching services will be assessed by a Council appointed Evaluation Panel according to the criteria, any additional information will be requested as required, with recommendations provide to Council for their decision.

The evaluation panel for the EOI will consist of:

- Sam Dilena, Director, City Works & Presentation, City of Prospect
- Katie Faraonio, Manager, Community Relations & Programs, City of Prospect
- Matt Fitzgerald, Manager Venues & Infrastructure, Tennis SA

A Council Workshop to discuss the preferred Licensee recommendations will be scheduled for later in 2023 and the Council Meeting to decide the preferred Licence(s) (which will then go to broad community consultation) will follow this workshop.

Promotion

Council has prepared a comprehensive communications and promotions plan for this Expression of Interest process. This includes signage on-site, promotion on our social media and within other media, as well as contacting the relevant clubs.

TENNIS CLUBS -- Criteria for Use

Community (50%)

1. Actual Local Prospect resident participation within the sport or club organisation
2. Potential Local Prospect resident participation within the sport or club organisation
3. Maximise use of Courts and Clubrooms - willingness and capacity to operate cooperatively and share the facilities as required.
4. Accessible - encourage participation, fees, equipment, casual and members.
5. Diversity in opportunities in the city - type of sport, gender, age, culture, social inclusion.

Infrastructure (25%)

6. Contribution to potential upgrade projects, improving the facilities of the Tennis precinct.
7. Contribution to continuing to improve the facilities of the Tennis precinct.
8. Environmental considerations.

Finance and Governance (25%)

9. Governance - business plan, management structure, policies and evaluation, risk management, child protection practices, history of effective systems etc.
10. Economic Sustainability – systems, grant funding.

Requested Information

Community (50%)

1. Actual Local Prospect resident participation within the sport or club organisation

Provide not more than one A4 sized page.

- Number of existing members of your Club who currently reside within City of Prospect geographical boundaries?
- Describe the history and/or connections that your Club has with Prospect?

2. Potential Local Prospect resident participation within the sport or club organisation

Provide not more than one A4 sized page.

- Describe the steps that your Club will take to engage local Prospect residents to join your Club and encourage their participation within your sport or as a Club member or volunteer?
- Describe strategies within your Club's Business Plan that are relevant to this requirement to engage with residents?

3. Maximise use of Courts and Clubrooms - willingness and capacity to operate cooperatively and share the facilities as required.

Provide not more than one A4 sized page.

- Describe how your club will facilitate community access to the courts and facilities.
- Describe your capacity and willingness to cooperate with other Clubs that may require access to the Clubrooms and/or Courts throughout the year.
-

In consideration that several Sport Clubs will be operating from the Clubrooms and Courts...

- Describe the Club's capacity and willingness to work cooperatively with other Clubs?

In consideration that the Courts is a community asset used by a wide number of Clubs, groups, Schools and individuals using the courts for informal recreation...

- Describe the Club's capacity and willingness to work cooperatively and positively to accommodate a wide cross section of the community?

4. Accessible - encourage participation, fees, equipment, casual and members.

Provide not more than one A4 sized page.

- Provide detail about the people actively involved with your Club, including ages, gender, what they do, etc.
 - Junior players
 - Senior players
 - Club officials
 - Volunteers
 - Other
- Provide details of the fees and charges applied by the Club to your members/participants?
- Provide details of the equipment requirements applied by the Club to your members/participants? What does it cost for a junior and senior member to join and participate within your Club?
- Describe any sponsorship or support initiatives provided by your Club to encourage those less able to participate within your Club?
- Provide details of Club policies, procedures and practices to involve people with disabilities within Club activities?
- Describe the level of commitment required from the Club for participation within Club activities? I.e. casual memberships, 'come & try' options, etc.

5. Diversity in opportunities in the city - type of sport, gender, age, culture, social inclusion.

Provide not more than one A4 sized page.

- Describe any sponsorship or support initiatives provided by your Club to encourage those less able to participate within your Club activities?
- Provide details of Club policies, procedures and practices that involve people with disabilities within Club activities?
- What does the Club do to engage with and involve women and girls within Club activities?
- Describe what the Club does to develop an inclusive and non-discriminatory Club culture?

Infrastructure (25%)

6. Contribution to potential upgrade projects, improving the facilities of the Tennis precinct.

Provide not more than one A4 sized page.

If offered a long-term License for the courts and Clubrooms...

- Describe what the Club will do to contribute to any upgrade opportunities.
- Describe the resources that the Club could bring to an upgrade project.

7. Contribution to continuing to improve the facilities of the Tennis precinct.

Provide not more than one A4 sized page.

If offered a long-term License for the courts and Clubrooms...

- Describe what the Club will do to continue to develop and improve the Clubrooms and courts?
- Describe the resources and amenities that the Club will bring to the Clubrooms and courts?
- Describe the Club's medium to long term plans for the development of Club activities at the Clubrooms and Courts.

8. Environmental considerations.

Provide not more than one A4 sized page.

Describe the Club's commitment to...

- Implement water saving opportunities.
- Reduce energy use in Council's buildings & lights.

Finance and Governance (25%)

9. Governance - business plan, management structure, policies and evaluation, risk management, child protection practices, history of effective systems etc.

Provide not more than one A4 sized page and/or requested attachments.

- Provide a copy of the Club's Business Plan
- Provide a copy of the Club's evidence of Incorporated Association
- Provide a copy of the Club's evidence of Public Liability Insurance
- Provide details of the Club's management structure, policies and evaluation, risk management, child protection practices, history of effective systems etc.

10. Economic Sustainability – systems, grant funding.

Provide not more than one A4 sized page and/or requested attachments.

- Provide a copy of the Club's last 3 years audited financial statements.
- Provide a copy of the Club's medium to long term financial plans.
- Provide details of grant funding being received by the Club.

END

ALLIED TENNIS COACHING PROFESSIONAL SERVICE PROVIDERS - Criteria for Use

1. Actual and potential Local Prospect resident participation within service provided.
2. Maximise use of Courts and Clubrooms - willingness and capacity to operate cooperatively and share the facilities as required.
3. Hours and Extent of occupation required.
4. Governance - business plan, management structure, policies and evaluation, risk management, child protection practices, history of effective systems etc.

Requested Information

1. Actual and potential Local Prospect resident participation within the sport or club organisation

Provide not more than two A4 sized pages.

- Number of existing users of your coaching service who currently reside within City of Prospect geographical boundaries.
- Number of potential users of your coaching service who reside within City of Prospect geographical boundaries.
- Describe the history and/or connections that your coaching service has with Prospect.
- Describe the steps that your coaching service will take to engage local Prospect residents to join your coaching service and encourage their participation.

2. Maximise use of Courts and Clubrooms - willingness and capacity to operate cooperatively and share the facilities as required.

Provide not more than one A4 sized page.

- Describe how your coaching service will facilitate community access to the courts and facilities.
- Describe your capacity and willingness to cooperate with other coaching services and tennis clubs that may require access to the Clubrooms and/or Courts throughout the year.

3. Hours and extent of occupation required.

Provide not more than one A4 sized page.

- Provide detail about the hours and extent of occupation required, including number of courts, and timeframe requirements.
- Provide details of the fees and charges applied by your coaching service to users.
- Provide details of how your coaching service will assist in getting users to play tennis with tennis clubs within the City of Prospect.

4. Governance - business plan, management structure, policies and evaluation, risk management, child protection practices, history of effective systems etc.

Provide not more than one A4 sized page and/or requested attachments.

- Provide a copy of your organisation's Business Plan
- Provide a copy of your organisation's evidence of Incorporated Association
- Provide a copy of your organisation's evidence of Public Liability Insurance
- Provide details of your organisation's management structure, policies and evaluation, risk management, child protection practices, history of effective systems etc.
- Provide a copy of your organisation's last 3 years audited financial statements.
- Provide a copy of your organisation's medium to long term financial plans.

ANNEXURE A – SITE MAP OF BROADVIEW TENNIS PRECINCT



Prospect Tennis Club Licence Area



5/1/2010

Scale 1:1,625



Cadastral, Planning and associated data is supplied by SA Government under licence agreement

10.8 ST HELENS PARK ROTUNDA**File Number:** IC23/56**Author:** Tony Mills, Senior Project Manager**Responsible Executive:** Sam Dilena, Director City Works & Presentation**EXECUTIVE SUMMARY**

St Helens Park Rotunda, which is identified as a Local Heritage Place (LHP), is currently closed due to its poor and unsafe structural condition. Investigations by qualified structural engineers highlighted severe corrosion in the embedded structural columns located within the cast iron upright posts, along with several other defects.

Through the investigations to date Council staff have consulted with various specialists to determine the steps required to complete the project, including a cast iron manufacturer, heritage architects, planning advice and structural engineers. After considering various options, Council staff have identified three potential solutions for the St Helens Park Rotunda, namely

- doing nothing,
- implementing a temporary repair, and
- undertaking a complete rebuild.

Option 1 - Doing Nothing: This option is not recommended as it does not address the structural defects in the rotunda, and the deterioration will continue to worsen over time. This option would result in the permanent closure of the rotunda, and loss of a community asset.

Option 2 - Temporary Repair: This option involves the installation of secondary columns at each post. However, this approach is not recommended due to the extent of works associated with the temporary measure, the poor interim aesthetic outcome which would result, the cost of these works and the length of time to be able to finalise this treatment being at least 5-6 months.

Option 3 - Complete Rebuild: This option takes into account the heritage status and character of the existing structure, restores a design life of 50 years, and provides improved accessibility to the rotunda. Although the estimated cost for this work is yet to be established, a first order estimate is in the order of \$250,000 and would require 9 months to complete from the time of funding approval. This option provides a long-term solution, ensures the preservation of the heritage asset, and enhances the park's amenity for the community.

Given the extent of the defects and the heritage significance of the St Helen's Park Rotunda, staff recommend Option 3, which involves a complete rebuild of the rotunda.

For the delivery of the project, \$250,000 over two financial years is sought to cover the following costs:

- \$30,000 for planning and design in 2022/23 financial year.
- \$220,000 for construction in 2023/24 financial year. This will be submitted as a budget bid for Council deliberation.

These costs are proposed to be funded from the Long-Term Financial Plan allowance in 2023/24 financial year for Building Renewal Projects.

RECOMMENDATION

That Council:

1. Having considered Item 10.8 St Helens Park Rotunda receives and notes the report.
2. Supports the total rebuild of the Rotunda to restore its design life to an as new condition.
3. Provides \$30,000 of funds for the planning and design of the project in the 2022/23 Budget as detailed in this report.
4. Supports a budget bid for \$220,000 be considered in the 2023/24 Annual Business Plan from the Long Term Financial Plan allowance for Building Renewal Projects.

DISCUSSION

The land of St Helens Park marks the site of the former St Helens House. The two-storeyed house, which was built in 1860, and associated land was purchased by the City of Prospect in 1946.

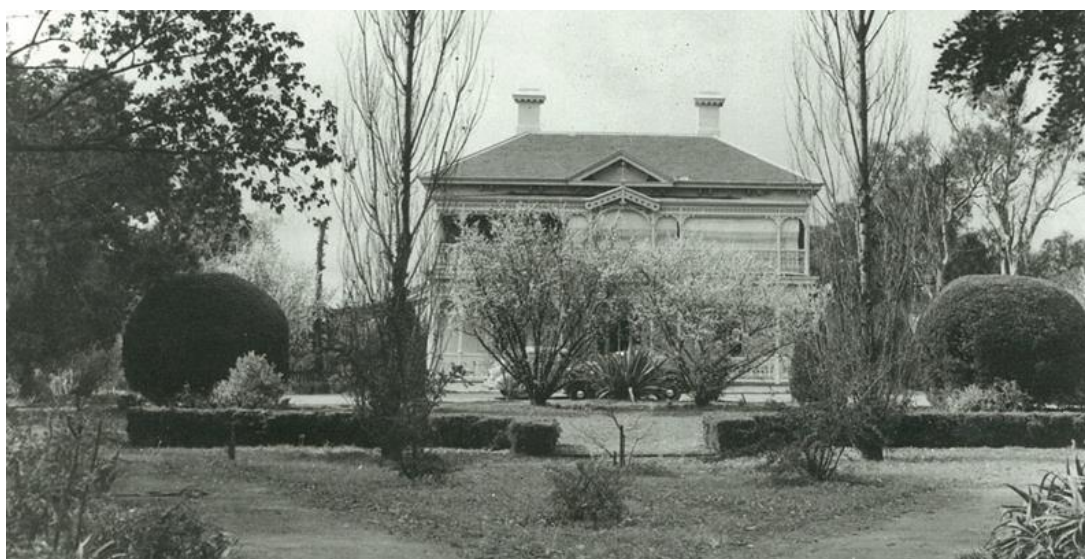


Figure 1: St Helens House

The Victorian style St Helens Park Rotunda was constructed in circa 1970's following the demolition of the St Helens House, using elements of the house veranda, including the cast iron balustrade.



Figure 2: St Helens Rotunda

The rotunda is listed as a Local Heritage Place (LHP). The extent of listing extends to former Coach House, which is located at the end of Koonga Avenue on the eastern side of the Reserve.

The rotunda was closed off to public access after Council staff observed structural defects during a site inspection in July 2022. A qualified structural engineer was engaged to conduct a visual inspection of the structure and prepare a report outlining remediation works required to reinstate the integrity of the structure. The report, which was received in October 2022, highlighted severe corrosion in the embedded structural columns, along with several other defects such as differentiation of floor levels, handrail connections and rusty electrical boxes and flashing. Although the initial report recommended replacing only the top section of the steel columns, it was later confirmed that the corrosion extended beyond the structure surrounding the capital moulding and the steel columns were heavily corroded throughout and required complete replacement.



Figure 1: St Helens Rotunda Structural Defects

Since the initial structural investigation, Council staff have consulted with various other specialists to determine the steps required to complete the project. Additionally, another qualified structural engineer was engaged to inspect the structure and provide their professional opinion.

After considering various options, Council staff have identified three potential solutions for the St Helens Park Rotunda; doing nothing, implementing a temporary repair, and undertaking a complete rebuild.

- **Option 1 - Doing Nothing**

This option is not recommended as it does not address the structural defects in the rotunda, and the deterioration will continue to worsen over time. This option would result in the permanent closure of the rotunda, and loss of a community asset.

- **Option 2 - Temporary Repair**

Installation of secondary columns at each post has been considered for this option. However, this approach is not recommended due to the extent of works associated with the temporary measure (detailed in Figure 4 below), the poor interim aesthetic outcome which would result, the cost of these works and the length of time to be able to finalise this treatment being at least 5-6 months.

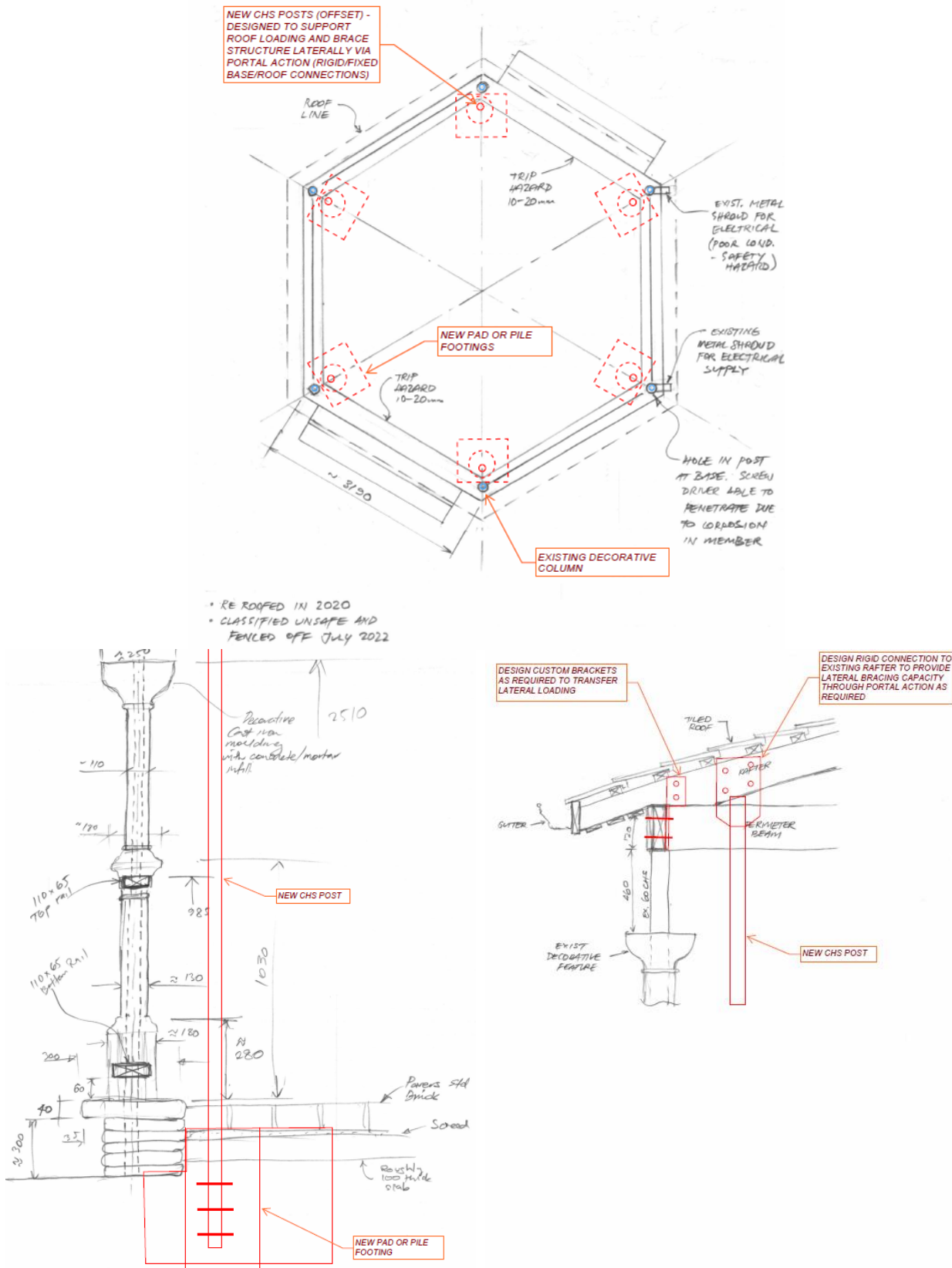


Figure 4: Hand sketched drawing provided by Engineer. Temporary Repair (Option 2)

• **Option 3 - Complete Rebuild**

This option takes into account the heritage status and character of the existing structure, restores a design life of 50 years, and provides improved accessibility to the rotunda.

Implications, Related Questions and Further Information

Actions taken to date

At present staff have progressed the following:

- Organised investigations by qualified structural engineers.
- Consulted with various other specialists (i.e. a cast iron manufacturer, heritage architects, planning advice) to determine the steps required to complete the project.
- Had a concept design for the temporary repair prepared.
- Briefed and sought quotations from reputable heritage architect for planning, design and engineering services to progress a detailed design and approvals for a complete renovation/rebuild. This cost is approx. \$30,000.
- Prepared a budget bid for consideration in the Annual Budget deliberations for 2023/24 for Option 3.

Signage has been placed at the rotunda site, including:

- 'Temporarily Out of Order' laminated signage installed on the orange safety bunting in July 2022.
- Revised laminated signage was installed on the temporary fencing in December 2022.
- Revised laminated signage was installed on the temporary fencing which included a QR Code linking to Council's 'Projects in Progress' website in February 2023.

Cause of Deterioration

The engineering report identified significant corrosion in the structural columns which would have been present for some time, primarily due to the nature of the original design and natural deterioration in weather exposed conditions.

It is important to note that in staff opinion, there is no recourse to third parties for the deterioration of the rotunda as it is a result of natural deterioration and not due to any negligent actions by other parties directly. While some maintenance works have occurred in 2020 associated with replacing the asbestos roof cladding material, guttering, downpipes and repainting of the fascia's these were carried out in accordance with instructions provided to the contractor. The works themselves did not prevent, nor did they accelerate, the corrosion of the embedded structural columns or the deterioration of the handrails, paving and electrical components.

Similarly staff are not aware of any long term negligent grounds maintenance activity that has contributed to the rotunda's rate of deterioration. Of note the grounds maintenance of this park has been outsourced for approximately 10 years, with irrigation system being replaced approximately 5 years ago by the Council. The irrigation system is designed in a manner to avoid directly impacting on the rotunda.

Budget

Although the estimated cost for this work is yet to be established, a first order estimate is in the order of \$250,000. This option provides a long-term solution, ensures the preservation of the heritage asset, and enhances the park's amenity for the community.

Given the extent of the defects and the heritage significance of the St Helen's Park Rotunda, staff recommend Option 3, which involves a complete rebuild of the rotunda.

For the delivery of the project, \$250,000 over two financial years is sought to cover the following costs:

- \$30,000 for planning and design in 2022/23 financial year. (through Budget adjustment using savings)
- Construction cost of \$220,000 for deliberations in the Annual Budget for 2023/24.

These costs are proposed to be funded from the Long-Term Financial Plan allowance in 2023/24 financial year for Building Renewal Projects.

Timeframe

Should the recommended Option 3 be approved, then the following timeframes will be applicable to the project:

1. Planning and design development – April to July 2023.
2. Procurement process – August to October 2023
3. Construction – November 2023 to February 2024, weather permitting.

Resourcing

Internal staff have the ability and capacity to manage the planning, design, procurement and construction of the project with input from specialist consultants as required.

Relevance to Core Strategies / Policy

- City of Prospect Open Space Strategy

Community Plan: Towards 2040

► Proud of our past, excited by our future

2 to 5 year timeline

PP2.2 Celebrate the achievements of Council and its community in the preservation and conservation of our rich heritage whilst also promoting innovation in built form and design

► Inclusive & Diverse

2 to 5 year timeline

ID2.3 Promote, facilitate and measure the utilisation of our buildings, parks and open spaces using SpacetoCo data

ID2.7 Develop and implement a process to actively seek the views of groups often missed in consultation activities

► Responsible & Sustainable

2 to 5 year timeline

RS2.7 Demonstrate innovation in the supply and delivery of infrastructure projects

ATTACHMENTS

Nil

11 GENERAL BUSINESS – URGENT ITEMS

Council has resolved that an Agenda Item “General Business – Urgent Matters” be included on the agenda to enable members to raise matters of a genuinely urgent nature, is not a change to Council Policy and cannot wait until the next Council meeting recognising that the leave of meeting will be required for each item on each occasion.

12 REPORTS FOR INFORMATION

The Council has adopted the protocol that only those items on the Council Agenda provided for information (to receive and note) may be adopted without further discussion.

12.1 KERBSIDE WASTE AND INITIATIVES / RESOURCES - ANNUAL UPDATE (2022)

File Number: IC23/61

Author: Charlotte Wakefield, Environment & Sustainability Officer

Responsible Executive: Sam Dilena, Director City Works & Presentation

EXECUTIVE SUMMARY

This report provides information about Council's performance and initiatives to improve waste diversion outcomes during 2022, coupled with relevant waste education initiatives.

Kerbside waste collections statistics are provided in the report for the period between January 2022 and December 2022, along with statistics for additional collections and services provided over that period.

RECOMMENDATION

That Council:

1. **Having considered Item 12.1 Kerbside Waste and Initiatives / Resources - Annual Update (2022) receives and notes the report.**

DISCUSSION

The table below includes statistics for collection of the three kerbside bins, hard waste and the supply of bins for January 2022 to December 2022, which includes the first half of this financial year.

TABLE 1. KERBSIDE WASTE COLLECTED FOR PERIOD JANUARY 2022 – DECEMBER 2022

Waste Stream	Tonnes collected
Landfill	3907
Recycling	1761
Food and Garden Organics	3334
Total Tonnes of waste and recycling collected	9002

A total of 9002 tonnes of waste and resources were collected, with the landfill diversion rate remaining steady at around 55% (following the trend of the last few years). This is well behind the State Government target of 75% municipal solid waste diversion by 2025 as reported in *Supporting the Circular Economy - South Australia's Waste Strategy 2020-2025*.

The at-call hard waste service continues to be well utilised by residents. Table 2 includes statistics for collection of the at-call hard waste service for 2022.

TABLE 2. AT-CALL HARD WASTE SERVICE FOR PERIOD JANUARY 2022 – DECEMBER 2022

Waste Stream	Collection Numbers
Hard Waste Tonnes Collected	322 tonnes
Mattresses Collected	1110 mattresses

Additional waste statistics are provided in Table 3 & 4.

TABLE 3. ADDITIONAL WASTE STATISTICS FOR PERIOD JANUARY 2022 – DECEMBER 2022

Item	Description
Annual roll of compostable bags provided	1,565
Kitchen Organics Basket provided	100 (approx.)
Battery Recycling	2 x 20L tubes recycled with EcoCycle
Light globe Recycling	One pre-paid box returned to EcoCycle
<i>Number of bins reported as stolen or misplaced:</i>	
Stolen/Vandalized	127
Damaged unknown	155
Bin in hopper	10
Number of bins repaired	144
Number of replacement bins issued	292

TABLE 4. ADDITIONAL BIN STATISTICS FOR PERIOD JANUARY 2022 – DECEMBER 2022

Additional Bin Type	No. of Additional Bin (Registered)
Waste	12
Recycling	20
Organics	80

As per our Kerbside Waste and Recycling Management Policy, staff are only providing additional waste to landfill bins when there are extenuating circumstances (i.e., medical conditions, or large families with six or more adults). As shown in Table 4, the number of additional waste bins is modest in comparison to recycling and organics. This is a positive step forward in reducing waste across the City of Prospect and reducing greenhouse gas emissions.

Staff have re-started posting waste education packs to residents identified via East Waste’s weekly bin contamination reports to encourage waste diversion and responsible recycling.

Letters have also been sent to advise various properties reported via East Waste’s weekly illegal bin report that unregistered bins presented on the kerb will no longer be collected as part of Council’s regular waste collection service. The letters contain application forms and details to inform residents on how to register their additional bins.

Waste Initiatives Update

The annual compostable bag supply for all residents commenced in November 2021. Businesses are provided with one roll per annum upon request. Compostable bags are supplied by Biobag Australia and made locally. In 2022 and 2023 Council has continued inviting residents and businesses who would like to use the bags to collect them from Customer Service at Payinthe during business hours. Over a one-year period, 1,565 rolls of bags have been supplied to residents. In addition to this, approximately 100 kitchen organics baskets have been provided to residents to assist with food scrap diversion from landfill. Bins continue to be repaired and replaced upon request.



A packaging re-use hub has been set up in the library to re-use non-recyclable packaging the library accumulates through deliveries. The hub will allow residents moving house, with small business or sending a package to access free packing materials. This initiative was set up by the Library with the goal to build good will, save money and reduce waste.



Packaging Re-use Hub in the Library

Bin Fees

In response to queries raised by Elected Members, associated fees and charges for additional bins have been reviewed and has confirmed that the current additional bin fee for all waste streams is above cost recovery for delivery of the service. Neighbouring Councils use differing methods for fee calculation and generally promote recycling and organics through a lower fee. Currently City of Prospect charges a flat annual fee of \$170 for additional bins across all waste streams. East Waste estimates that the following prices will recover the annual disposal costs for a standard bin (these prices do not take into consideration the costs of the additional bin or its servicing – part of the common fleet charge across the City):

- Landfill Bin = \$89
- Recycling Bin = \$28
- Organics Bin = \$23

In the 2023/24 Annual Business Plan a standard CPI increase to the Council's flat fee across all waste streams is proposed.

Of note staff have researched options for the recycling of soft plastics after Redcycle ceased operations around the country in 2022. City of Adelaide and City of Charles Sturt are currently trialling soft plastics collection via the Curby App and separate bags placed in recycle bins. Our waste subsidiary East Waste are awaiting until trials are complete as there are still some concerns regarding industry capacity to recycle this material. Currently, the best advice is to avoid soft plastics by choosing reusable and refillable, plastic free options.



Food Organics Green Organics Trial (FOGO)

East Waste and their consultants Rawtec have been in contact to discuss the option of trialling weekly food and organics collections to increase landfill diversion. A workshop will be run with Elected Members on 11 April 2023 to discuss the potential pilot in greater detail.

Following this workshop, a report will be presented to the Council to consider the implementation of the FOGO trial in the Spring 2023, subject to Annual Budget consideration for partnership funding needed to progress this initiative. This project will include a significant communications and engagement plan to support its successful delivery.

Education Programs

Council has partnered with East Waste and KESAB environmental solutions to undertake 12 education programs for both the community and schools within the City of Prospect.

Staff have renewed Council's membership to, and will continue to be active participants in, the local Waste Educators Network (Waste Management and Resource Recovery Association of Australia).

Promotion

Waste reduction, recycling and composting tips are being promoted on Council's various communication channels throughout the year. Articles in Council's 'Your Prospect' magazine have included:

- Summer 2022/23 Issue #014 - tips were given on how to avoid, reduce, re-use and recycle over the Christmas period
- Issue #013 - residents were given environmentally friendly ways to spring clean through considered recycling practices
- Issue #012 - promoted composting and recycling to tackle Climate Change at a local level.

In addition, initiatives and information regarding environmentally friendly waste reduction and diversion has been encouraged on the various City of Prospect social media channels, the My Local Services App and the electronic display at Payinthe's Customer Service Desk.

Upcoming waste education activities are also promoted through City of Prospects website, Facebook and Instagram accounts to inform residents of events happening throughout the year. In addition, we have worked with Prospect Local Environment Group to schedule a Beeswax Wrap workshop as part of their Community Market 'Planet Positive'. This event will be advertised at their stall at the Blackfriars Autumn Fair and through their website and social media accounts. We have also organised for the group to hand out flyers and stickers to promote waste management and conscious recycling.

Local schools have also been contacted through KESAB for interest in workshop opportunities which has resulted in Nailsworth Primary School booking in a series of Recycling Relay events for multiple classes. Blackfriars Priory School also had a class attend a KESAB Education Centre excursion in November 2022.

Upcoming Waste Activities

- Recycle Relay x 5

Embrace healthy competition to explore resource management and encourage sustainable choices with this highly active exploration of local bin systems. Great for kinaesthetic learners.

31st March & 12th April 2023, located at Nailsworth Primary School

- DIY Cleaning and Personal Care Products (Workshop) x 2

Ever tried making your own cleaning spray? What about deodorant or moisturiser? Not only is making your own a lot of fun, but it's better for the environment, reduces waste and will save you money. Participants will take home their own samples and receive instruction sheets on how to make the products again at home.

20 April & 29 June 2023 - tentatively allocated.

- Beeswax Wrap (3x Workshops)

Encourage environmentally and economically conscious thinking while creating a plastic free alternative to cling film. In this sensory and creative workshop, participants make and take home a reusable, eco-friendly beeswax wrap along with DIY instructions and plenty of tips and tricks.

These are planned to occur on the following dates and locations;

- *1 April 2023, located at Eliza Hall, Prospect Town Hall as part of the Prospect Local Environment Group's Prospect Community Market 'Planet Positive'*
- *28 April 2023, located at Irish Harp 1, Prospect Town Hall to correspond with the Autumn school holidays.*
- *25 May 2023 – located at Irish Harp 1, Prospect Town Hall to coincide with National Bee Day*

- Compost or Worm Farm Workshop

Have you considered establishing your own compost system or worm farm? Our compost and garden expert can visit your site to demonstrate how to establish and maintain a healthy compost or worm farm. A great session for community gardens, this workshop can be run as an indoor presentation.

Date TBD, located at the Prospect Community Garden

Relevance to Core Strategies / Policy

Community Plan: Towards 2040

► Responsible & Sustainable

2 to 5 year timeline

- RS2.5 Continue to provide opportunities for community and business learning focused on environmental issues
- RS2.6 Significantly reduce food waste contamination of general waste streams
- RS2.9 Actively encourage and support all businesses and multi-unit residential sites to equal or better general recycling levels

ATTACHMENTS

Nil

12.2 MAYORAL MONTHLY ACTIVITY REPORT

File Number: IC22/422
Author: Cheryl Goult, Governance Officer
Responsible Executive: Ginny Moon, Director City Corporate

EXECUTIVE SUMMARY

This report covers the period from 28 February 2023 – 10 March 2023 (Acting Mayor Mark Grooten) and 11 March – 28 March (Mayor Matt Larwood).

In brief, Acting Mayoral activities have included the following:

1. Activities

- Broadview Tennis Club Annual Parent/Child Tournament

2. Meetings: face to face, by teleconference or video conference

- Held regular meetings with the CEO and Executive Assistant
- Attended the Council Agenda Review Meeting and Council Meeting
- Council Assessment Panel interviews

3. Other

- Media Enquiries
- Various Phone Calls, Emails, Letters, Video Promotions etc
- Correspondence and Meetings with Constituents and Councillors

In brief, Mayoral activities have included the following:

1. Activities

- Prospect District Cricket Club Junior Trophy Presentation and dinner

2. Meetings: face to face, by teleconference or video conference

- Held regular meetings with the CEO and Executive Assistant
- Attended the Council Agenda Review Meeting and Council Meeting

3. Other

- Media Enquiries
- Various Phone Calls, Emails, Letters, Video Promotions etc
- Correspondence and Meetings with Constituents and Councillors

ATTACHMENTS

Nil

13 COUNCIL MEMBER REPORTS AND BRIEFINGS

14 MOTIONS ON NOTICE**14.1 NOTICE OF MOTION - BUSINESS LEADERS NETWORKING OPPORTUNITY****File Number: IC23/57**

I, Mayor Matt Larwood, give notice that at the next Ordinary Meeting of Council to be held on 28 March 2023, I intend to move the following motion:

MOTION**That Council:**

- 1. Commit funds from the 'Mayor Expenses' budget line for 2022/23 to support a council facilitated networking opportunity for significant land and business owners in City of Prospect, with a view to progressing a dialogue focused on a unified vision concerning progress in development and business activity across the City.**
- 2. Support this meeting being hosted by the Mayor and facilitated by the CEO and relevant senior staff.**
- 3. Support the meeting being held by the end of June 2023 at a local venue in Prospect.**
- 4. If successful, support staff seeking sponsorship from attended and the business community to potentially enable an ongoing series of such meetings to continue in future.**

RATIONALE

I commend this Notice of Motion to Council.

CEO COMMENT

This is ultimately a matter for Council.

Given the interwoven complexity of business and developer relationships across the city, there is potential benefit to a Council-led dialogue that seeks to share information and unify these interests behind a common vision.

Estimated cost would depend largely on attendance numbers. Based on discussions with the Mayor, an allocation in the order of \$1,500-\$2,000 would support predicted attendance numbers.

The 'Mayor Expenses' budget line has sufficient funds (\$3,800 available) to accommodate this motion.

If carried, sponsorship will be sought from meeting attendees and businesses to potentially enable this forum to continue into the future. Any Council officials attending a future sponsored event would need to declare their attendance as required by Local Government legislation and Council policy.

ATTACHMENTS**Nil**

14.2 NOTICE OF MOTION - PROSPECT BROADVIEW BOWLING CLUB GREENS IRRIGATION

File Number: IC23/59

I, Councillor Lillian Hollitt, give notice that at the next Ordinary Meeting of Council to be held on 28 March 2023, I intend to move the following motion:

MOTION

That Council:

1. Note the Prospect Broadview Bowling Club wish to upgrade their current manual watering system of the turf bowling greens to a less labour intensive, water efficient automated irrigation system and have applied for a State Government grant to assist fund its delivery.
2. Supports consideration of funding 50% of the cost of these works through a budget bid allocation of \$56,500 being made in the 2023/24 Annual Business Plan and Budget deliberations, the remaining funds being met by either grant funding sought by the Club, a Club financial contribution or both.

RATIONALE

I wish to move this Motion for a capital project bid, for funding by Council for \$56,495.50 - half the \$112,991 required for a new irrigation system for the Prospect Broadview BC. This is to replace the old and worn drag hoses currently in use.

These antiquated hoses are time intensive to set up, and add significantly to labour cost, require ongoing maintenance and repair, and are inefficient in terms of water regulation.



Rob Clutterham, President of the club, went into great detail in his deposition on January 24th, 2023, so most would be familiar with the challenges the club faces, and the importance of having basic operational needs met.

The club was originally on the Broadview Sporting Precinct Masterplan, but this now appears to have dropped off.

A submission for a 'Community Recreation and Sports Facilities Program' grant of \$56,495.50 was submitted by the club in December 2022, with support documentation provided by Sam Dilena, Lucy Hood, Andrea Michaels and Steve Georganas. The outcome of this is expected in the coming weeks.

Lawn bowls caters for all adults, however it's highest concentration of members is the older age group. Unlike casual classes for older people, club lawn bowls not only offers physical exercise, but offers the same valuable social support that younger age groups enjoy from a club situation.

Older people are often socially isolated, or have lost partners, and generally have fewer opportunities to connect with the community. Almost all bowling clubs in the metro area have upgraded to automated, embedded irrigation and pop-up sprinklers systems, so a request for assistance for funding is reasonable.

This capital project bid is for council to fund the club \$56,495.50, regardless of whether the club is successful with the grant. In the event they don't receive the grant, the club has stated they would be willing to fund the outstanding 50%, as they urgently need to replace the current system.

I commend this Notice of Motion to Council.

CEO COMMENT

The Prospect Broadview Bowling Club have a lease with Council and currently pay a leasing fee of \$250 per annum. The Prospect Broadview Bowling Club covers all costs in relation to the water, presently they pay approx. \$12,000 per year for their water usage for the Clubrooms and the greens.

There are no special conditions contained within the Lease that outlines any obligation, by Council, to replace/repair irrigation infrastructure or provide greens management.

During the last 5 years Council have assisted with several improvement projects in conjunction with the Prospect Broadview Bowling Club, see the below table for details:

Item	Cost	Date
Hot Water System	\$2,000	2017 Approx.
New Shed (50/50 contribution from the club)	\$13,500 (Council cost)	2017 Approx.
New roof and lights (including Asbestos Removal and eves and roof plumbing works)	\$126,000	May 2022

This is ultimately a matter for Council.

There are three broad options available to Council:

Support the Motion as presented:

If supported, this item will fall 'above the line' in Council's 23/24 capital budget allocations.

This will guarantee that it will be funded, and in the absence of a rescission motion in the interim, will remove any Council discretion on the matter and require it to be supported when the final 23/24 budget is adopted later this year.

As such, and by passing this motion, Council is setting this item as a fixed priority ahead of other items that are yet to be approved. Other competing items would be familiar to Council as those items discussed at Council's public budget workshop held on 21 March 2023.

Not Support the Motion and Vote it Down:

The draft budget, including proposed capital works list, is set to be debated by Council on 27 April 2023. If this motion fails to gain support (ie. it is voted down), members will still have an opportunity to consider whether this item merits funding support at that time.

Not Support the Proposal and Actively Vote that it NOT be included in the 23/24 Budget:

Should members actively determine not to support the proposed funding allocation this year, then a motion passed in the negative would rule out any support in this coming year's budget.

In the absence of a rescission motion in the interim, this would mean that staff would not present the item as an option for funding in either the draft or final budget papers to be presented to Council in the coming months.

ATTACHMENTS

Nil

15 QUESTIONS WITH NOTICE

Nil

16 CONFIDENTIAL ITEMS**16.1 EASTERN HEALTH AUTHORITY - SUPPORTED RESIDENTIAL FACILITY LICENCE UPDATE****Reason for Confidentiality**

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- (h) legal advice
- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council
- (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

RECOMMENDATION**Order to exclude the public**

It is recommended to Council that:

1. Pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the Council orders that all members of the public, except the Elected Members of the City of Prospect and the following persons:
 - Chief Executive Officer
 - Director City Strategy, Community and Culture
 - Director City Corporate
 - Director City Growth and Development
 - Director City Works and Presentation
 - Team Leader Governance and Risk
 - Manager Development Services
 - Eastern Health Authority CEO
 - Eastern Health Authority Legal Advisor
 - Minute Secretarybe excluded from attendance at the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report *Item 16.1 Eastern Health Authority - Supported Residential Facility Licence Update*, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information related to this matter confidential.
2. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

RECOMMENDATION

1. That, pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999*, and having considered the matter 'Item 16.1 Eastern Health Authority - Supported Residential Facility

Licence Update for the meeting of Council held on 28 March 2023 in confidence, the Council orders that:

- 1.1 the report, attachments and minutes arising from the report, and any associated documentation, having been considered by the Council in confidence under Section 90(2) & (3) (a), (h) and (i) be kept confidential and not available for public inspection until 12 months, on the basis that the information received, discussed and considered in relation to this agenda item is:

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); AND legal advice; AND information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council.
- 1.2 the Chief Executive Officer is delegated authority that the order be revoked in whole or part.
- 1.3 the confidentiality order will be reviewed by the Council / Chief Executive Officer at least once every 12 month period.
2. That, for the item named in Clause 1 and associated sub clauses, unless:
 - 2.1 the period in respect of any order made under Section 91 (7) of the Local Government Act 1999 lapses; or
 - 2.2 Council resolves to revoke an order made under Section 91 (7) of the Local Government Act 1999; or
 - 2.3 the Chief Executive Officer determines pursuant to delegated authority that the order be revoked; any discussions of the Council on the matter and any recording of those discussions are also confidential.

16.2 TOWN HALL FOYER COMMERCIAL LEASE

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b)(i) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council
- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

RECOMMENDATION

Order to exclude the public

It is recommended to Council that:

1. Pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the Council orders that all members of the public, except the Elected Members of the City of Prospect and the following persons:
 - Chief Executive Officer
 - Director City Strategy, Community and Culture
 - Director City Corporate

- Director City Growth and Development
- Director City Works and Presentation
- Team Leader Governance and Risk
- Manager Development Services
- Minute Secretary

be excluded from attendance at the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report *Item 16.2 Town Hall Foyer Commercial Lease*, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of the item to be considered includes discussion and attachments providing details of a proposed commercial lease; access to which would confer an advantage upon other prospective tenants, or make available financial details of a prospective tenant which can reasonably be expected to prejudice the commercial position of the prospective tenant in the pursuit of commercial leases in other places.

2. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

RECOMMENDATION

1. That, pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999*, and having considered the matter '*Item 16.2 Town Hall Foyer Commercial Lease*' for the meeting of Council held on 28 March 2023 in confidence, the Council orders that:
 - 1.1 the report, attachments and minutes arising from the report, and any associated documentation, having been considered by the Council in confidence under Section 90(2) & (3) (b)(i) and (d)(i) be kept confidential and not available for public inspection until after 12 months, on the basis that the information received, discussed and considered in relation to this agenda item is:

information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; AND commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.
 - 1.2 the Chief Executive Officer is delegated authority that the order be revoked in whole or part.
 - 1.3 the confidentiality order will be reviewed by the Council / Chief Executive Officer at least once every 12 month period.
2. That, for the item named in Clause 1 and associated sub clauses, unless:
 - 2.1 the period in respect of any order made under Section 91 (7) of the *Local Government Act 1999* lapses; or
 - 2.2 Council resolves to revoke an order made under Section 91 (7) of the *Local Government Act 1999*; or
 - 2.3 the Chief Executive Officer determines pursuant to delegated authority that the order be revoked; any discussions of the Council on the matter and any recording of those discussions are also confidential.

17 MEETING CLOSURE